

Fort Myers Police  
Department

2210 Widman Way  
Fort Myers, Florida 33901

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# Internal Affairs Bureau

## 2020

# Annual Report



**Internal Affairs Bureau**  
**Major William Newhouse**  
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# INTERNAL AFFAIRS OVERVIEW

The Internal Affairs Bureau is responsible for safeguarding the integrity of the Fort Myers Police Department. The Chief of Police has charged Internal Affairs with the responsibility of investigating both citizen complaints and internally initiated complaints of alleged misconduct by FMPD personnel. In conducting investigations into alleged misconduct, Internal Affairs is equally responsible for thoroughly and objectively investigating all citizen complaints, while safeguarding its employees from malicious and untruthful allegation through its investigative efforts. The Internal Affairs Bureau is critical in building a foundation of trust between the Police Department and the community through fair, equitable, and ethical investigations.

The complaint/investigative process is designed to achieve three important objectives. First, the process is designed to create confidence on behalf of the citizens that complaints will be taken seriously, properly and objectively investigated, while allowing for appropriate corrective measures and/or discipline to be implemented when appropriate. Second, the process is designed to create a sense of confidence on behalf of the police officers that complaints will be investigated thoroughly and objectively, within a reasonable time frame, and their rights will be protected. Finally, the process is designed to provide accurate information to City officials, the Police Department, and the community concerning the outcome of complaints made against police employees. The Fort Myers Police Department has established a detailed process to meet these objectives through the Internal Affairs Bureau, which reports directly to the Chief of Police.

The purpose of this annual report is twofold. First, this report provides detailed statistical data to both the community and FMPD employees concerning all complaints processed during the year. Second, the report provides greater insight into the efforts of FMPD to meet the objectives described above, while providing transparency to the community and our employees.

All Internal Affairs Investigations must follow the process and procedure established by law and Department policy. The Law Enforcement Officers Bill of Rights is governed by State Statute and establishes the process for investigating allegations of misconduct against Police Officers. As provided for in Florida State Statute, all investigations are considered confidential until completed and the Chief of Police determines the appropriate outcome.

There are additional means of police oversight through the City Manager, the elected Mayor, the City Council, and the Citizens Police Review Board. The Citizens Police Review Board Ordinance was adopted on April 20, 2009, and is authorized to review completed departmental investigations conducted thereof, in the following instances:

- Alleged violations of Department policy
- Use of deadly force.
- Alleged use of deadly force.
- Any instance wherein police action results in death or serious bodily injury.
- Any complaint referred to it by a member of City Council, the City Manager, or the Chief of Police.
- Any complaint selected by majority vote of the Board for review.
- The Board is also authorized to review policies, procedures, rules, regulations, and general or special orders pertaining to the use-of-force and police conduct toward the citizenry.

Upon review, the Citizens Police Review Board makes recommendations to the Chief of Police concerning its assessment of complaints/investigation concerning alleged misconduct of police employees.

## INTERNAL AFFAIRS OVERVIEW

Complaints and Commendations against/for employees of the Department can be made in several ways. All employees of the Police Department have the responsibility of receiving complaints/commendations so the process can be initiated anytime a citizen chooses. It is the policy of the Fort Myers Police Department to investigate all complaints, including anonymous complaints, made against any employee of the Department. **(C.A.L.E.A. 26.2.1).**

The following information pertains to both internal and external complaints received in 2020. The possibility exists to have more than one violation/disposition for each investigation.

**Final Dispositions:** For each investigation of misconduct, a "conclusion of fact" is written and a "finding" is addressed as one of the following: **(C.A.L.E.A. 26.3.8)**

**Exonerated:** A completed investigation may be labeled exonerated when the facts suggest that the alleged incident did occur, but that the employee's actions were lawful, proper, and consistent with Department policy.

**Unfounded:** A completed investigation may be labeled unfounded when the complainant admits to making a false allegation or the facts of the investigation support this, or the accused employee was not involved in the incident, or there is no basis in fact that the incident occurred. An investigation may also be labeled unfounded if, after investigation, the allegation is demonstrably false or there is no credible evidence to support it.

**Not Sustained:** The allegation has been investigated and the facts presented are insufficient to prove or disprove the allegation by a preponderance of evidence.

**Sustained:** The allegation is supported by a preponderance of evidence to justify reasonable cause and/or just cause that the incident occurred.

**Other Findings:** During the course of the investigation it was determined other violations exist, or training and / or the policy does not properly address the allegation, or there is confusion about, or a conflict in policy that led to the alleged conduct, or a policy was non-existent, or the policy itself was incorrect or deficient.

**Discipline:** Discipline is a corrective measure to attain satisfactory employee behavior/performance and prevent reoccurrence of policy violations. Discipline includes any of the following: termination, demotion, suspension, transfer or reassignment (only as a direct result of sustained misconduct), reprimand, or formal counseling. The disciplinary process may be progressive in nature and will consider all factors, to include employee experience as well as aggravating and mitigating circumstances. Below are the types of discipline utilized by the agency:

- **Formal Counseling:** Guidance to correct a deficiency or direct employee performance.

## INTERNAL AFFAIRS OVERVIEW

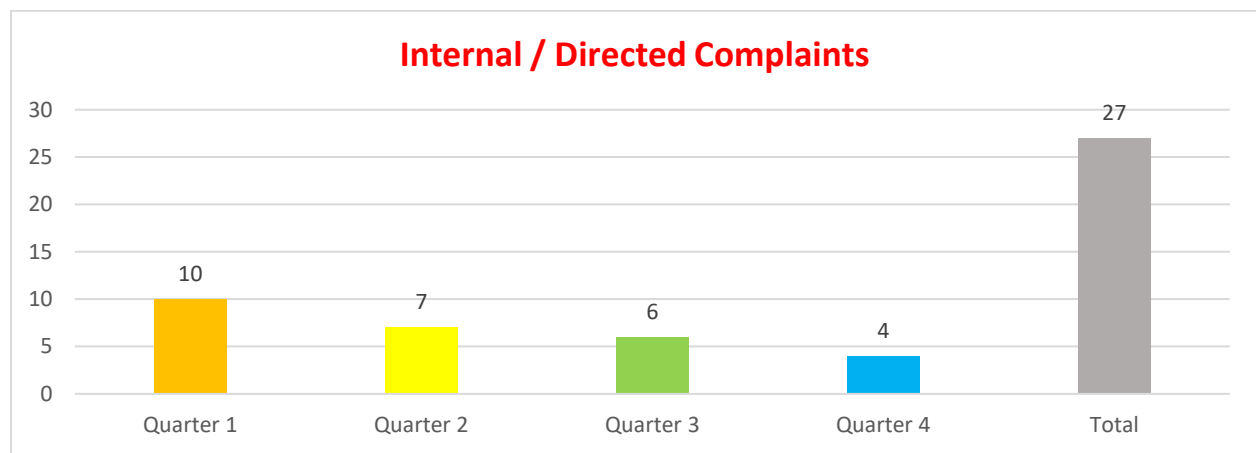
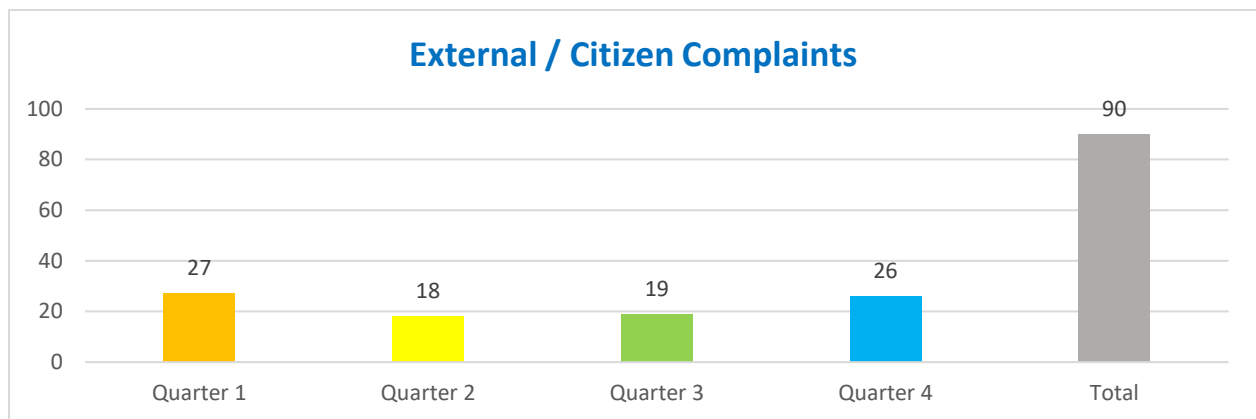
- **Remedial Training:** Training utilized as a form of discipline to correct a deficiency or direct employee performance.
- **Reprimand:** Recorded admonishment of a deficiency, poor performance or violation of policy.
- **Suspension:** Loss of pay and/or benefits for a period of time.
- **Demotion:** Loss of rank and benefits associated with that rank.
- **Reassignment/Transfer:** Reassignment of position and/or duties only as a direct result of sustained misconduct.
- **Termination:** Loss of employment and all benefits associated with that employment.

# COMPLAINTS RECEIVED

Personnel complaints (both internal and external) are based on allegations of misconduct or violations of policy/procedure. The Fort Myers Police Department investigates all complaints made against employees, and complaints are accepted from any source. Once a complaint is received the Internal Affairs Commander (or designee) reviews the complaint and determines whether the complaint shall be designated as a Preliminary Assessment, Administrative Investigation, or Internal Affairs Investigation. The Chief of Police (or designee) will have the final authority whether an Internal Affairs Investigation is warranted. All complaints are assigned a case number and entered in the IA Pro System.

## Complaints Received

Complaints Received	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
External / Citizen Complaints	27	18	19	26	90
Internal / Directed Complaints	10	7	6	4	27
<b>Total Received</b>	<b>37</b>	<b>25</b>	<b>25</b>	<b>30</b>	<b>117</b>



# PRELIMINARY ASSESSMENTS

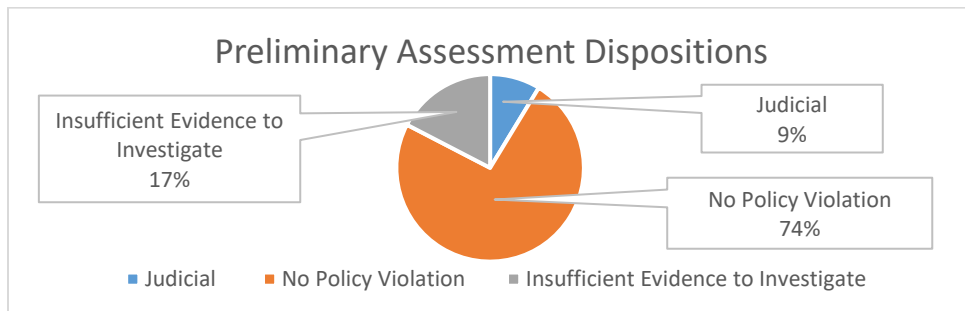
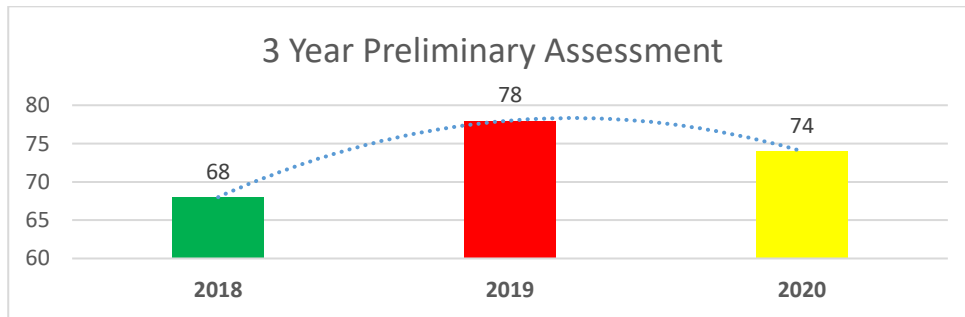
The Internal Affairs Commander or designee has the authority to conduct or assign a Preliminary Assessment of all complaints forwarded to the Internal Affairs Bureau. The Preliminary Assessment is not a formal investigation concerning the actions of an employee, but involves a preliminary assessment of documents, personnel records, video/audio records, or other relevant material to determine whether to initiate an Administrative Investigation or Internal Affairs Investigation. At the conclusion of the preliminary assessment, the Internal Affairs Bureau Commander, or designee, at the direction of the Chief of Police, will take one of the following actions: conduct an Administrative Investigation, conduct an Internal Affairs Investigation, or draft a memorandum documenting the fact that a preliminary assessment of the complaint determined that the facts presented did not require an Administrative or Internal Affairs Investigation. Each Preliminary Assessment must be reviewed and approved by the Chief of Police.

## Preliminary Assessments

Preliminary Assessments	Q1	Q2	Q3	Q4	Total
External / Citizen Complaints	22	15	15	20	72
Internal / Directed Complaints	0	0	1	1	2
<b>Total Received</b>	<b>22</b>	<b>15</b>	<b>16</b>	<b>21</b>	<b>74</b>
Dispositions	Q1	Q2	Q3	Q4	Total
Judicial	3	2	1	0	6
No Policy Violation	13	10	9	19	51
Insufficient Evidence to Investigate	4	3	3	2	12

\*The possibility exists to have more than one disposition for each preliminary assessment.

\*The chart above lists the total number of Preliminary Assessments assigned during the 2020, along with the dispositions of those concluded during the same period.



# ADMINISTRATIVE INVESTIGATIONS

Administrative Investigations are conducted by authorized personnel and monitored by the Internal Affairs Bureau. Administrative Investigations are conducted in relation to relatively minor allegations of misconduct or procedural violations of Department policy.

## Administrative Investigations

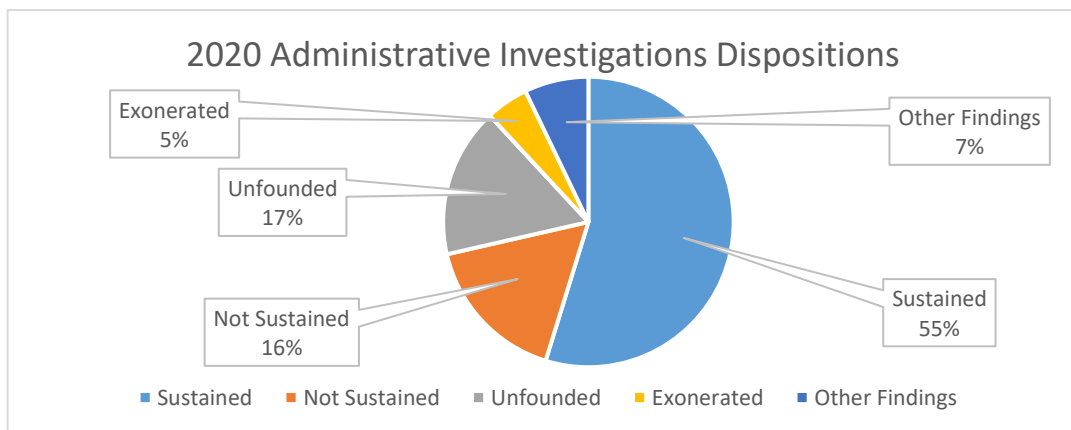
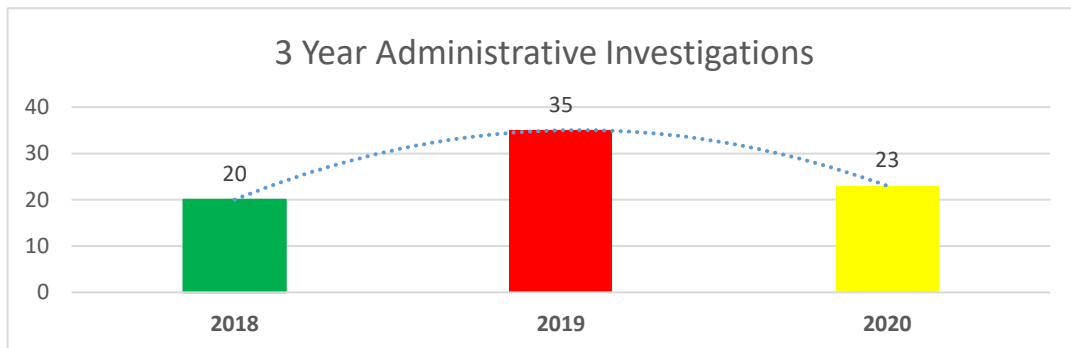
Administrative Investigations	Q1	Q2	Q3	Q4	T
External / Citizen Complaints	3	3	4	4	14
Internal / Directed Complaints	6	1	0	2	9
<b>Total Received 2020</b>	<b>9</b>	<b>4</b>	<b>4</b>	<b>6</b>	<b>23</b>

Dispositions	Q1	Q2	Q3	Q4	T
Sustained	8	9	17	12	46
Not Sustained	5	3	5	1	14
Unfounded	4	2	2	6	14
Exonerated	1	3	0	0	4
Other Findings	0	0	1	5	6

\*The possibility exists to have more than one violation/disposition for each investigation.

\* It is important to note that the dispositions above do not correlate to the specific Administrative Investigations assigned during in 2020 but denote the final outcome or "dispositions" of Administrative Investigations closed within the year.





# INTERNAL AFFAIRS INVESTIGATIONS

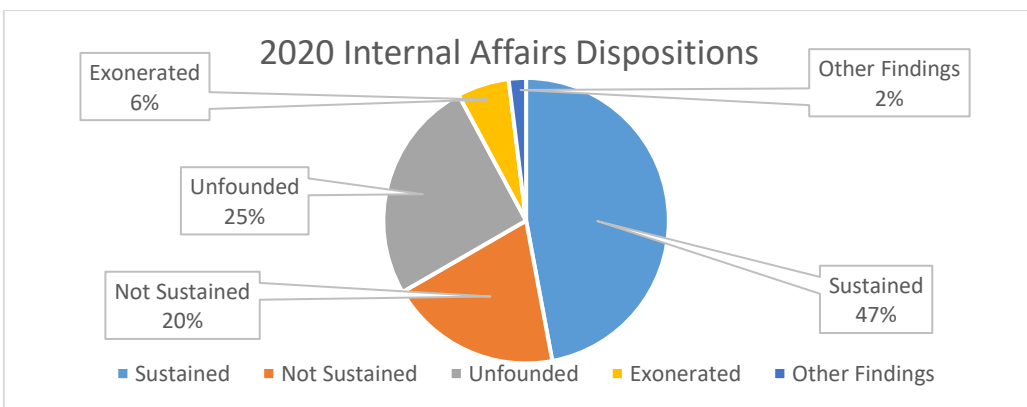
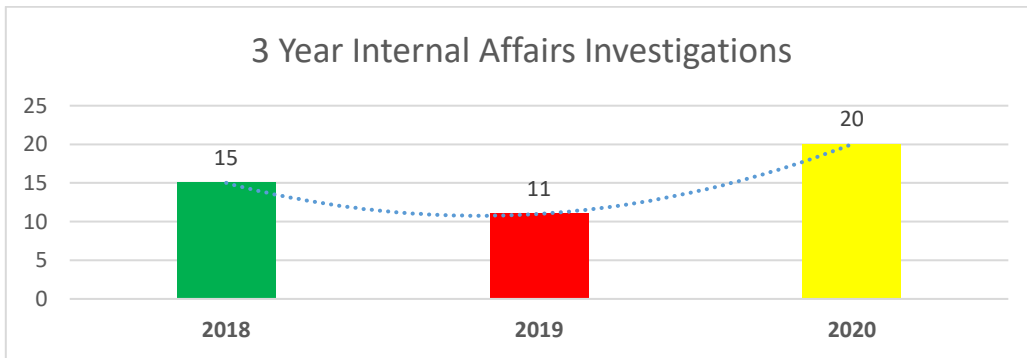
Internal Affairs Investigations are conducted by authorized personnel and involve serious allegations of misconduct. The Internal Affairs Bureau monitors all Internal Affairs Investigations. If sustained, Internal Affairs Investigations could require notification to C.J.S.T.C. and/or circumstances that may involve complex investigative efforts as determined by the Chief of Police or designee.

## Internal Affairs Investigations

Internal Affairs Investigations	Q1	Q2	Q3	Q4	T
External / Citizen Complaints	2	0	0	2	4
Internal / Directed Complaints	4	6	5	1	16
<b>Total Received 2020</b>	6	6	5	3	20
<b>Dispositions</b>					
Sustained	0	9	2	13	24
Not Sustained	0	1	5	4	10
Unfounded	0	6	1	6	13
Exonerated	0	2	1	0	3
Other Findings	0	1	0	0	1

\*The possibility exists to have more than one violation/disposition for each investigation.

\* It is important to note that the dispositions above do not correlate to the specific Internal Affairs Investigations assigned during the year but denote the final outcome or "dispositions" of Internal Affairs Investigations closed during the same year.

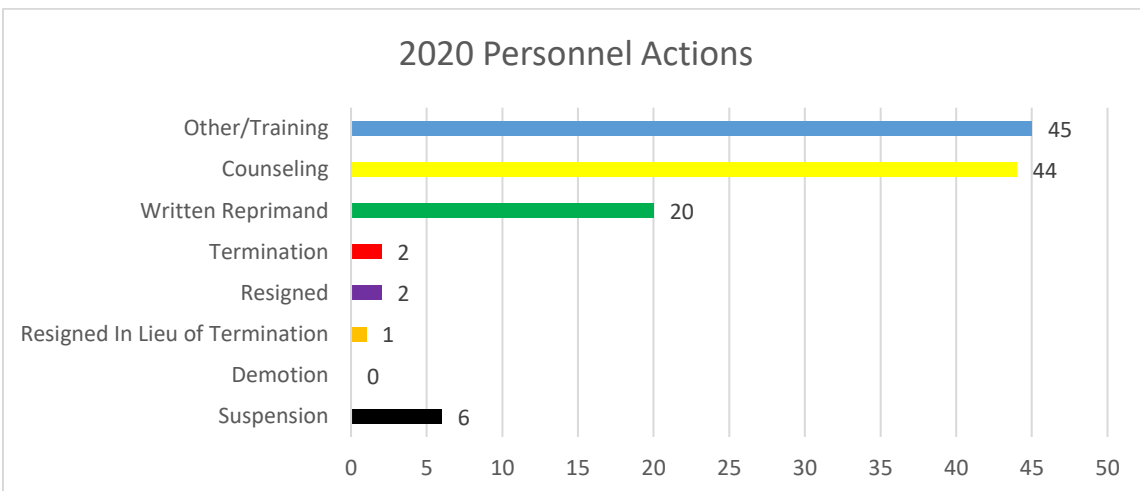
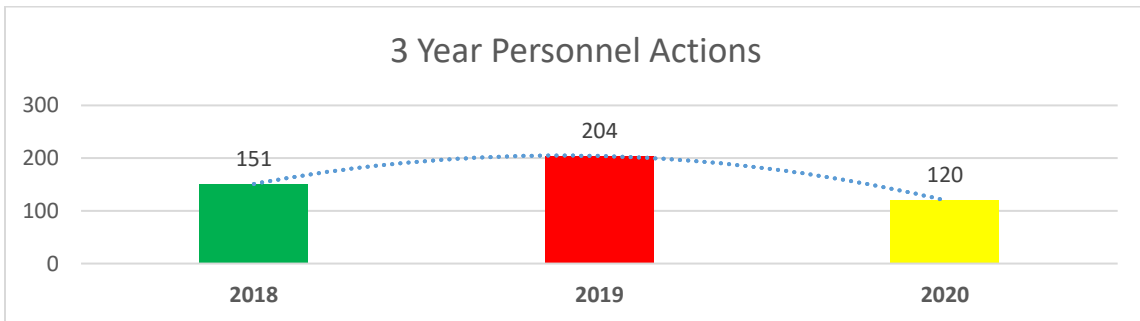


# DISCIPLINARY ACTION

Discipline is intended to be corrective rather than punitive, and usually follows a progressive step method. However other factors may be considered when determining the most appropriate discipline. For example, mitigating or aggravating circumstances, severity of the offense, and prior disciplinary history of the employee will be taken into consideration. Past disciplinary action will generally increase the discipline rendered for a set of circumstances. The table below includes the overall action taken in all incident types. **(C.A.L.E.A. 26.2.5)**

## Disciplinary Action

Personnel Actions Taken	Q1	Q2	Q3	Q4	T
Suspension	1	0	0	5	6
Demotion	0	0	0	0	0
Resigned In Lieu of Termination	0	1	0	0	1
Resigned	1	0	0	1	2
Termination	0	1	1	0	2
Written Reprimand	4	2	2	12	20
Counseling	13	10	12	9	44
Other/Training	8	8	9	20	45
<b>Total Disciplinary Actions</b>	<b>27</b>	<b>22</b>	<b>24</b>	<b>47</b>	<b>120</b>
<b>Commendations Received</b>	<b>33</b>	<b>18</b>	<b>23</b>	<b>21</b>	<b>95</b>



## BIASED BASED COMPLAINTS

**Review of Biased Based Complaints** – The Fort Myers Police Department, by way of General Order 24.2, declares the practice of biased based profiling as an unacceptable behavior that will not be tolerated. Citizens are encouraged to report instances of alleged biased based policing activities to Internal Affairs Bureau for an immediate and thorough investigation.

### Biased Based Complaints

Biased Based Complaints 2020	Q1	Q2	Q3	Q4	T
Complaints from Traffic Contacts	0	0	1	2	3
Complaints from Field Contacts	0	1	1	1	3
Complaints from Asset Forfeiture	0	0	0	0	0
<b>Total Biased Based Complaints:</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>6</b>
Dispositions	Q1	Q2	Q3	Q4	T
Exonerated	0	0	0	0	0
Not Sustained	0	0	0	0	0
Sustained	0	0	0	0	0
Unfounded	0	0	0	2	2
Other	0	1	0	0	1
No Policy Violation	0	0	0	3	3

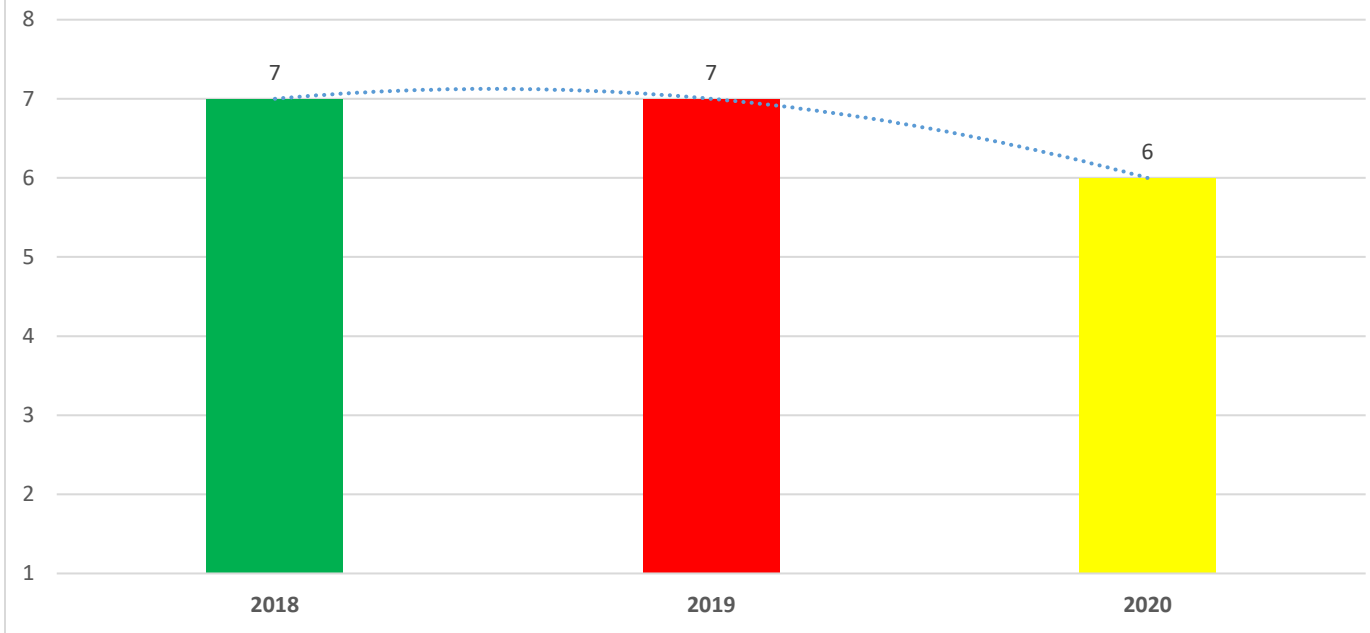
The number of biased based complaints from 2019 to 2020 decreased by 14.3% (6 in total), and the number of total complaints decreased by 6% from 2019 to 2020 (124 in 2019 and 117 in 2020).

The Fort Myers Police Department continues to provide advanced training to all staff members regarding implicit bias, procedural justice, biased based policing, diversity (pre-deployment training phase after the academy and before FTO) and community engagement. This training was designed to improve our officer’s knowledge and skillset when interacting with the community (**C.A.L.E.A. 1.2.9**). Our Training Division implemented an extended field training process for all new officers which includes exposure to community policing and the Police Athletic League (PAL). This additional training is designed to help new officers engage with the community in a positive and productive manner from the onset of their employment as certified officers with our agency. Officers also attended Fair and Impartial Policing during the third quarter of 2020.

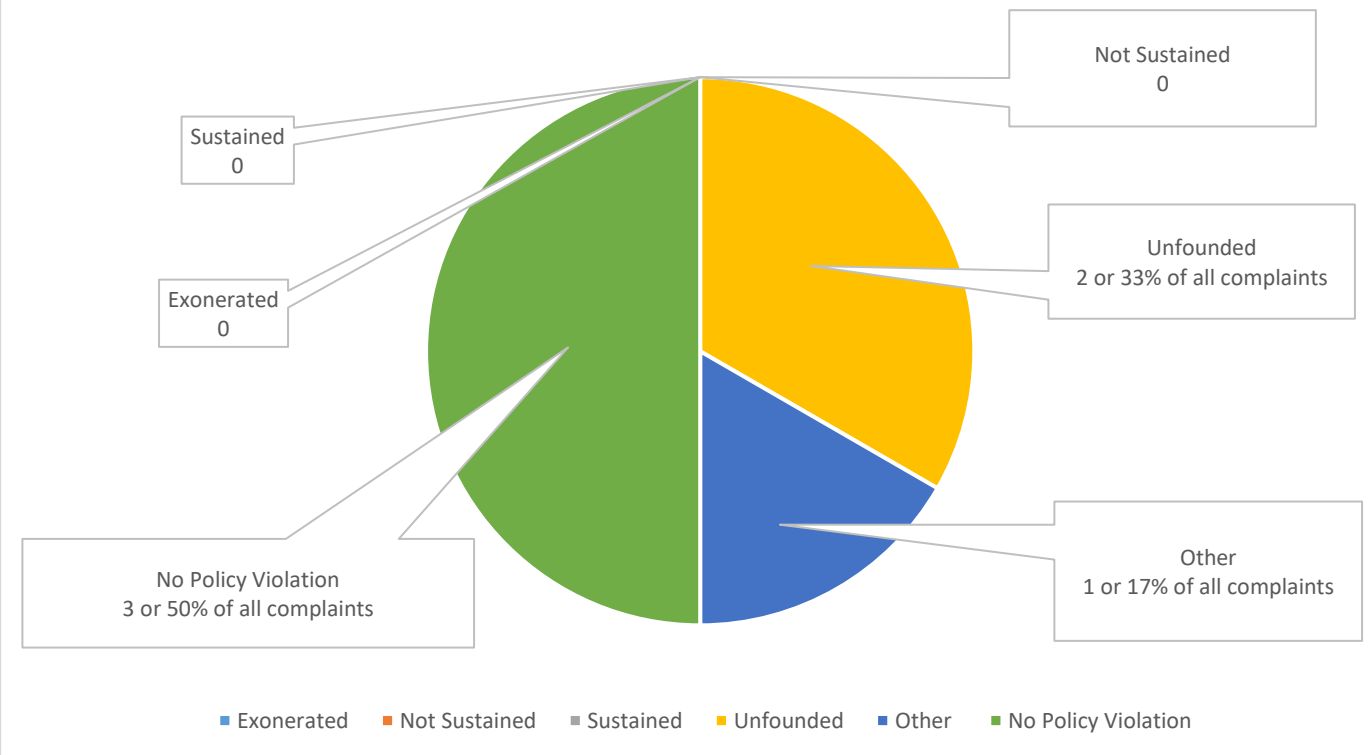
For 2020, the agency received 6 complaints of biased based policing. Careful analysis of each complaint revealed no additional need for training or policy changes at this time. None of the biased based policing complaints in 2020 were sustained. The Fort Myers Police Department has a zero-tolerance policy for any biased based policing practices. The agency will continue to proactively offer specifically tailored training annually for all police officers regarding biased based policing and diversity. The current policy requires Internal Affairs Investigators to thoroughly investigate every biased based policing complaint filed with the agency (**C.A.L.E.A. 1.2.9**).

# BIASED BASED COMPLAINTS

## 3 Year Biased Based Complaints



## 2020 Biased Based Dispositions



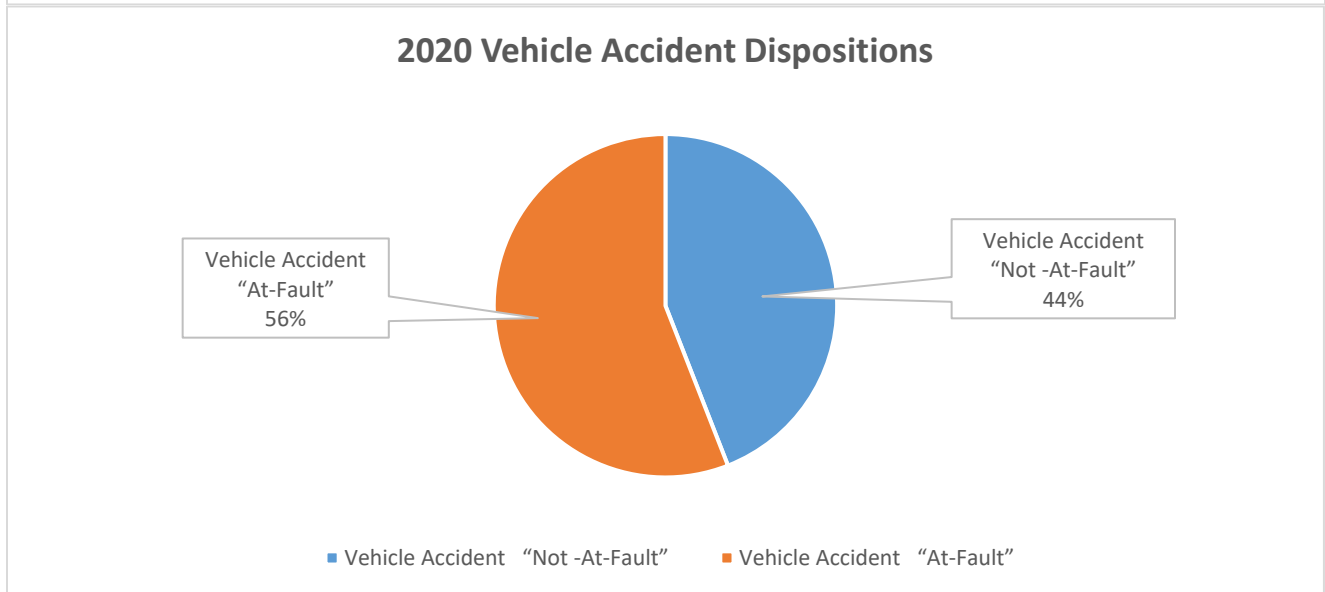
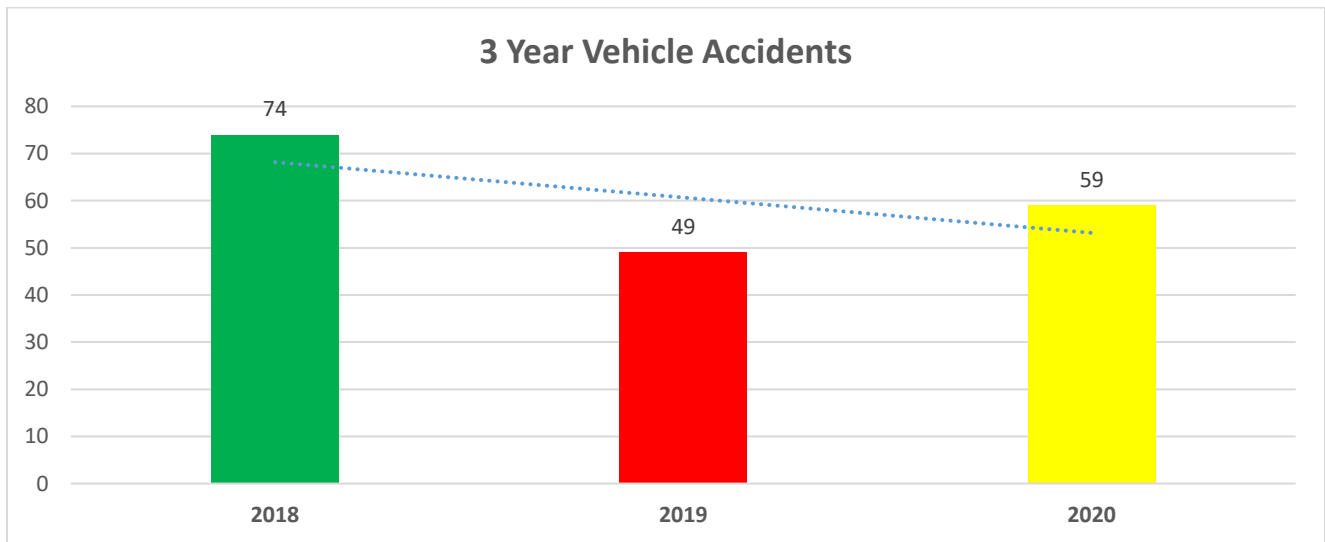
# VEHICLE ACCIDENTS

**Review of Vehicle Accidents** - This section details vehicle accidents involving Police Department employees.

## Vehicle Accidents

Vehicle Accidents 2020	Q1	Q2	Q3	Q4	Total
Vehicle Accident "Not -At-Fault"	7	5	5	9	26
Vehicle Accident "At-Fault"	6	6	9	12	33
<b>Total</b>	<b>13</b>	<b>11</b>	<b>14</b>	<b>21</b>	<b>59</b>

\*The possibility exists to have more than one officer for each Vehicle Accident and active accidents are not captured in the above chart.

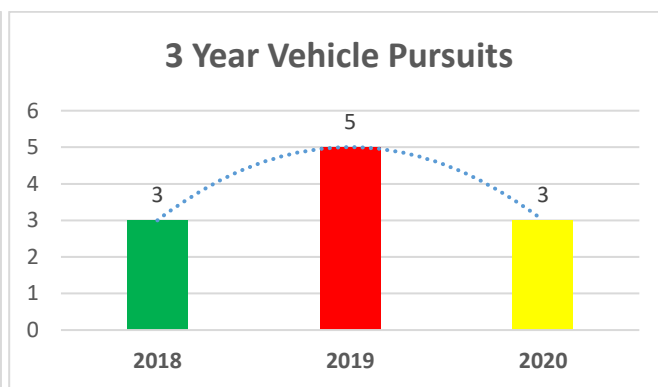
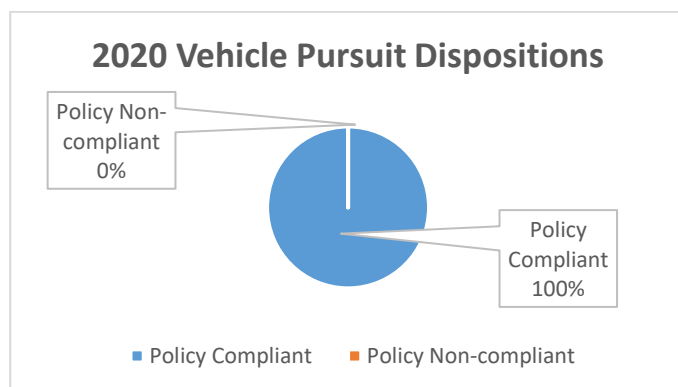


# VEHICLE PURSUITS

**Review of Pursuits** - This section details vehicle pursuits by Police Department employees.

Vehicle Pursuits 2020	Q1	Q2	Q3	Q4	Total
<b>Total Pursuits:</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>
Terminated by Agency	1	0	0	1	2
Policy Compliant	1	0	1	0	2
Policy Non-compliant	0	0	0	0	0
Accidents	0	0	0	0	0
Injuries: Officer	0	0	0	0	0
: Suspects	0	0	0	0	0
: Third Party	0	0	0	0	0
<b>Reason Initiated:</b>					
Traffic offense	0	0	1	0	1
Felony	1	0	0	1	2
Misdemeanor	0	0	0	0	0

The possibility exists to have more than one officer for each pursuit. (C.A.L.E.A. 41.2.2)  
One Disposition on "Policy Compliance" had not been determined at the time of this report.



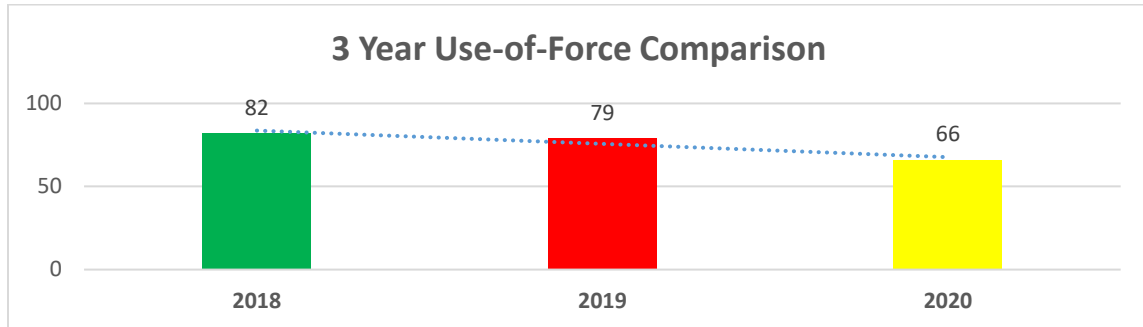
The number of law enforcement pursuits decreased from five (5) in 2019 to three (3) in 2020. Subsequent pursuit investigations revealed that two (2) were authorized as having occurred "within department policy". The final disposition of the third pursuit remains pending at the time of this report. Two (2) of the pursuits involved felony offenses (1 Firearm Offense and 1 Robbery). One of the pursuits involved a suspicious vehicle, wherein the suspect possibly fired a gunshot as the officers attempted to stop the vehicle. No vehicle accidents or injuries resulted from any of the pursuits in 2020.

An analysis of the vehicle pursuits and subsequent dispositions indicates that officers with FMPD did not violate agency policy regarding vehicle pursuits. At present, no additional training is necessary for pursuits and reporting procedures. Officers receive training regarding vehicle operations and pursuits on a bi-annual basis. Vehicle pursuits are considered a high liability for the Department, City, and employees; and the Fort Myers Police Department understands the importance of continued training regarding vehicle operations and pursuits along with monitoring local and national publicized pursuits to ensure proper training for any emerging trends (C.A.L.E.A. 41.2.2).

# USE-OF-FORCE – RESPONSE TO RESISTANCE

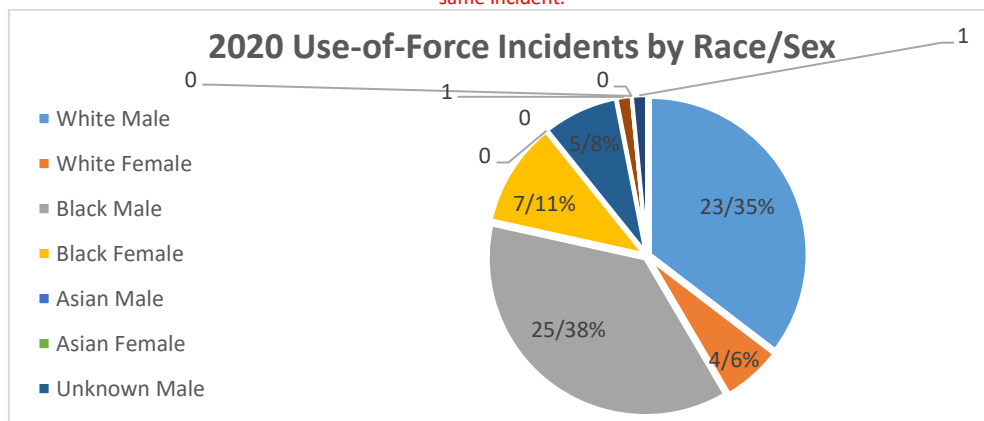
## Use-of-Force – Response to Resistance

An analysis of the use-of-force reports revealed that there were 66 incidents where officers used force in 2020 (down from 79 in 2019). In 45 of the 66 use-of-force incidents someone was arrested (the other 20 involved individuals who fled from officers, were Baker Act, complained of injury or were released; one individual was fatally wounded (justified use of deadly force). The number of arrests by the Fort Myers Police Department in 2020 was 3,090, therefore, 1.5% of all arrests required the application of force by officers.



Race / Sex	# Arrested	# Involved in a U.O.F.	Percent of Arrest
White Male	1106	23	2.1%
White Female	416	4	1%
Black Male	1132	25	2.2%
Black Female	383	7	1.8%
Asian Male	0	0	0%
Asian Female	0	0	0%
Unknown Male	38	5	13.2%
Unknown Female	14	1	7.1%
Indian Male	0	0	0%
Indian Female	1	0	0%
Unknown	0	1	100%
<b>TOTAL</b>	<b>3090</b>	<b>66</b>	<b>2.1%</b>

\*The possibility exists to have more than one citizen and/or type of use-of-force applied to one individual within the same incident.



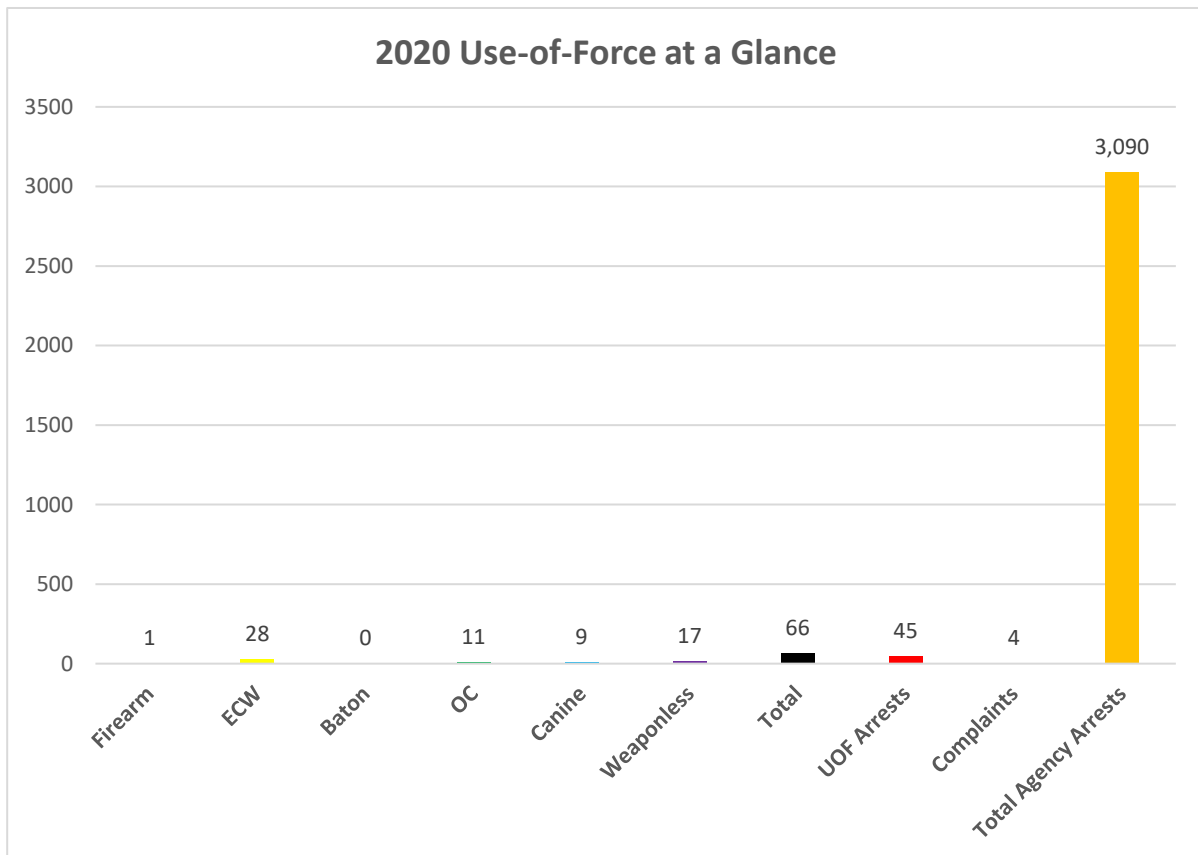
# USE-OF-FORCE – RESPONSE TO RESISTANCE

Statistical information collected by Internal Affairs was examined to provide a detailed breakdown of the type of service (call for service) that led police officers to encounter persons who later resisted or assaulted the officer(s). The subject(s) action resulted in a response by the officer(s) to counter the resistance or assault offered in order to gain control of the individual. Additionally, the type of force applied by officer(s), complaints related to the use-of-force, and arrests related were examined.

## TOP 6 SERVICE TYPES RESULTING IN A USE-OF-FORCE

SERVICE TYPE	COUNT	PERCENT OF TOTAL
Breach of Peace	8	14%
Trespassing	8	14%
Baker Act	6	11%
Pick-Up Request	6	11%
Domestic Violence	4	7%
Burglary	4	7%

\*The possibility exists to have more than one citizen and/or type of use-of-force applied to one individual within the same incident.



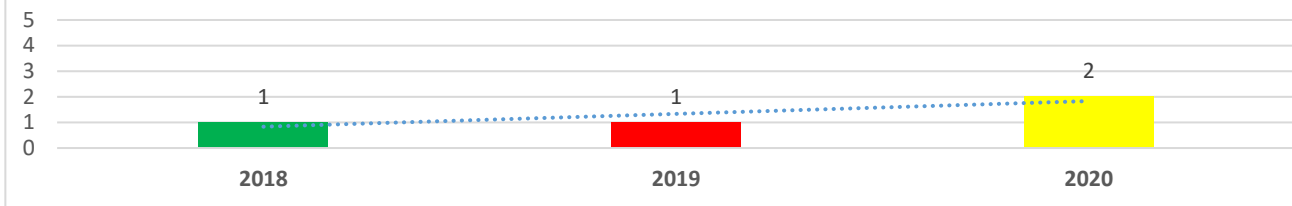


# USE-OF-FORCE – RESPONSE TO RESISTANCE

## DISCHARGE OF FIREARMS/ SHOOTING INCIDENTS

2020				
Incidents	Contact Shooting	Non-Contact Shooting	Animal Shooting	Inadvertent Discharge/Shooting
2	1	0	0	1
Officers Involved				
2	1	0	0	1

### Officer Involved Firearm Discharge Incidents



**Use-of-Force Analysis** – An analysis revealed that in 2020 the Fort Myers Police Department documented 66 use-of-force incidents. We conducted an analysis of all use-of-force activities, policies, and practices, including: date and time of incidents, the types of encounters resulting in the use-of-force, trends or patterns related to race, age and gender of subjects involved, trends or patterns resulting in injury to any person including employees, and the impact of findings on policies, practices, equipment, and training. The Fort Myers Police Department conducts a use-of-force investigation any time an officer utilizes a firearm, an intermediate/impact device (Taser, OC Spray, Baton), there is a visible injury to the subject, or any time a subject complains of injury.

The contact shooting (listed in the chart above) was in response to an armed subject who shot someone and subsequently opened fire on the responding officer. The incident was investigated by the Florida Department of Law Enforcement, reviewed by the State Attorney’s Office, and determined to be legally justified. The Chief of Police later determined that the officer’s actions were within policy. The Inadvertent discharge (listed in the chart above) occurred while the officer’s firearm was secured in the holster. The officer was carrying a large equipment bag, which was resting on the firearm, as the officer proceeded to place the bag on the floor, the firearm discharged. The officer’s chain of command and the Internal Affairs Major determined that the officer did not violate department policy.

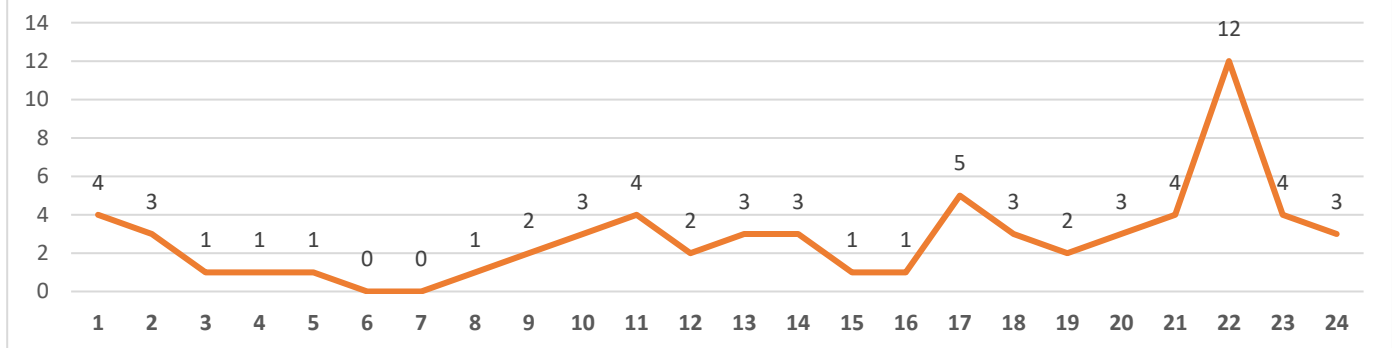
The raw number of use-of-force incidents by officers of the Fort Myers Police Department decreased by 16.5 % from 2019 (79) to 2020 (66). The number of arrests decreased by 18.8 % from 3,806 arrests in 2019 to 3,090 arrests in 2020. The percentage of arrests that resulted in a use-of-force was **2.1% in 2019** and **1.5 % in 2020**. Therefore, the amount of arrests and use-of-force incidents per total arrests decreased by .6%. It must be noted that after a careful review by command staff members, all but one (use of Taser on a handcuffed Baker Act, white female) of the use-of-force for 2020 was found to be justified and within the guidelines of the Fort Myers Police Department use-of-force matrix. The officer involved in the excessive use-of-force incident received a reprimand and policy review. The decrease in the amount of arrests may be attributed to a myriad of factors, including a 13.1 % decrease in property crimes and 4.1% decrease in persons crimes for the year 2020, and effects from the COVID pandemic (business closures, stay at home mandates, etc.). It must be noted that the Fort Myers Police Department experienced a 2,634 decrease in calls for service in 2020 (from 197,738 in 2019, to 194,104 in 2020).

## USE-OF-FORCE – RESPONSE TO RESISTANCE

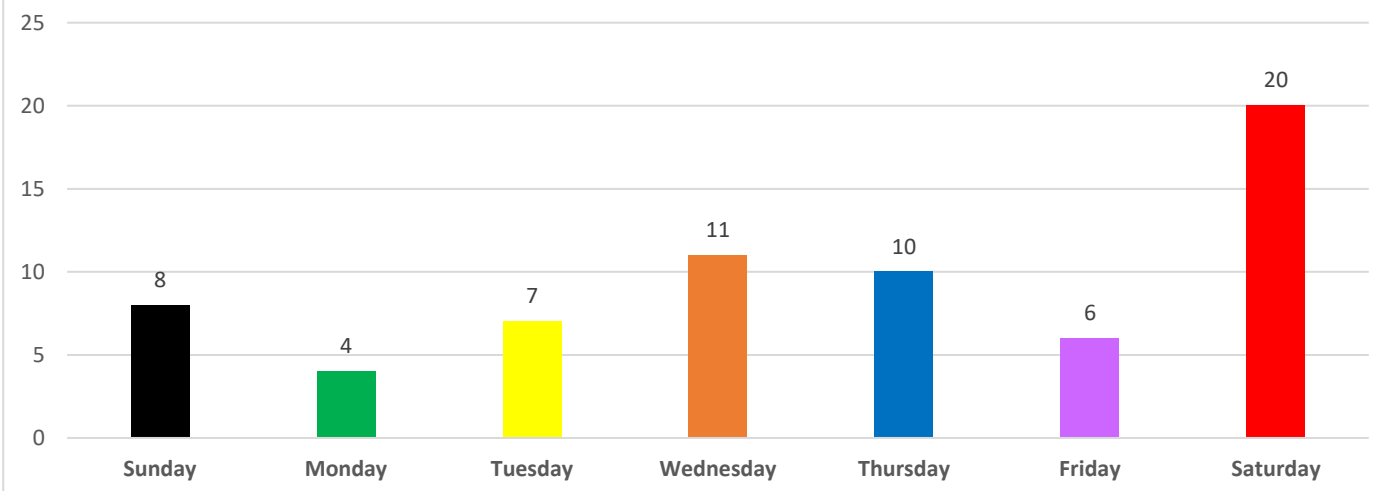
In 2020 FMPD personnel addressed 194,104 calls for service in the City of Fort Myers. However, there were only 66 incidents wherein officers used force during the execution of their duties. Of these 66 incidents, 36 (55%) involved complaints of minor injuries, with only 9 (14%) requiring medical attention. It must be noted that Fort Myers Police Department policies require mandatory medical attention to any arrestee that receives more than 2 Taser (ECW) activations, two officers utilizing separate Taser activations on one subject, an adverse response to OC spray, or any other situation deemed significant by an on-scene supervisor. Nine officers were injured during incidents involving a use-of-force. Only a small fraction of the subjects that experienced a use-of-force required medical attention (either on scene medical attention from Emergency Medical Services or transportation to the hospital) and an analysis of the data does not indicate any pattern or trend regarding injuries to either subjects or officers.

As expected, use-of-force incidents were higher during the late evening due to the nature of the calls for service. use-of-force incidents were at its highest during the weekend (Saturday accounting for 30% of the incidents), which corresponds with more calls for service during weekends and an increased number of individuals within the city limits of Fort Myers.

2020 Use-of-Force Count by Time of Day

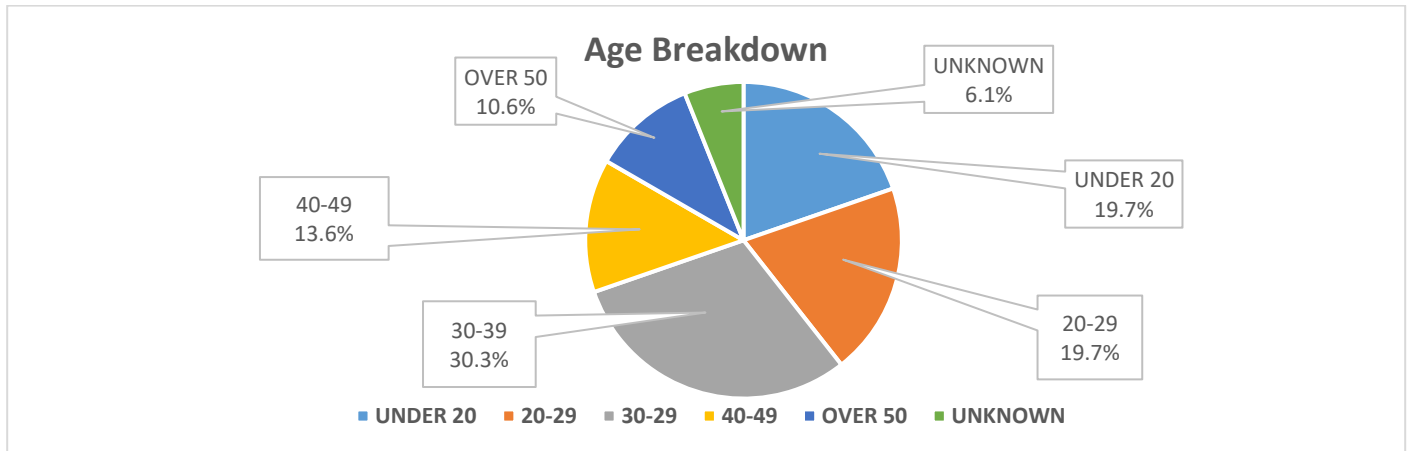


2020 Use-of-Force Count by Day of Week



## USE-OF-FORCE – RESPONSE TO RESISTANCE

In 2020, 19.7% of the subjects involved in uses-of-force were under the age of 20, 19.7% were between the ages of 20 to 29, 30.3% were between the ages of 30 to 39, 13.6% were between the ages of 40 to 49, 10.6% were over the age of 50 and 6.1% were unknown (fled from officers). Our analysis did not reveal any significant trend or pattern and the unjustified use-of-force (mentioned previously) was an isolated incident.



The top six service calls that resulted in a use-of-force are Breaches of Peace, Trespassing, Baker Acts & Pick-up Requests, and Domestic Violence & Burglary. Approximately 34% of all uses-of-force arose from the top three calls for service (Breach of Peace, Trespassing, Baker Act). In 2019 approximately 31% of all uses-of-force arose from the same top three calls for service. Therefore, these types of calls for service consistently result in the majority of uses-of-force. These results are expected, as these types of calls for service often result in flight from law enforcement officers (breaches of peace and trespassing), physical encounters (breaches of peace), refusal to leave an area (trespassing), or mental health issues (Baker Acts).

The Fort Myers Police Department has a strict and comprehensive policy governing the reporting of the use-of-force. Therefore, use-of-force reports are mandated any time a citizen complains of injury during an arrest, any time an officer escorts a person to the ground or handcuffs a person and there is a visible injury (i.e. minor scrape), and any time an officer utilizes a weapon or control device (whether successful or not). Of the 66 subjects involved in a law enforcement use-of-force, 12 (18%) were female and 53 (80%) were male. In addition, 38% of the subjects that experienced a law enforcement use-of-force were Black, 35% were White and 8% were unknown. In 2020, 1,106 white males were arrested and 23 (2.1%) were involved in a use-of-force, 416 white females were arrested and 4 (.09%) were involved in a use-of-force, 1,132 black males were arrested and 25 (2.2%) were involved in a use-of-force, and 383 black females were arrested and 7 (1.8%) were involved in a use-of-force.

A review of the 2020 statistical data related to use-of-force incidents in relation to race and gender, revealed that the percent of use-of-force incidents involving black males (2.2%) and white males (2.1%) were nearly the same, and the percent of use-of-force incidents involving black females (1.8%) was greater than those involving white females (.9%), as 7 black females were involved in a use-of-force compared to 4 white females (383 black females arrested and 416 white females arrested). Therefore, the analysis of this data revealed that black females were involved in use-of-force, at nearly twice the rate as white females. An individual analysis of each incident did not raise any concerns, and all uses of force involving black females were determined to be justified.

## USE-OF-FORCE – RESPONSE TO RESISTANCE

We examined each use-of-force report to determine if there was a trend or pattern with the number of black females that were involved in a use-of-force compared to white females. Each use-of-force applied to both black females and white females were found to be justified by the officer's chain of command. A thorough review of all the use-of-force reports related to black females and white females indicates no concern regarding the disparity in use-of-force between black and white females. Every instance of a use-of-force is based upon the varied resistance level of the subjects. Therefore, a meticulous examination of each use-of-force (for both black and white female) indicates there is no pattern or trend associated with the disparity in use-of-force and each use-of-force was a result of the resistance levels of both white and black females that were resisting an officer, largely while engaged in various criminal activities. The use-of-force was governed by the resistance of the individual subject and not because of their race/ethnicity.

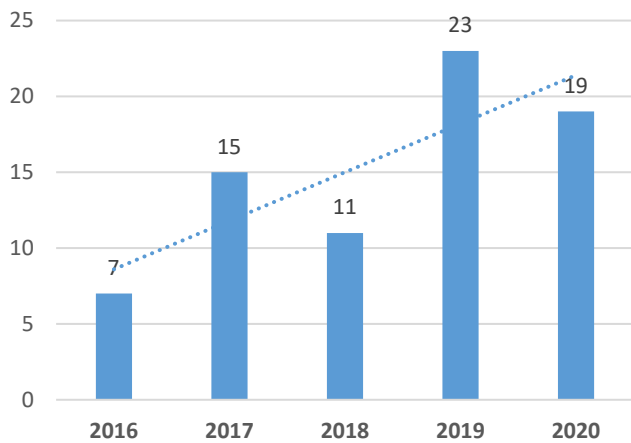
There is no discernable trend or pattern among the use-of-force used by officers amongst age, gender and race in 2020 along with trends or patterns resulting in injury to any person including employees. The data and subsequent review of individual use-of-force reports demonstrates the Fort Myers Police Department Officers are exercising proper responses to resistance. Therefore, no changes to training, policy, practices, or equipment will be made at this time. However, the Fort Myers Police Department will continue to require all employees to attend annual training that focuses on defensive tactics, officer safety, interpersonal skills, and de-escalation techniques. Both the Training Division and Internal Affairs will continue to monitor uses-of-force to ensure that officers continue to act within the rules and regulations of the agency and to develop potential policy changes, equipment purchases, and new training offerings to maximize safety for both officers and the public. **(C.A.L.E.A. 4.2.4)**

# OFFICER ASSAULTED OR KILLED ANALYSIS

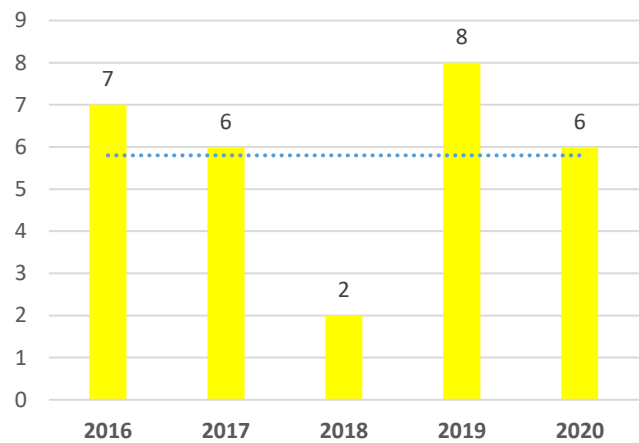
## Officers Assaulted or Killed Analysis

Officers Assaulted by Year	Officer Killed, Felonious	Officer Killed, Accident or Negligence	Officer Assaulted No Injury	Officer Assaulted Minor Injury	Officer Assaulted Serious Injury	Totals
2016	0	0	7	7	0	14
2017	0	0	15	6	0	21
2018	1	0	11	2	0	14
2019	0	0	23	8	0	31
2020	0	0	19	6	0	25
<b>TOTALS</b>	<b>1</b>	<b>0</b>	<b>75</b>	<b>29</b>	<b>0</b>	<b>105</b>

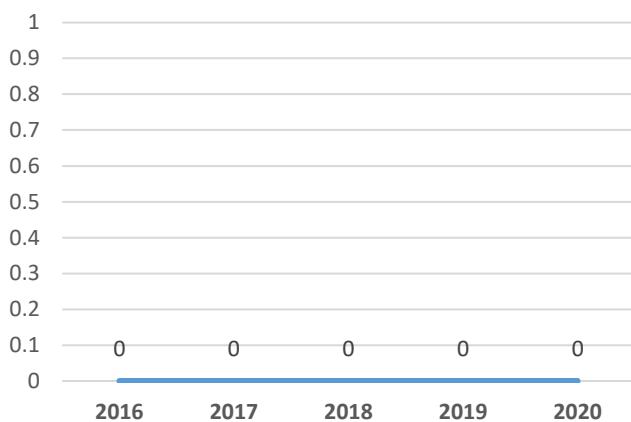
Officers Assaulted, No Injury



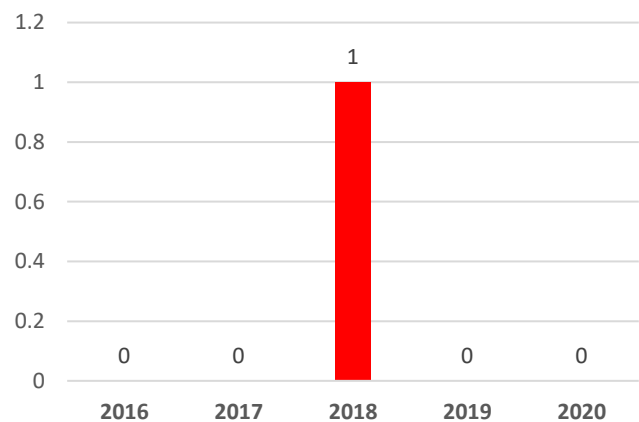
Officers Assaulted, Minor Injury



Officer Assaulted, Serious Injury



Officers Killed, Felonious



## OFFICER ASSAULTED OR KILLED ANALYSIS

An analysis revealed that in 2020, 19 officers were assaulted with no injuries, 6 officers were assaulted with minor injuries, and no officers suffered serious injury. The Fort Myers Police Department requires all patrol officers to wear body-armor. The number of officers assaulted decreased from 2019 to 2020 (31 to 25), which is a significant (19%) decrease from the previous year.

Nationally, assaults on law enforcement officers have increased in recent years. However, officers with the Fort Myers Police Department experienced a decreased in 2020. The topic of officer assaults is of the utmost importance to the Fort Myers Police Department and its Training Division. Officers receive a variety of training which includes but is not limited to: *Handcuffing, OC Spray, Expandable Baton, Taser/ECW, Takedowns, Handgun Retention, Active Shooter, Rescue Training, De-Escalation Training, Deadly Force, T3 Training (Tact, Tactics and Trust) and Physical Countermeasures*. In addition, every officer is equipped with body-cameras and officers are encouraged to enroll in specialized or advanced law enforcement academy classes related to defensive tactics and officer safety.

In 2020, the Fort Myers Police Department purchased a Virtual Reality Police Training Simulator (Apex Officer). The simulator places officers in real-world scenarios that can be tailored on a case-by-case basis by the instructor operating the system. The Fort Myers Police Department conducts annual use-of-force training, along with annual firearms training. The agency devotes an entire 12-hour day for firearms training, including the utilization of many realistic scenarios that officers might counter during their shifts.

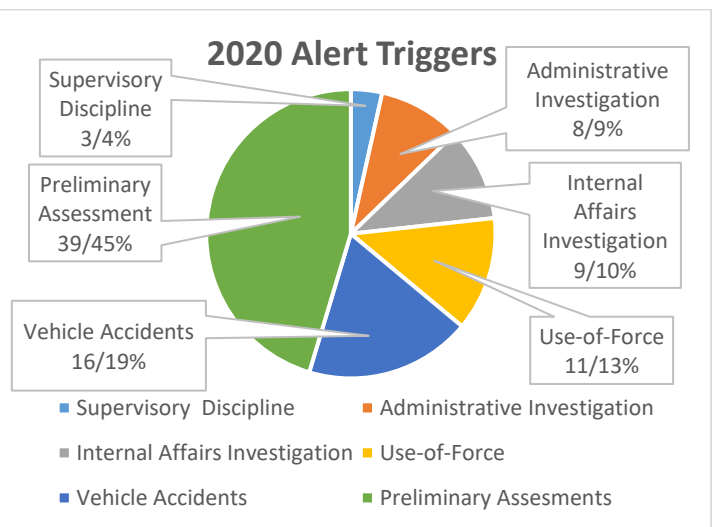
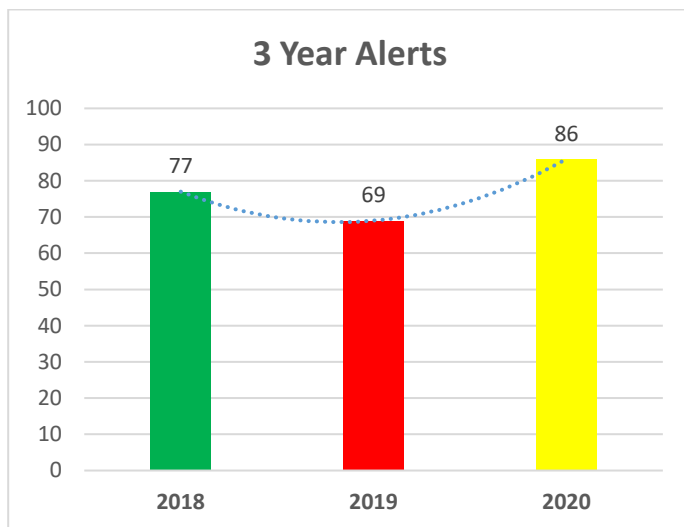
There are no policy changes recommended at this time, but members of the Fort Myers Training Division frequently review all aspects of the related policies along with local and national events to determine potential policy changes along with additional training topics. Members of the Training Division are committed to continuing to review new potential law enforcement equipment that will be beneficial to officers for training purposes and their duties.

# EARLY WARNING SYSTEM

**Early Warning System** – A comprehensive Early Warning System is an essential component of a well-managed law enforcement agency. The early identification of potential problems, coupled with the ability to address noted issues will not only increase the agency’s level of accountability, but also offer employees a better opportunity to comply with the department’s values and mission.

The system is intended to assist supervisors in identifying employees whose performance warrant review and, where appropriate, provide intervention in circumstances that may have negative consequences for the employee, fellow employee, the organization, and/or the general public. This intervention is intended to assist employees who exhibit signs of performance and/or stress related problems, preventing allegations of misconduct or disciplinary action.

	2018	2019	2020
<b>Total Alerts for the Year</b>	77	69	86



An analysis of the Early Warning System for 2020 revealed that the system generated a total of 86 alerts. This was up from 69 in 2019 and 77 in 2018. A review of these alerts revealed that 43 or 49% remain active at the close of 2020 (pending due to the following: still in the review process, awaiting the completion of an Administrative or Internal Affairs Investigation, generated in last month of the year).

In 2017, the Professional Standards Section (Now the Internal Affairs Bureau) enacted a new procedure for assigning/processing individual alerts. This new procedure requires alerts to be assigned through the Blue Team system to the Lieutenant supervising the individual employee. The assigned Lieutenant is responsible for addressing each alert and documenting his or her findings or recommendations. The Deputy Chiefs conduct a final review and approval before the alert is finalized by the Internal Affairs Bureau.

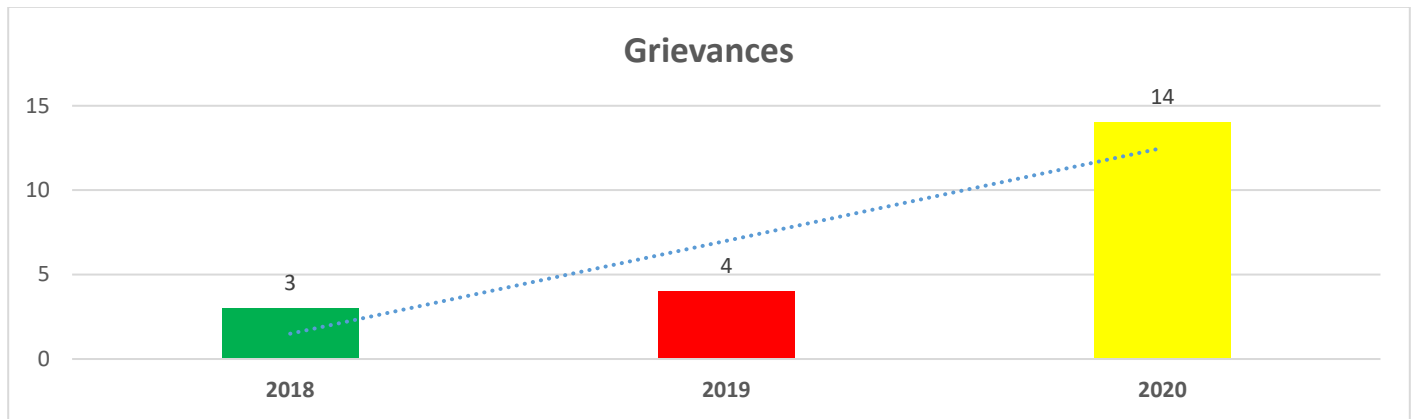
Upon careful analysis, the Early Warning System is functioning as designed and has provided information for proper review of employees involved in multiple incidents. There are no recommended changes to policies and/or procedures currently. **(C.A.L.E.A. 35.1.9)**

# GRIEVANCE ANALYSIS

**Grievances:**

The Internal Affairs Bureau is responsible for the coordination of grievances and conducting an annual analysis of grievances. The analysis serves as a management tool in identifying potential problems/issues within the agency that should be addressed. **(C.A.L.E.A. 22.4.3)**

Formal	2018	2019	2020
Grievances	3	4	14



**Grievance Analysis** - There were 14 grievances filed in 2020, a 250% increase from 2019. At the time of this report, 10 out of the 14 grievances were closed.

Grievances	Reason for Grievance	Status	Outcome
1	Disagreed with hourly compensation for Holliday Pay	Closed	Withdrawn
2	Disagreed with change in work schedule	Closed	Unresolved
3	Wanted compensation for FCIC/NCIC certification	Closed	Incentive pay granted
4	Disagreed with Annual Performance Evaluation (Rating & Comments)	Closed	Evaluation adjusted
5	Disagreed with the discipline	Closed	Rescinded
6	Disagreed with Excessive Use of Sick Leave Memo	Closed	Removed from personnel file
7	Disagreed with Excessive Use of Sick Leave Memo	Closed	Removed from personnel file
8	Disagreed with Excessive Use of Sick Leave Memo	Closed	Removed from personnel file
9	Disagreed with being placed on unpaid administrative leave	Closed	Unresolved
10	Disagreed with Excessive Use of Sick Leave Memo	Closed	Removed from personnel file
11 to 14	Pending Human Resources Disposition	Open	Not yet Determined

**Grievance Analysis** – At the time of this report, out of the 14 grievances filed, 4 remain opened, 7 grievances were resolved (4-Excessive Use of Sick Leave (removed from personnel file), 1-Annual Performance Eval (Eval adjusted), 1-Discipline (rescinded), FCIC/NCIC Pay (incentive pay granted), 1-Holiday Pay (was withdrawn), 2-Schedule Change & Unpaid Admin Leave (were unresolved)).

There were no patterns of concern and the analysis confirmed that the agency is committed to providing a fair and objective grievance process to all employees, as outlined in department policy and contractual agreements.



## QUARTERLY REVIEW OF IN-CAR AND BODY-WORN CAMERA VIDEOS

The Internal Affairs Bureau conducts a documented quarterly review of at least 10 In-car and Body-Worn MVR captured videos (chosen randomly). If deficiencies or issues are discovered, the Internal Affairs Investigator will take an appropriate corrective course of action (i.e. notify the employee's supervisor, initiate an investigation, etc.) and properly document each incident. In addition, the Internal Affairs Bureau will make recommendations for changes and/or training based upon a review of the Body-Worn MVR videos.

### In-Car and Body-Worn MVR Video Review

In-Car and Body-Worn MVR Video Reviews 2020	Q1	Q2	Q3	Q4	Total
<b>Total</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>40</b>
Videos without deficiencies/issues	10	8	9	10	<b>37</b>
Videos with deficiencies/issues	0	2	1	0	<b>3</b>

Three (3) deficiencies were identified during the 40 random In-car and Body-worn MVR video reviews for 2020. The officers' lieutenants were notified of the findings and subsequently addressed the deficiencies.

- Remarks between officers
- Not wearing face mask
- An officer instructed a panhandler to cross lanes of traffic to come to him (the officer was in the median of the road).

## INSPECTOR GENERAL'S OVERVIEW

The Inspector General's (IG) responsibility includes reviewing FMPD's internal handling of misconduct complaints and investigations to ensure the effectiveness, accessibility, timeliness, transparency, and responsiveness of the complaint system. The IG was apprised of all complaints resulting in the initiation of an Internal Affairs investigation involving misconduct allegations concerning violations of law; honesty or integrity; use of force; improper use of force reporting; bias-free policing; ethics; professionalism; misuse of position or authority for personal gain; conflicts of interest; gifts and gratuities; off-duty conduct; retaliation; harassment; responsibilities of employees regarding complaints of misconduct; discretion and authority; primary investigations; stops, detentions, and arrests; or improper search and seizure. With full cooperation from the Internal Affairs Bureau Commander, the IG conducted audits of random samples of classifications of all misconduct complaints during the calendar year to validate that Internal Affairs classifications were appropriately assigned for internal investigation or supervisor action, and that allegations and employees associated with the complaints were properly identified. The audits determined all allegations and employees were properly identified and the respective Internal Affairs investigative classifications were appropriately assigned. The Internal Affairs Bureau Commander routinely submitted all required or requested initial and subsequent investigations to the IG for review sufficiently in advance of investigation deadlines to allow the deadlines to be met in the event the IG directed additional investigation. As a result, the IG completed reviews of initial and subsequent investigations promptly meeting each investigation deadline.

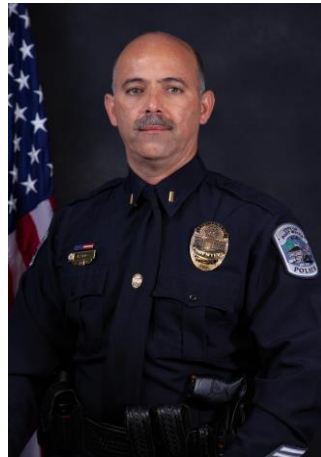
In collaboration with the Internal Affairs Bureau, the IG and Accreditation Manager conducted a review of General Order 7.1 *Internal Affairs* and General Order 7.2 *Disciplinary Process*, and with concurrence from the City Attorney's Office revised both policies to more precisely comply with the LEO Bill of Rights, CALEA standards, the Collective Bargaining Agreements, and due process from the employee perspective. Additionally, a comprehensive Internal Affairs Bureau Standard Operating Procedures Manual was written and implemented for use by Internal Affairs Bureau investigators.

The IG attended many Citizen Police Review Board meetings during the reporting period to monitor issues or concerns the Board had regarding FMPD's disciplinary process. There were a few occasions the Board recommended additional training or policy review for a subject officer beyond the discipline administered by the Chief of Police, but on no occasion did the Board identify a deficiency of the Internal Affairs investigative process. Finally, the IG and Internal Affairs Bureau Commander provided training to Board members on the Florida Law Enforcement Officers Bill of Rights and FMPD Internal Affairs policies and procedures. In conclusion, the IG determined the Internal Affairs Bureau staff operated effectively and efficiently to ensure timely, thorough, fair, and impartial investigations of allegations made against FMPD personnel.

## INTERNAL AFFAIRS BUREAU STAFF



**Major William R. Newhouse**



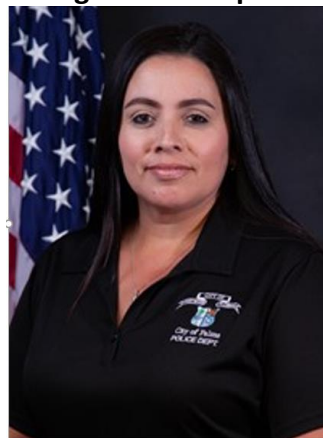
**Lt. Jesus Ramos**



**Sgt. Dan Losapio**



**Sgt. Dan Morency**



**Staff Assistant  
Irma Gonzalez**