

Our Response to Social Justice Concerns

By: Chief Pam Davis – Published: August 4, 2020

Over the past several weeks, the Punta Gorda Police Department (PGPD) has been involved in numerous discussions with organizations regarding police practices and social injustice. These organizations have included the NAACP, Black Lives Matter – March for Justice Charlotte, Unapologetically Black (UAB), the Charlotte County Community Foundation, and the Charlotte County Democratic Party. Many important questions have been raised and suggestions made regarding the policies and practices of the Punta Gorda Police Department as they relate to law enforcement's treatment of people of color. What was discovered is that a majority of the recommendations have already been instituted in our department's policies and practices for some time.

Below is a summary of the topics raised by those organizations and our responses, which we wanted to share with all those who live in, work in, and visit the City of Punta Gorda.

BODY WORN CAMERAS & IN-CAR VIDEO CAMERAS

The Punta Gorda Police Department has had in-car video cameras for over a decade. The next logical step in our commitment to transparency was the implementation of body-worn cameras. We began discussing body-worn cameras more than two years ago and we have been in the process of implementing a body-worn camera program for more than a year. Budgeting for the cost of this program, navigating the federal grant funding process, procuring the equipment and software, and training officers and staff have been a large undertaking. The department is pleased to announce that the implementation of this program is in progress. Cameras have been issued and are in use by the majority of our sworn personnel. It is anticipated this

project being completed by early August.



PGPD Body Worn Cameras

CITIZEN REVIEW BOARDS

Florida law does not allow for citizen review boards to conduct investigations regarding complaints against police officers; however, some agencies do use them to conduct reviews of investigations once they are completed. The Punta Gorda Police Department does not currently utilize a citizen review board, but this possibility has been researched. At this time, we have not made any recommendations to the city council regarding the formation of a citizen review board. Our principal reason for this is that we simply do not receive very many citizen complaints about officer misconduct. Over the past five years, we have averaged only 2.6 citizen-generated complaints annually and have averaged an additional two complaints annually that were internally-generated by the Chief of Police or City Manager. Additionally, we only had

three complaints of excessive use of force during that time (the last case was in early 2017). None of these allegations involved a person of color.

According to the Police Executive Research Forum, there has been little research in the area of Citizen Review Boards. We will continue to reassess and reevaluate this issue moving forward.

COMMUNITY INVOLVEMENT & YOUTH OUTREACH

The PGPD is highly committed to ensuring good communication with and involvement from our community in our policing efforts. We feel it is important that our community understands us and that we understand our community. Two community advisory boards meet regularly with the Chief of Police to provide input and help disseminate information. The PGPD also collaborates with other community groups. Below are some examples our community involvement and youth outreach.

- **Chief's Advisory Council:** Made up of representatives from different neighborhoods and community groups within the city. The Council meets monthly to discuss issues that are important to the residents of the city.
- **Business Advisory Council:** Made up of representatives from different types of businesses within the city. The group meets bi-monthly to discuss issues that are important to our community businesses.
- **Charlotte County Community Task Force:** Made up of community leaders in Charlotte County. The Task Force is led by the president of the local chapter of the NAACP. Members of the clergy, city government, county government, school board, and law enforcement officials are participants on the Task Force and meet monthly to discuss racial, social, and government issues in Charlotte County.
- **Punta Gorda Chamber of Commerce:** The PGPD has been a member of the Punta Gorda Chamber of Commerce for years. Members of the department attend monthly networking

events and board meetings. This affords us the opportunity to become familiar with our business community and address any issues through an open line of communication .

- **Burnt Store Isles Monthly HOA Board Meeting:** Chief Davis attends this meeting on a monthly basis to discuss issues in the community.
- **Drug Free Charlotte County:** This organization focuses on substance abuse prevention in Charlotte County and has a number of community based initiatives to help our youth. Chief Davis currently serves as the Vice Chairperson of the Board of Directors.
- **Drug Free Punta Gorda:** This organization focuses on substance abuse prevention and resources for Punta Gorda youth. The department has a member on the Board of Directors.
- **Jammers Youth Basketball League:** Punta Gorda Police Department personnel volunteer their time every summer to coach boys and girls basketball teams. The kids range from ages 10 to 13 and participate weekly at practices and games. Donations from generous businesses and civic groups allow the children to participate in the league for free. Participants are given uniforms and other equipment. Most importantly, they interact with our police officers and other personnel on a social level. They get to see our personnel as human beings and often form life-long friendships.
- **Community Interactive Trailer:** This special trailer provides the kids in our communities the opportunity to play video games and listen to great music. The trailer is taken to several community events such as Fisherman's Village during their Kids Fun Day, Halloween, Family Fun Day, and other local events for children to explore.
- **Family Fun Day:** This event began in 2019 and was supported by local businesses. Held at the Punta Gorda Public Safety Building, this free event affords families an opportunity to interact with Punta Gorda Police and

Fire personnel while enjoying a bounce house, craft station, dunk tank, K-9 demonstrations, public safety vehicle demonstrations, and free food/drinks. Over 200 kids having a great time at the inaugural Family Fun Day and plan to continue to grow this event annually.

- **Shop with a Cop:** Our officers and professional staff participate in this event every December. Officers are teamed up with kids in the community who have financial needs to shop for holiday presents for themselves and their families. It is a chance for positive interaction between our personnel and the kids while they have a great time.
- **Youth Police Academy:** The first ever Punta Gorda Police Department Youth Police Academy was planned for June 2020, but unfortunately had to be canceled due to the COVID-19 pandemic. Plans to host the academy in the summer of 2021 are still in place.





PGPD Community Involvement
COMPLAINT PROCESS

The PGPD takes all complaints very seriously. Information about making a complaint is published on our website along with links to the necessary complaint paperwork. Citizens can

make complaints online, in-person, by phone, by mail, or by email. However, some members of the community have stated they believe that there is confusion regarding how to make a complaint or that citizens do not feel comfortable enough with the process to make a complaint. We are currently looking into options for trying to alleviate this concern. One avenue we are exploring is the selection of a volunteer "community liaison" who would be able to assist community members with the complaint process. The liaison would help the complainant complete the paperwork, make initial contact with our department, and request updates on the status within legal parameters.

DE-ESCALATION TACTICS

PGPD policy states that officers shall use de-escalation techniques and tactics to reduce any threat or gain compliance to lawful commands without the use of force or with the lowest level of force possible, whenever possible. The policy also states that members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose. The police department consistently incorporates de-escalation training into our in-service training academy and new officer training through programs such as Integrating Communications, Assessment, and Tactics (ICAT), Crisis Intervention Team (CIT) Training, scenario based training, and more. All officers receive training regarding de-escalation multiple times annually.

DEMILITARIZATION OF POLICE / 1033 PROGRAM

The PGPD believes in limiting the amount of militarization within the police department to that which is necessary. Concerted efforts have been made to ensure that our officers are equipped and presented to our community as police officers/guardians and not soldiers, while also ensuring they have the proper equipment to do their jobs. The only military surplus equipment the department possess through the 1033 program is department patrol rifles which are nationally

recognized as standard police equipment in response to school/mass shootings and terrorist attacks.

DUTY TO INTERVENE

This policy has been in place for a several years. Our policy states that officers **shall** intervene to prevent the abusive conduct or the use of excessive force by another member. The culture of the agency must encourage officers to intervene. To foster this type of culture, extensive efforts are taken to ensure that we hire the best officers, select the right field training officers and supervisors, and hold all personnel accountable.

DUTY TO PROVIDE MEDICAL ASSISTANCE

PGPD policy requires that after any use of force incident, members shall immediately render aid to any injured person consistent with the member's training and request medical assistance.

FACE & CELL PHONE SURVEILLANCE SYSTEMS

PGPD does not utilize face or cell phone surveillance systems.

INTERNAL AFFAIRS INVESTIGATIONS

Several groups expressed concerns regarding how internal affairs investigations are handled by police agencies. Concerns included officers investigating their peers and the fact that there is no appeal process for complainants who are not satisfied with the outcome of the investigation. It is important to understand that law enforcement agencies in Florida **must** conduct internal affairs investigations in accordance with Florida law. Many of the concerns that have been raised are things that are out of the control of individual law enforcement agencies. For example, Florida law requires that any agency with more than 35 sworn officers (such as our department) conduct their own internal affairs investigations. The Punta Gorda Police Department does not have the authority to allow outside investigators to handle investigations into citizen complaints. However, all of our

investigators must hold the rank of lieutenant or above to ensure that bargaining unit members are never investigating other bargaining unit members. In addition, Florida law does not currently provide for an appeals process for the complainant should they feel the department's findings were inadequate. Any change to this would have to come from the Florida legislature and not from local law enforcement agencies. However, the outcome of internal affairs investigations are subject to scrutiny through Florida's sunshine laws, the accreditation process, the judicial system, and other agencies with review authority.

NATIONAL DATA REPORTING

The PGPD fully supports the concept of national data reporting regarding uses of force, officer discipline, and bias policing statistics. Since 2001 the International Association of Directors of Law Enforcement Standards and Training (IADLEST) has maintained the National Decertification Index (NDI). This is a national registry of certification revocations for officer misconduct. In Florida, law enforcement certifications are maintained and would be revoked by the Florida Department of Law Enforcement, which has been reporting revocations to IADLEST since 2001. In addition, the Punta Gorda Police Department will be voluntarily participating in the National Use of Force Data Collection project. This project is coordinated by the FBI to collect accurate nationwide data associated with police use of force encounters that result in the death or serious bodily injury of a citizen or the firing of a weapon by police.

OFFICER BACKGROUND CHECKS

Prior to being hired, all officers go through an extensive background check conducted by our Criminal Investigations Section. Background checks include interviews and reviews of the following: neighbors and personal contacts; previous employment including disciplinary actions and complaints; criminal history, military service; driver's license and

driving record; educational history; and internet searches including social media sites. In addition, each potential officer must pass a medical screening, drug screening, and psychological evaluation as part of the hiring process. We conduct these extensive background checks to ensure that officer applicants are qualified for the position, meet our high standards for moral character, and will uphold the mission and values of the PGPD. The same background checks are performed on all of our professional staff members as well. Candidates with a history of racial bias and/or excessive or unnecessary violence would be eliminated from consideration for employment with the PGPD.

OFFICER DIVERSITY

The PGPD has taken great strides in the recruitment and hiring process to ensure that our agency reflects, at a minimum, the diversity of our community. Currently the racial and ethnic make up of the police department exceeds the demographics of the City of Punta Gorda and Charlotte County as a whole. The police department has also made strides in recruiting and hiring female officers. Currently, we exceed the national average of females in sworn law enforcement positions, which is approximately 12.5% (according to the International Association of Chiefs of Police).

	White	Black	Asian	Hispanic	Male	Female
Punta Gorda Police Officers	81.1%	8.1%	10.8%	13.5%	83.8%	13.5%
City of Punta Gorda *	95.3%	2.4%	0.3%	6.1%	46.9%	53.1%
Charlotte County *	90.5%	6.0%	1.4%	7.4%	48.8%	51.2%

*Statistics from US Census Bureau Populations Estimates from July 1, 2019 (V2019)

OFFICER TRAINING

The PGPD provides officers with approximately seven times the

amount of in-service training required by the state. In 2019, the police department provided officers with 72-hours of in-service training, while the State of Florida requires 40-hours every four years. This training includes all high liability training (such as weapons recertification, vehicle operations, and defensive tactics) as well as specifically selected training courses. For example, during in-service training in early May, officers were provided with two courses from the U.S. Department of Justice, Community Oriented Policing Services (COPS) Office. The first course was on fair and impartial policing designed to teach officers to recognize implicit bias which included a refresher on using procedural justice techniques (allowing opportunities for all to have a voice, being transparent in our actions, being fair and respectful, and impartial decision-making). Procedural Justice helps establish legitimacy and trust with the community. The second course was about new community policing perspectives designed to reinforce the importance of police-community partnerships. In addition to mandated training, we require our officers receive additional virtual and specialized training.

POLICE UNION CONTRACTS & OFFICER BILL OF RIGHTS

It was suggested that the police department “renegotiate, with a goal to eliminate, unduly favorable protections for officers” union contracts and the Law Enforcement Officers’ Bill of Rights. It is important to understand that these are two separate issues. Florida Statute 112.532, commonly known as the Law Enforcement Officers’ Bill of Rights, provides certain rights and privileges to all law enforcement and correctional officers in the State of Florida. This is a state law that police agencies are required to adhere to and is non-negotiable. Bargaining unit contracts for police officers are also governed by Florida Statute (Chapter 447) and are renegotiated every three years. Additionally, the police department complies with accreditation standards on Misconduct Complaint Processing and is re-evaluated every three years to ensure compliance.

QUALIFIED IMMUNITY

There appears to be some misconceptions about qualified immunity and a perception that it allows law enforcement officers to act "above the law." Qualified immunity only grants certain government officials immunity from civil lawsuits unless the official violated "clearly established laws or constitutional rights." This applies to many government officials (not only law enforcement officers) and can only be used to protect well-meaning government officials who make "reasonable but mistaken judgements." Any government official who either knowingly violates the law or violates the law due to incompetence would not be immune to civil lawsuits.

REQUIRING MINIMUM STANDARDS & BEST PRACTICES

The PGPD fully supports the concept of requiring law enforcement agencies to meet minimum standards and utilize best practices. We strongly value the accreditation process that requires an impartial external organization review and evaluate our policies and procedures to ensure that we are following best practices. This is why we have voluntarily participated in accreditation through the Commission for Florida Law Enforcement Accreditation. The PGPD has been an accredited agency since 1998 and is considered an Excelsior Agency.

SHOOTING AT MOVING VEHICLES

While PGPD policy does not prohibit shooting at a moving vehicle, this type of tactic is considered deadly force and is only to be used when absolutely necessary to protect human life. Recent history has shown that individuals are using vehicles as lethal weapons, such as in the 2017 New York City terrorist attack where an individual drove a vehicle into a crowd of people killing eight and multiple recent incidents where vehicles were used to harm or kill protestors. For this reason, it would not be prudent to prohibit this action, but rather limit its use to absolute necessity. In addition, PGPD policy states that officers need to ensure they do not create

a hazard by stepping in front of the vehicle and that supervisory approval shall be requested prior to utilizing this type of force, if possible.

SOCIAL WORKER & HEALTHCARE PROFESSIONAL RESPONSE

It was suggested that PGPD should begin having social workers and/or healthcare professionals respond with officers to mental health and drug crises. PGPD fully supports this idea, but the police department currently does not have the resources to add social workers or healthcare professionals to our staff. It is something to explore in the future. It is important to understand that at one time there was a mobile crisis unit program in our area. This unit was made up of mental health professionals that would respond 24/7 to calls involving individuals in crisis. Many years ago the government funding for this program was cut and officers were left to handle these issues on their own without any of that funding being transferred to law enforcement agencies. To help mitigate the loss of social workers responding to behavioral crises calls, the department has trained nearly all sworn personnel in crisis intervention. As new officers are hired, they are scheduled to receive the 40-hour training and public safety dispatchers are now being trained in this area.

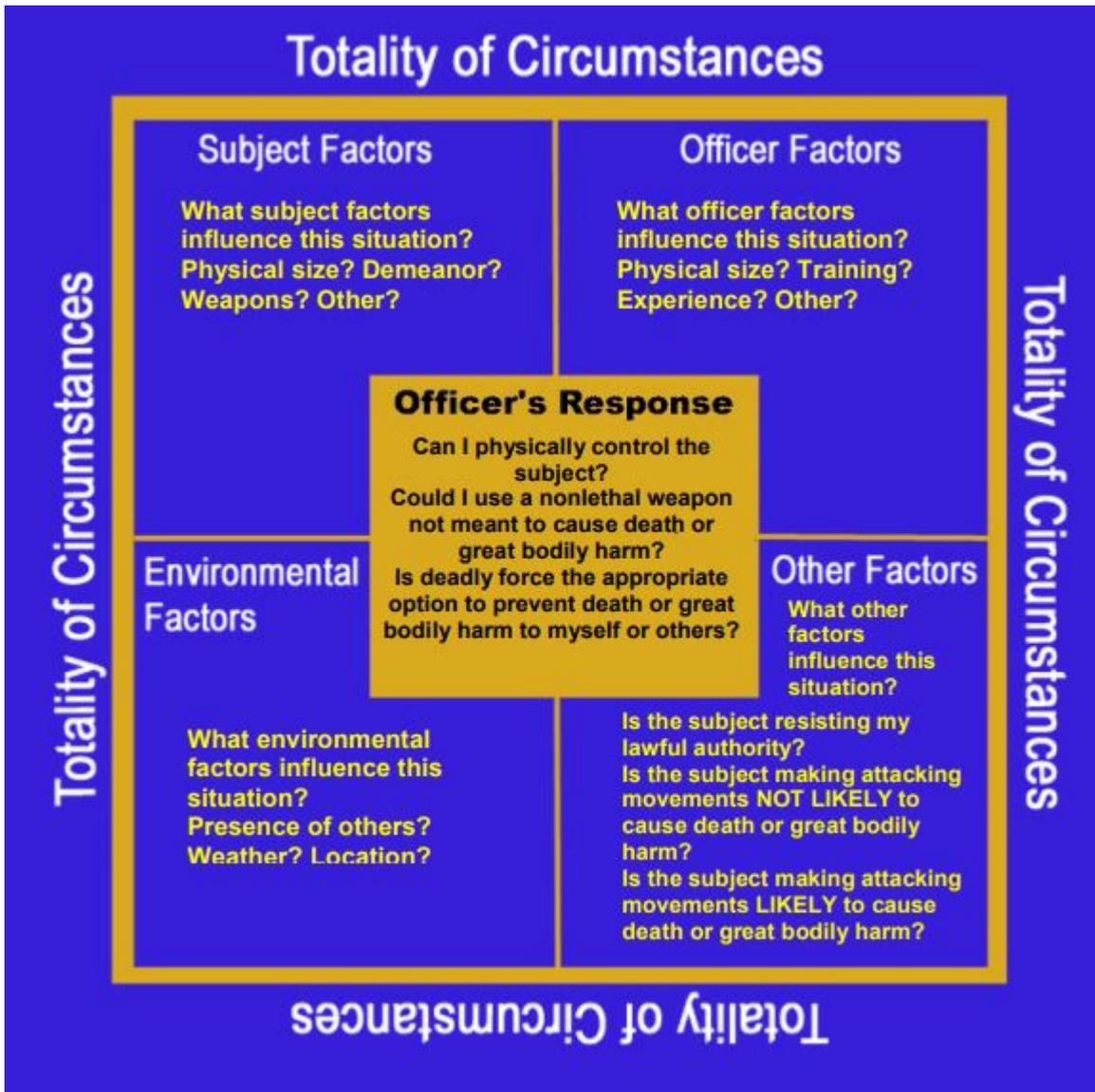
USE OF FORCE CONTINUUM

The PGPD adopted the "Use of Force: Force Guidelines" established by the Florida Department of Law Enforcement in 2008. PGPD policy states that officers **shall** avoid the use of force unless it is not possible to do so. Additionally, the U.S. Supreme Court has ruled that objective reasonableness and the totality of circumstances must be applied by officers before using force. PGPD policy states that officers **shall only** use force that is reasonable, necessary, and proportional to respond to the threat or resistance in order to effectively and safely resolve an incident and will immediately reduce the level of force as the threat or resistance diminishes.

Some groups in the country have recommended utilizing a

“ladder” style use of force continuum. Law enforcement agencies across the nation have moved away from this type of antiquated rigid use of force response. The ladder continuum is based on the suspect’s resistance level and the officer moving to the next higher step to overcome the resistance. Implementing the ladder continuum would be taking a step backward. This type of use of force continuum does not promote de-escalation. Having officers consider the totality of circumstances, reasonableness, proportionality, imminent threat, etc., as part of critical decision-making when determining if force is even necessary, is more in line with best practices.

Officers are trained to assess and re-assess their situation based on all new information learned as the situation unfolds, including using cover and distance to create time to de-escalate if able. Ultimately, the goal in any situation where force may be used is “voluntary compliance.” The PGPD does not want a use of force continuum that compels officers to increase force when a reduction in force may be an option.



Use of Force Continuum Diagram

WARNING BEFORE SHOOTING

Punta Gorda Police Department policy and training require officers to provide a verbal warning prior to discharging any weapon, including subject control spray (pepper spray), Taser, or firearm, when feasible.

NEXT STEPS

There are a number of plans in place to continue to meet our mission of providing the highest level of professional police services and delivering outstanding customer service while partnering with our community. Below is a list of some of our immediate plans:

- Finalize implementation of the body-worn camera project by the second week of August.

- Upon the completion of the body-worn camera project, the PGPD will host a presentation on the camera system for our community members to attend. Date and location are to be determined, but the goal is to have the presentation near the end of August.
- Reverend Louis Anderson (President of the NAACP Chapter 5093) and Reverend Dr. Carl Brooks (First Macedonia Missionary Baptist Church) will be meeting with Chief Davis and Executive Staff to discuss opportunities to enhance trust in the black community.
- The Charlotte Community Foundation and Charlotte State Bank approved funding from the George and Mary Chapoutot Trust/Punta Gorda Police Department Endowment Fund, for the PGPD to partner with the NAACP to implement training for all our sworn officers. Dr. David Thomas of Police Counselling Services, LLC, will present the training entitled, "The Cost of Bias and its Impact on Policing/Community." Dr. Thomas is a professor with the Florida Gulf Coast University and renowned author of "The State of American Policing: Ethics, Implicit Bias, and Credibility." The officer training will be held during our September in-service academy training.
- Dr. David Thomas will also conduct a two-hour community discussion and presentation for Charlotte County residents prior to the officer training. Due to social distancing requirements and Dr. Thomas' request for citizen input, the discussion will be limited to 70 total participants. Registration will be required prior to the event. It is currently scheduled for September 9, 2020. More details will be released later in August.