

**REVIEW AND ANALYSIS OF PUNTA GORDA POLICE INVOLVED
CITIZEN'S ACADEMY SHOOTING**

Prepared for Mr. Howard Kunik, Punta Gorda City Manager

Prepared by

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**THE FINDINGS AND CONCLUSIONS PRESENTED IN THIS REPORT ARE
BASED ON THE FOLLOWING:**

- REVIEW OF ALL FILES AND DOCUMENTS RELATED TO THE
INCIDENT

- AUDIT OF EXISTING FILES AT THE TIME OF THE INCIDENT

- STATEMENT OF REMEDIAL ACTION AND UPDATE OF POLICIES
AND PROCEDURES

- MEETINGS AND DISCUSSIONS

Executive Summary

This report represents the result of the review of all files (written and recorded), policies, standard operating procedures (SOP's), and training related to the police involved shooting of Mrs. Mary Knowlton during the Citizens Police Academy which was done for members of the Punta Gorda Chamber of Commerce.

The audit covered a review of files containing information (photos, reports, videos) which allowed for an understanding of the activities and actions of involved Punta Gorda Police personnel who were present at the administration of the Citizens Police Academy on August 9, 2016. The review was purposed in determining whether existing policies, SOP's, and training (all of which are necessary for the effective administration of police actions) were deficient, or whether there was a lack of any administrative guidelines to ensure the safety of involved persons – both police personnel and citizens – during activities and/or actions involving firearms.

In summary, it was discovered that the Punta Gorda Police Department did have Policies in place to regulate the issuance of duty and off-duty firearms and munitions and to ensure safety during firearms qualification and training exercises involving firearms. It was determined that there were possible administrative violations relative to the issuance and approval of the weapon and ammunition utilized during the “shoot/don't shoot” scenarios.

Since there is an ongoing criminal investigation and a pending Internal Affairs investigation, this summary does not address specifics of personnel identification or respective actions by specific individuals. All such

information will be a part of the Internal Affairs investigation and the resultant report of findings.

The following is a list of conclusions drawn from the review and audit:

- *Although there were administrative guidelines to ensure safety during range qualification and training, there was nothing in place to “specifically” address the use of firearms and ammunition by canine officers whose training and certification are provided by an authorized **outside agency** approved by the state.*
- *The department issued smokeless blank ammunition for use in canine training. If a K-9 officer purchased or obtained ammunition from a source other than the department approved ammunition issuer (armorer) he/she is still required, per policy, to get approval for said ammunition. Failure to get such approval constitutes a clear violation of the policy that was in place at that time.*
- *Safety guidelines were strictly applied as it relates to the Simunitions gun utilized by Mrs. Knowlton; the Chief of Police was there to welcome the participants and to act as one of the tour guides. He had no direct involvement in the conduct of the scenario involving the firearms (he actually took part in the safety measures with Mrs. Knowlton during his briefing about the upcoming scenario prior to her going outside to participate in it).*
- *Although a seasoned and experienced command level officer would be expected to utilize sound judgement to ensure the safe use of any weapon during non-training activities, this was not the case.*
- *There was no designation of a “safety officer” given to anyone at the Citizens Police Academy. Had someone been so designated, the designee would have been required to include the checking of the weapon and ammunition used by the role playing officer.*
- *The same exact scenario had been done on about five other occasions without incident, and it is my understanding that the officer who played the role of “bad guy” had been issued blank rounds for the gun that he used for K-9 training. This too could have contributed to the*

false sense of security on the part of command level personnel on scene during the scenario.

Throughout the process of review and audit, I was in regular contact with Lt. Terry Cochran to advise him of my findings and recommendations. He was very keen to communicate with department management personnel (including the Chief of Police), to ensure that policies and procedures were consistently being updated to remediate any instances of non-existent or insufficient administrative guidelines for safety. Additionally, Director Todd Everly of the Southwest Florida Public Service Academy was actively consulting with Lt. Cochran and assisted in the refining of the newly promulgated policy to cover “scenario-based training or demonstration Safety Officer responsibilities.”

CONCLUSION:

The Punta Gorda Police Department is a small police force in a small community. Historically, the department has experienced very few incidents of police-involved shootings; this particular type of incident is a first for them. However, in this instance, it is clear that the Command level officers used bad judgement and the department was lacking sufficient policies and administrative guidelines to control against decisions which allowed for the tragic incident which occurred during the Citizens Police Academy.

As is the case for any department of similar size policing a small middle class community, there is little exposure to incidents involving the use of firearms. And although command level personnel are expected to utilize sound and prudent judgement in all decision making, it must be borne in mind that such decisions will be based on the totality of prior knowledge and experience. Police organizations operate in an organic environment and are often subject to dealing with new issues and novel incidents. Unless there are personnel on board who have worked in municipalities wherein such incidents

have occurred, there is a great possibility that the best judgement decisions may not be made.

The delineation of the errors of the evening on which the incident occurred will be presented in the Internal Affairs investigation report. However, I am able to state, unequivocally, that the errors have been identified and sufficient measures have been taken to bring the department up to date with related policies and procedures, and that any repeat of such unfortunate incident will be the result of failure to abide by policy and training.

It has been my pleasure to assist you in making the Punta Gorda Police Department more secure against future liability. Should you require any additional information regarding these findings, please do not hesitate to contact me.

ADDENDUM TO REVIEW AND ANALYSIS OF PUNTA GORDA POLICE INVOLVED CITIZEN'S ACADEMY SHOOTING

The following is an outline of the policy updates and revisions which followed the accidental shooting of a citizen during the administration of the scenario based demonstration on August 9, 2016. Although I was in communication with agents of the City of Punta Gorda throughout the term of my contract, most of the updates and revisions were done by Punta Gorda administrative personnel absent my input – some of which resulted in my recommendations regarding some of the changes. Section 1 provides information as to the content that was updated/revised, while Section 2 lists the specific Standard Operating Procedures (SOP's) and General Orders which were affected and required the replacement of specific pages and changes to the table of contents.

SECTION1:

Policy #200.00: addresses changes to the organizational structure for enhanced supervision and control of canine related activities and supervision

Policy #259.00: provides automatic disqualifiers for applicants undergoing the background investigation process

Policy #270.00: adds “scenario based” training to the policy and delineates specific responsibilities of actors, specifies requirements for assuring safety, assignment of a safety officer, and presence of trauma kit.

Policy 500.01: Specifies what is approved ammunition

Policy 530.00: delegates Community Services supervisor as responsible for safety protocols during scenario-based demonstrations/training

Other changes that affect SOP's and or General Orders:

Line inspections – creation of new canine unit inspection form

Create standardized form to register all approved/authorized firearms.

Revised training bulletin outlining safety officer responsibilities during scenario-based demonstrations/training. Recommended additions from

Director Todd Everly of Southwest Florida Public Service Academy

Revised training bulletin outlining guidelines for performance of search by Safety Officer during training or demonstrations.

General Order 1608-03: specifies approved ammunition and firearms and prohibition against use of blanks

General Order 1608-04: addresses the use of “less lethal” shotguns

General Order 1608-05: addresses the reorganization of armory to assure control and accountability

General Order 1608-06: specifies who has approval for access to the armory

General Order 1608-07: addresses the approval of holsters

Written Directive issued to all department personnel regarding the change of G.O. 1608-07 above

SECTION 2:

There supplements created for *SOP's 44 through 154* by department personnel. The following are those which I included in my review due to their relevance to the accidental shooting incident and the use of firearms, line inspections, and training:

Supplement #44

Supplement #46

Supplement #51

Supplement #52

Supplement #59

Supplement #60

Supplement #63

Supplement #65

Supplement #68

Supplement #72

Supplement #73
Supplement #75
Supplement #80
Supplement #80
Supplement #81
Supplement #85
Supplement #93
Supplement #95
Supplement #99
Supplement #101
Supplement #106
Supplement #107
Supplement #110
Supplement #112
Supplement #114
Supplement #129
Supplement #134
Supplement #135
Supplement #146
Supplement #150
Supplement #151
Supplement #152
Supplement #153

