

Punta Gorda Police Department
Professional Standards Investigation 16-001

To: Howard Kunik, City Manager
From: Lt. Terry A. Cochran
Date: August 25, 2017
Re: Final Report for Professional Standards Investigation 16-001

INTRODUCTION

On August 9, 2016, the Punta Gorda Police Department held a “Chamber Night” during which members of the Chamber of Commerce attended a presentation by the Police Department, toured the Department’s facility, learned about the Department’s equipment and personnel, and participated in department demonstrations. Tragically, during one of the Department’s demonstrations (referenced throughout this report as the shoot/don’t shoot scenario), Mrs. Mary Knowlton, a citizen, was shot and killed by Punta Gorda K-9 Officer Lee Coel.

Immediately following the tragic incident, City Manager Howard Kunik, among many other measures taken by the City, directed the Punta Gorda Police Department initiate a professional standards investigation. Due to the presence of almost the entire command staff at the August 9 incident, Lt. Terry A. Cochran was assigned to conduct the investigation.¹ The City’s labor attorney, Brian Koji of Allen, Norton & Blue, P.A., was retained to assist with the investigation.

As the Florida Department of Law Enforcement immediately responded to the scene of the incident on August 9 and initiated a criminal investigation that same night, the City deferred its internal investigation until after the FDLE completed and released its report. Although the FDLE provided their initial report to the State Attorney’s Office on or about October 17, 2016, the SAO’s review of the report and decision as to whether to proceed with criminal charges was not made until after further investigation by the FDLE and the SAO, with the SAO announcing the decision to initiate criminal charges against Punta Gorda K-9 Officer Lee Coel and Punta Gorda Police Chief Thomas P. Lewis on February 22, 2017. Officer Coel was charged with felony manslaughter while Chief Lewis was charged with misdemeanor culpable negligence.

Based on the severity of the allegation against Officer Coel, the City discharged him from his employment on March 9, 2017,² after affording him pre-disciplinary due process procedures required by Florida law. Officer Coel appealed his discharge, which was subsequently upheld on May 25, 2017 following a hearing on the matter.

In light the criminal charges filed against Chief Lewis, he was immediately placed on administrative leave pending the outcome of those charges and the completion of this

¹ Lt. Cochran was not present on August 9, 2016.

² Officer Coel had been on administrative leave since the incident occurred on August 9, 2016.

investigation. Chief Lewis' criminal trial was scheduled and held in June 2017. This investigation was deferred while those charges proceeded to trial. On June 29, 2017, Chief Lewis was found not guilty of the criminal charges, and this investigation commenced immediately thereafter.

ISSUES AND ALLEGATIONS INVESTIGATED AND INVESTIGATORY PROCESS

Based on the information set forth in the FDLE report and the SAO materials, and the information gathered by the City after the August 9 incident, the City initiated this investigation to review the origin and history of the Police Department's use of the shoot/don't shoot scenario, the safety protocols that were or were not put in place, and why those protocols failed to protect Mrs. Knowlton on August 9.

Additionally, the investigation was also tasked with developing these facts so that a determination could be made as to whether any disciplinary action or other employment actions were warranted with respect to currently-employed Police Department personnel.³ To this end, pursuant to the requirements of the Law Enforcement Officer's Bill of Rights, Sections 112.531-112.535 of the Florida Statutes, Lt. Chris Salsman was identified as a potential subject and provided with a Notification of Charges or Allegations on July 5, 2017. Likewise, Chief Lewis was identified as a potential subject and provided a Notification of Charges or Allegations on July 5, 2017.⁴

It should be noted that this investigation did not seek to re-investigate the matters and facts previously investigated by the FDLE and the SAO. Rather, a thorough review of those materials was conducted as part of this investigation. In addition to relying on the materials previously developed by the FDLE and the SAO, this investigation also reviewed: the evidence and trial testimony from Chief Lewis' criminal trial; Punta Gorda Police Department memoranda, general orders, personnel orders, emails, written policies, training forms, inspection forms, purchasing forms, and any related documents; video and still photos from past shoot/don't shoot scenarios; firearm purchase documents; and, firearms training manuals.

³ Although there were several other members of the Police Department who were involved, to one degree or another, in the shoot/don't shoot scenarios or the events of August 9, 2016, to the extent that several employees have since separated employment with the City the investigation did not include an investigation into any potential disciplinary action against these former employees. To that end, not only had Officer Coel already been discharged by the City, but several other potential subjects of the investigation, including Lt. Katie Heck and Captain Jeffrey Woodard, voluntarily chose to resign their respective employment before the initiation of this investigation.

⁴ Pursuant to Section 112.531(1) of the Florida Statutes, as the Police Chief, the Law Enforcement Officer's Bill of Rights does not apply to Chief Lewis. Notwithstanding, Chief Lewis was accorded the same rights accorded to Lt. Salsman during this investigation.

In addition to the statements compiled by the FDLE and the testimony elicited during Chief Lewis' trial, thirteen additional sworn recorded and transcribed statements were obtained from members of the department who were either involved in the August 9, 2016 incident, or were associated with past scenarios or the execution of them. Statements from former employees Lee Coel, Katie Heck, and Jeffrey Woodard were also requested.⁵ Former Lt. Heck agreed to provide a statement and was interviewed. Former Captain Woodard initially indicated a willingness to provide a statement, but subsequently declined. Former K-9 Officer Coel, through his criminal defense attorney, declined to provide a statement while the criminal charges against him remain pending.

All new statements (with transcriptions), all notices, and all reviewed data and documents are attached to the electronic file folder in the Professional Standards File for this investigation.

OVERVIEW OF RELEVANT FIREARMS, AMMUNITION, & SAFETY EQUIPMENT

There are several firearms, ammunition types, and pieces of safety equipment referenced throughout this report. For clarity, a brief overview of these items is provided as follows:

Relevant Firearms:

- Blue SIMS Gun – A Glock 17 semi-automatic pistol frame, fitted with a converted slide and barrel. The conversion kit helps preclude the introduction of live ammunition into the weapon. The conversion kit is blue and designates it as a Simunitions weapon. PGPD possessed 2 at the time of the August 9, 2016 event.
- Wooden Handel SIMS Gun– A silver in color, .38 caliber Smith and Wesson five shot revolver with wooden hand grips fitted with safety rings/ restrictors in each chamber of the cylinder to help preclude the introduction of live ammunition into the weapon. PGPD possessed 1 at the time of the August 9, 2016 event.
- Officer Coel's personal revolver – A Smith and Wesson 38-caliber Airweight revolver purchased and owned by Officer Coel, which he used during trainings with his K-9. Although this firearm is a live fire weapon capable of firing live ammunition, [REDACTED]
[REDACTED]
[REDACTED]

Relevant Ammunition:

- Simunition Marking Cartridge – These non-lethal cartridges are reduced energy ammunition. Each 9mm round consists of a casing, primer, small powder load, sabot and plastic marking projectile loaded with a colored marking compound. The .38 caliber

⁵ Under applicable law, former personnel cannot be compelled to provide a statement in an internal professional standards investigation.

ammunition rounds are basically the same minus the powder. The 9mm projectile has a velocity of approximately 360 to 490 feet per second depending on the type and weapon being used. The .38 projectile has a velocity of approximately 300 to 425 feet per second. The safety template for each is 523 feet. Both projectiles are considered non-lethal but capable of causing bruises, welts or scrapes. The severity of the injury increases in the area of the throat, groin, face, eyes and ears. The product guidelines direct them to be used only under the direction of a qualified Simunition training safety officer and while wearing the mandatory head, throat and groin protection. They are required to be used in clearly identified converted weapons only. It further states improper use can cause serious injury or damage.

- Simunition Marking Cartridge with projectile removed – These rounds are the same as the Simunition Marking Cartridge, but modified by PGPD personnel to remove the paint/marketing projectile.
- Blazer brand 38 caliber wadcutters -- These live ammunition cartridges were used by Officer Coel during the shoot/don't shoot scenario on August 9, 2016. Officer Coel, believing these rounds were blank rounds due to their similar physical appearance, mistakenly loaded these into his personal revolver rather than loading blank rounds to use in the scenario.
- Winchester 38 caliber blanks – In February 2016, the Police Department purchased 3 boxes of Winchester 38 caliber blanks for Officer Coel, presumably to use for K-9 training.

Relevant Safety Equipment

- Face Shield and Helmet -- The required protective hard-shelled helmet with a velocity-rated full face shield to prevent serious eye, ear, temple, and other soft tissue injuries to the role-player. PGPD possessed 8 (4 full-covered and 4 half-covered) at the time of the August 9, 2016 event.
- Throat Protection -- The required protective padded wraparound accessory to prevent serious soft tissue damage to the role-player's neck and major arteries. PGPD possessed 6 at the time of the August 9, 2016 event.
- Torso Protection -- The optional protective chest pad to prevent injuries to the role-player. PGPD possessed 5 at the time of the August 9, 2016 event.
- Groin Protection -- The required protective pad to protect the soft tissue of the role-player's genitalia.

BRIEF OVERVIEW OF SHOOT/DON'T SHOOT SCENARIOS

This investigation focuses on the implementation and operation of shoot/don't scenarios used by the Punta Gorda Police Department during public demonstrations on five separate occasions between April 30, 2015 and August 9, 2016. The purpose of the scenarios is to provide citizens with an illustration of some of the types of dangers encountered by officers and the split-second reactions and decisions that officers may be called on to make while performing their job responsibilities.

A thorough history of the origin of the shoot/don't shoot scenarios, and the Department's incorporation of them is set forth below. For convenience, a brief overview of the shoot/don't shoot scenarios, as used by PGPD, is as follows:

The shoot/don't shoot demonstration consisted of two separate scenarios. Typically, except for the May 3, 2016 Police Officer Experience Day event, each of the two scenarios were run several times so that multiple citizens could participate.

In the first shoot/don't shoot scenario, a PGPD officer played the role of a suspicious person, while a citizen played the role of a police officer responding to the scene. Unbeknownst to the citizen, the suspect is armed and is called on to surprise the citizen by confronting the citizen and discharging the previously-concealed weapon (with Simunitions rounds or blanks, as detailed below). In many cases, the citizen fails to react in time to protect him or herself.

The second shoot/don't shoot scenario takes place immediately after the first scenario is concluded. In the second scenario, two PGPD officers are role-playing as combatants wrestling with each other. While they are wrestling, the citizen, who is still role-playing as a police officer, is tasked with responding to the scene and confronting the two combatants. The citizen responds, one of the combatants (both of whom are unarmed) aggressively approaches the citizen. In many cases, the citizen overreacts and shoots the unarmed individual.

BRIEF CHRONOLOGY OF PGPD'S USE OF SHOOT/DON'T SHOOT SCENARIOS AND RELEVANT PARTICIPANTS

A total of five events incorporating the citizen shoot/don't shoot scenarios have been held by the Punta Gorda Police Department as of August 9, 2016. A list of events and relevant individuals who participated or attended based on the photographs and video taken at the time they occurred includes:

1. April 30, 2015 Leadership Charlotte Event

- Lt. Rick Mohaupt: Played the role of perpetrator/shooter in the first shoot/don't shoot scenario. During the first instance of the scenario, Lt. Mohaupt used the wood-handled Simunition revolver. During the second running of the scenario, Officer Coel's

personal .38 revolver was used. Lt. Mohaupt also played the role of a combatant during the second shoot/don't shoot scenario (during which the officers, unlike the citizen role-player, do not use any firearms).

- K-9 Officer Coel: Played the role of a combatant during the second shoot/don't shoot scenario. No firearm used by Officer Coel during that scenario.
- Citizen role-players: During the first and second shoot/don't shoot scenarios; the citizen role-players possessed the Department's Blue Simunitions revolver.
- Captain Lewis: Then-Captain Lewis was present and acted as a facilitator during the shoot/don't shoot scenarios.
- Lt. Woodard: Then-Lt. Woodard was present and acted as a facilitator during the shoot/don't shoot scenarios.
- Captain Jim Nichols: Reserve Captain Jim Nichols was present and made comments during the shoot/don't shoot scenarios portion of the event.
- Lt. Cochran: Was present for part of the event, but did not have a role in the shoot/don't shoot scenarios.

There are 8 videos and 58 photographs of this event.

2. February 11, 2016 Leadership Charlotte Event

- Officer Terry Chow: Played the role of perpetrator/shooter in the first shoot/don't shoot scenario. In all instances of that scenario, Officer Chow used the wood-handled Simunition revolver. Officer Chow also played the role of a combatant during the second shoot/don't shoot scenario and did not have a firearm for that scenario.
- Officer Kelvin Jimenez: Played the role of a combatant during the second shoot/don't shoot scenario. No firearm used by Officer Jimenez during that scenario.

- Citizen role-players: During the first and second shoot/don't shoot scenarios; the citizen role-players possessed the Department's Blue Simunitions revolver.
- Chief Lewis: Chief Lewis was present and acted as a facilitator during the shoot/don't shoot scenarios.
- Cpt. Woodard: Cpt. Woodard was present and acted as a facilitator during the shoot/don't shoot scenarios.

There are 67 photographs of this event.

3. March 23, 2016 Punta Gorda Citizen Academy

- Officer John Kennedy: Played the role of perpetrator/shooter in the first shoot/don't shoot scenario. In all instances of that scenario, Officer Kennedy used the wood-handled Simunition revolver. Officer Kennedy also played the role of a combatant during the second shoot/don't shoot scenario and did not have a firearm for that scenario.
- Ofc. Shane Chodakowsky: Played the role of a combatant during the second shoot/don't shoot scenario. No firearm used by Officer Chodakowsky during that scenario.
- Citizen role-players: During the first and second shoot/don't shoot scenarios; the citizen role-players possessed the Department's Blue Simunitions revolver.
- Chief Lewis: Chief Lewis was present and acted as a facilitator during the shoot/don't shoot scenarios.
- Lt. Salsman: Lt. Salsman was present and acted as a facilitator during the shoot/don't shoot scenarios.
- Lt. Cochran: Was present for part of the event, but did not have a role in the shoot/don't shoot scenarios.

There are 89 photographs of this event.

4. May 3, 2016 Police Experience (i.e., "Cop for a Day") Raffle Winner

- Captain Nichols: Played the role of perpetrator/shooter in the first shoot/don't shoot scenario. Captain Nichols used the wood-handled Simunition revolver. Nichols also played the role of a combatant during the second shoot/don't shoot scenario and did not have a firearm for that scenario.
- Lt. Salsman: Played the role of a combatant during the second shoot/don't shoot scenario. No firearm was used by Lt. Salsman during that scenario, but he had his Department-issued firearm on him during the scenario.
- Amanda McCorkle: Ms. McCorkle, a citizen, won the Police Experience raffle and participated as the citizen role-player in the shoot/don't shoot scenarios. She possessed the Department's Blue Simunitions revolver.
- Lt. Mohaupt: Lt. Mohaupt was present and acted as a facilitator during the shoot/don't shoot scenarios.

There are 19 photographs of this event.

5. August 9, 2016 Chamber of Commerce Night

- K-9 Officer Lee Coel: Played the role of perpetrator/shooter in the first shoot/don't shoot scenario involving Mrs. Mary Knowlton. Officer Coel used his personal 38 revolver.
- Ofc. Shane Chodakowsky: Scheduled to play the role of a combatant during the second shoot/don't shoot scenario.
- Mary Knowlton: Citizen Role-player provided with the Department's Blue-handle Simunitions revolver.
- Chief Lewis: Chief Lewis was present and acted as a facilitator during the shoot/don't shoot scenario.
- Captain Woodard: Captain Woodard was present and acted as a facilitator during the shoot/don't shoot scenario.

- Lt. Salsman: Lt. Salsman was present and acted as a facilitator during the shoot/don't shoot scenario.

There are 10 videos and 17 evidentiary photographs of this event.

Photographs and video of these events were recorded and stored on the department data base for archive purposes at the time of the events. Copies of these photographs and videos were later placed into the 16-001 Professional Standards File for reference.

AUGUST 9, 2016 INCIDENT

The FDLE report concluded Mrs. Knowlton's death at the Chamber Night event on August 9, 2016 occurred when Officer Coel fired during a shoot/don't shoot scenario in her general direction after loading his personally owned Smith and Wesson 38 caliber Airweight revolver with live ammunition, being unable to tell the difference between his department issued Winchester 38 special blanks and Blazer brand wadcutter bullets. The wadcutter bullets were provided to Officer Coel several weeks prior to the August 9 event by his former supervisor, Lt. Katie Heck. The wadcutter bullets ricocheted off the hood of the car in the scenario striking Mrs. Knowlton twice, once in the elbow and once in the abdomen.

At the time Lt. Heck provided the two boxes of Blazer wadcutter bullets to Officer Coel, along with a box of Focchi 380 caliber crimped blanks, she mistakenly misidentified them as being blank rounds. The ammunition was from her home and had been previously owned by her husband who was at one time a Charlotte County Sheriff's Department K-9 Officer. Blanks are commonly used by K-9 officers during their routine training with their canine partners.

[REDACTED]

Additionally, the investigation revealed the Punta Gorda Police Department previously purchased 150 Winchester 38 caliber blanks (3 boxes) and issued them to Officer Coel in February of 2016 at his request. The purchase was approved by his supervisor at the time, Lt. Heck, with the approval of Chief Lewis. These blanks are compatible with a live fire .38 caliber revolvers and live fire 357 magnum revolvers.

There was no other live projectile ammunition for the 38-caliber revolver found in Officer Coel's patrol vehicle by FDLE other than those provided to him by Lt. Heck. The 38 caliber wadcutter bullets and the remainder of the 150 Winchester 38 caliber blanks were found stored in the rear equipment compartment of his vehicle along with the manufacturer's gun case for the Smith and Wesson revolver used in the August 9 incident. All live .40 caliber pistol ammunition for use in Officer Coel's primary department-issued firearm, was stored in the front passenger section of the vehicle. Sworn statements given during the FDLE investigation, testimony during Chief Lewis' criminal trial, [REDACTED]

[REDACTED]

Per department records, the Smith & Wesson 38 caliber revolver used by Officer Coel in the August 9 incident was not registered with the police department as a secondary or off duty weapon as required by policy. The blank ammunition provided to Officer Coel by Lt. Heck from her home was never submitted for approval by either of them to the Lt. in charge of employee development as required by policy, nor did the ammunition meet the guidelines for Department approval, which required they be of the same manufacture, caliber and type issued by the Department.

According to the FDLE report, no one involved in the scenario as a facilitator or role player checked the live fire revolver or ammunition Officer Coel was using in his role prior to the scenario. Other than the check of the Simunitions gun and ammunition provided to, and carried by, Mrs. Knowlton in the scenario, no other safety briefings or checks were conducted on any Police Department role players or equipment. There were no written safety protocols, guidelines, or scripts developed for the citizen shoot/don't shoot scenarios.

As detailed below, the role-playing scenarios were originally adapted by the Punta Gorda Police Department based on a YouTube video in 2015 from a similar scenario put on by the Maricopa County Sheriff's Office in Arizona.

During the investigation, statements from the officers who were involved in, or who observed, the role-playing scenarios on the several occasions they were held, revealed that the strict industry standard force-on-force Simunition training safety protocols which are routinely followed by the Punta Gorda Police Department during officer training exercises were not followed on August 9 or on prior occasions during the shoot/don't shoot scenarios. As discussed comprehensively below, these omitted protocols included not having a written lesson plan, not requiring necessary safety equipment (helmets, masks, throat and groin pads) be worn by all participants inside the live scenario, not performing safety briefings and debriefings, not conducting multiple safety checks (to check for live weapons, live ammunition, personal space), and not using necessary safety equipment for observers in the immediate area (approved eye protection).

Statements given after the incident by Chief Lewis, Lt. Salsman, Captain Woodard, and Officer Chodakowsky indicated they were expecting blanks to be fired, which at the time also appeared to be unprecedented and in direct conflict with established Simunition training protocols previously followed by the Department.

SUMMARY OF RELEVANT FDLE REPORT AND STATEMENTS CONCERNING THE INCIDENT

A. Chief Lewis' FDLE Statement

In his initial statement to the FDLE, Chief Lewis referred multiple times to Officer Coel using his revolver to fire blanks and acknowledged blanks were purchased and provided to him for canine training. He was unclear on the origin of the firearm Officer Coel used during the incident. He refers to a time when the perpetrator role used Simunition ammunition and how

the department had since transitioned to blanks so it would have more of an audible impact when discharged.

Chief Lewis incorrectly estimated that the scenarios had been performed approximately ten times (instead of only five times) over the past year and that Officer Coel had participated several times in the role as the perpetrator shooter (August 9 was Coel's first time in that role, though he had served in the role of a combatant in the second shoot/don't shoot scenario on a prior occasion).

He is unclear as to who oversaw the scenarios and referred to Captain Woodard and Lt. Salsman "tag teaming it." He stated he was narrating to the crowd. When asked about a safety officer being assigned, he stated Captain Woodard specifically loaded Mrs. Knowlton's Simunitions weapon and he thought Detective Davoult checked Officer Coel's gun, but could not be sure. He could not advise for sure if anyone checked Officer Coel's revolver.

B. Lt. Salsman's FDLE Statement

In his statement to FDLE, Lt. Salsman indicated he had only participated in this type of citizen scenario once before and referred to blanks being fired by the perpetrator shooter role player. He indicated he felt Captain Woodard would have been considered the designated safety officer on August 9 due to the interaction Captain Woodard had with the citizen role player, Mrs. Knowlton, wherein he explained the danger related to the weapon she was using and how to be safe with it.

When asked who briefed Officer Coel prior to the incident, Lt. Salsman inaccurately indicated that, due to this being a repeat scenario done numerous times with Officer Coel as the perpetrator shooter (in actuality, it was Coel's first time in that role), the scenario would be the same with no deviation, indicating no need to pre-brief him. He also indicated no briefing occurred for the role players prior to the scenario. He stated it would have been incumbent on he and Captain Woodard to check Officer Coel's weapon; however, since everything appeared set and ready to go when he joined the scenario portion he assumed it had already been done.

He stated he was told the revolver used by Officer Coel during the incident was his K-9 training weapon, which Officer Coel used with blanks. He did not indicate who told him. He referred to a Simunition 38 revolver which had been used in the past with blanks, indicating it had restrictors installed to prevent live bullets from being loaded. He further stated he was unfamiliar with blank ammunition.

C. Captain Woodard's FDLE Statement

Captain Woodard in his statement to FDLE correctly estimated the shoot/don't shoot scenario had been conducted four times prior to the August 9 incident. He indicated the scenario was taken from a YouTube video and adapted. He stated that, other than a schedule outline, there was no written guidance for the scenario or role players to follow.

He stated he was originally not supposed to be present during the August 9 event, but was able to make it and filled in as a time keeper to keep the night's events moving along since Lt. Heck, who helped organize the event, could not make it.

At one point, he loaded and conducted the safety check on the Simunition weapon given to Mrs. Knowlton to ensure it contained Simunition rounds. He stated he was assisted in that endeavor by Detective Justin Davoult as a second safety check officer for the Simunition ammunition and gun.

He advised he did not have a briefing or safety check with Officer Coel but did provide him and Officer Chodakowsky with Simunitions protective equipment. He indicated he was fully aware of the required safety protocols when using Simunition training equipment. He further stated he did not perform those protocols before the incident aside from checking Mrs. Knowlton's weapon and providing her with safety instructions on handling the Simunitions weapon and how dangerous it could be for her and her classmates if she were not careful.

He indicated Officer Coel was using his K-9 training revolver, which he believed used nothing but blanks. He was confused or unclear as to whether it was department issued. He did not advise who authorized the use of the revolver or whether there was any discussion about it amongst the staff. He further states he did not think it would be allowed as a dual-purpose weapon, meaning training and secondary or off-duty carried. He acknowledged he had just taken over the supervision of Officer Coel in the past month or two.

He stated in the past there were always four or five scenario participants or facilitators present and they all act as safety officers. He assumed they all checked each other but stated he had never checked anyone in the past. He stated he assumed Officer Coel's training firearm would only fire blanks and not actual rounds. He did note seeing it in Officer Coel's waist band prior to the incident. He advised he was not familiar with blanks and would not recognize one. He advised there was no briefing for facilitators and role players prior to the start of the scenarios.

He incorrectly stated Officer Coel had played the perpetrator role player in most of the previous scenarios put on for the public so his conversation with him about the scenarios was they were doing the same ones. He stated he did not speak with the second role player, Officer Chodakowsky, at all. He advised he thought everyone felt comfortable based on the fact the scenarios had been conducted several times in the past with great results, which might indicate that as a possible cause regarding why no briefings were being conducted.

He noted an approaching rain storm pushed the scenarios up in the scheduled time line for fear of not being able to get them in before it arrived. He advised he was unsure if Officer Coel's K-9 weapon had ever been inspected before, but stated it might have been during the required department quarterly line inspections. When asked if he had ever seen safety checks performed in past scenarios he stated he could not remember. He indicated Officer Coel was previously supervised by Lt. Heck before he took over that function in July. He repeated the fact there was no designated safety officer and, in his mind, everyone was acting as safety officer at the time of the August 9 incident.

In a second interview provided to FDLE on August 15, 2016, Captain Woodard advised the scenarios were obtained from an Arizona YouTube video and later distilled or transformed into the current shoot/don't shoot citizen scenarios by Chief Lewis when Lewis was a Captain approximately a year and one half earlier. He reiterated there were never any written scripts, scenario procedures, safety protocols, or role play directions used. He advised, when asked, that there was no policy that dictated a designated safety officer is in place. He further stated, after being asked about written scripts for the role players, that there were none. He agreed with the interviewer that the scenarios were more ad-libbed than planned.

D. Officer Shane Chodakowsky's FDLE Statement

FDLE interviewed Officer Shane Chodakowsky, who advised he was scheduled to be the second perpetrator (i.e., non-shooter combatant) for the second shoot/don't shoot role playing scenario on August 9. In the second role playing scenario, no weapons are supposed to be involved, other than the Department's blue Simunitions gun carried by the citizen.

He acknowledged the Simunitions protocol required multiple checks of all participants for live weapons or rounds, which are prohibited to be in the vicinity of the scenario. He stated he was not checked before this scenario started nor did he see anyone check Officer Coel. He advised the perpetrator shooter role required the wearing of safety mask so the officer playing the role was not injured by the Simunitions ammunition fired at them by the citizen. He said the officer was to fire a pistol containing blanks in the citizen's general direction or at the ground. However, he acknowledged he had never played the role and did not know the protocol for firing blanks.

He assumed Lt. Salsman was in charge of the scenario because of his position at the time as the Department's training Lt., but he could not tell from any conversations occurring prior to the incident.

He referred to the revolver used by Officer Coel during the incident as his canine training pistol, but did not clarify how he knew it. He referred to a conversation he heard between Officer Coel and Lt. Salsman in passing about the ammunition and maybe something about it being louder. He stated at the time it did not stand out.

E. Officer Coel's Attorney's Letter to the FDLE



F. Additional Material and Questions Raised by the FDLE Report

The FDLE report and the Department's security video supported most statements given as to the location of the participants and observers prior to, during, and after the incident. However, it left many unanswered questions and raised new ones to be addressed in this internal investigation. To that end, there was no clear information in the FDLE's report as to who, if

anyone, authorized the use of Officer Coel's personal revolver in the shoot/don't shoot scenario. It seems apparent that Captain Woodard only prepared one Simunitions weapon for Mrs. Knowlton on August 9 and did not also prepare a Simunitions weapon for Officer Coel to use, which clearly indicated another (non-Simunition) weapon was being used in the scenario.

The FDLE investigation also did not reveal a purchase location or date of purchase for the Officer Coel's revolver used during the August 9 incident.

Involved Department personnel interviewed the night of the incident indicated they were expecting blank rounds to be fired by Officer Coel. His supervisors should have been aware he had some type of firearm for his K-9 blank training as he was issued 150 rounds of Winchester 38 special blank ammunition six months prior to the incident, which he apparently used while perform other K-9 demonstrations. Notwithstanding, none stated they were sure of where the live fire revolver came from or who it belonged to on the night of the incident.

[REDACTED]

Statements indicated there were never any written plans, directions or protocols for the citizen shoot/don't shoot scenarios, but no one indicated why they deviated from established safety protocols used for force-on-force Simunition type training amongst officers, or who authorized any such deviations. Similarly, there was no indication if any safety planning occurred prior to emulating the YouTube training video in the scenarios.

OVERVIEW OF PGPD'S SIMULATION TRAINING/SIMUNITIONS TRAINING/REALITY-BASED FORCE-ON-FORCE TRAINING

The Punta Gorda Police Department has safely used force-on-force simulation training on a regular basis for over fifteen years. Another common name for the training is reality based force-on-force training. There are different manufacturers who provide a wide array of products for this type of training. The Punta Gorda Police Department utilizes marking cartridges, weapons conversion kits, and revolver safety rings (restrictors) manufactured by Simunition Inc. Due to that brand being used, it has become known at the department as Simunitions training.

The weapons conversion kits and safety rings prevent live projectile ammunition from seating in the weapon and being fired; however, it might not prevent a detonation of the ammunition. Because of this, additional multiple mandatory safety checks of the training area, and all participants or observers within it, are required to prevent live ammunition and non-converted weapons from being introduced inadvertently into the scenario.

As described above, the Simunition marking cartridges are non-lethal reduced energy ammunition. Notwithstanding, they can cause serious injury or damage. Accordingly, the product guidelines direct them to be used only under the direction of a qualified Simunition training safety officer and while wearing the mandatory head, throat and groin protection.

The Punta Gorda Police Department has two currently certified Simunitions Instructors, Reserve Officer Rick Mohaupt (2000 to Non-Expiring) and Lt. Mark Bala (1999 to Non-Expiring). Both were certified at police training institutes for force-on-force simulation training (not specific to the Simunition brand, but which was included). Two additional past Simunition instructors are also currently employed. They are Chief Lewis (2002 to 2011) and Lt. David Lipker (2002-2011). Both were certified by the Simunitions Company, which requires recertification every three years.

A. Simulation Training Manuals

After the August 9, 2016 incident, a manual on simulation training safety from the International Association of Law Enforcement Firearms Instructors was provided to City Manager Howard Kunik by a concerned citizen. The manual is a 2004 edition titled, "IALEFI⁶ Guidelines for Simulation Training Safety," and authored by Emanuel Kapelsohn. It was provided to Lt. Cochran for reference during this investigation. Lt. Cochran spoke with Punta Gorda Police firearms and Simunitions instructor, Lt. Bala, about the organization. Lt. Bala confirmed the IALEFI was well known and well respected throughout the country. He advised he was not familiar with their manual because he attended the Armiger Police Training Institute for his force-on-force simulation instructor certification.

The section titled, "*The Introduction: The Problem*," (pg. 9) describes how the increase of man on man role playing training or simulation exercises have increased over the years and the number of deaths resulting from the training has also climbed. It names four causes the tragic and invariably avoidable training deaths or injuries were attributed to: (1) The presence (often, but not always, inadvertent) of live ammunition in the training area; (2) The use of functional firearms as training props; (3) Failure to follow proper safety procedures to prevent accidents from occurring; and, (4) Conducting of simulation exercises by instructors who have not themselves received any instruction in how to conduct this type of training properly. The section titled, "*Background – Compendium of Training Accidents*," (pg.10-14) gives twenty-six examples of training injuries or deaths associated with those four causes.

The section titled, "*Use of Blanks or Primer Rounds*," (pg. 17) describes the inherent dangers associated with those types of ammunition. It adds the dangers are heightened when a working firearm is used for the firing of the blanks. Proximity of role players is stressed as a particular problem in using these types of firearms. It also states both blanks and primer rounds have the potential to cause serious injury or death, and should only be used with rigorous safety precautions in simulation training.

The section titled, "*Safety Principles for Simulation Training*," (pg. 18-24) describes fifteen safety principles to improve the safety of simulation training exercises. (1) No Live Ammunition is Allowed in the Training Area; (2) Don't Use Functional Firearms as Weapons; (3) Establish a Secure Training Area; (4) Use the Triple check Safety Rule; Trainee Checks Themselves, Trainee is Checked by Other Trainee, Trainee is Checked by Instructor or Safety Officer; (5) Appoint

⁶ IALEFI refers to the International Association of Law Enforcement Firearms Instructors.

Designated Safety Officer; (6) Use Scripted Scenarios; (7) Use Proper safety Equipment; (8) Establish a Stop Scenario Command; (9) Stand Down Command; (10) Establish an Out of Role Command; (11) Prevent Outside Interference or Alarm; (12) Do Not Attempt to Fabricate Your own Safe training Ammunition or Weapons; (13) Instructors (Not Students) Should Provide and Inspect Authorized Training Weapons and Training Munitions; (14) Recognize the Potential for Serious Injury Exist with Each Type of Training Munition, and Take Appropriate Safety Measures to Manage Risk (use of proper safety equipment, proper scripting of scenarios, and close control of exercise by instructor or safety officers); and, (15) Obtain or Conduct Formal Instructor Training (Simunition training and Armiger Police Use of Force Simulation Training is noted).

Section 2 under safety principles discusses the heightened danger of using functional firearms. Section 3 under safety principles discusses only instructors being authorized to furnish all weapons and munitions for the training. Notably, that section further describes how, for many people, without close inspection a .38 caliber wadcutter may look like a blank cartridge, but the difference between the two can be fatal. It emphasizes that only the instructor or safety officer should provide the weapons and munitions for this reason.

The remainder of the manual (pg. 30-35) contains sample scenario check lists, debriefing forms, and caution signs to be posted during training. These lists, forms and postings, or similar materials, should be considered for use in future simulation training for department personnel.

A copy of the IALEFI manual is attached to the 16-001 Professional Standards File for reference.

Additionally, Lt. Bala provided his training manual from the Armiger Training Institute where he received his certification as a simulation instructor. The Use of Force Simulation Instructor Manual V. 4.3 is also attached to the 16-001 Professional Standards File for reference.

The manual states the four basic rules of firearm safety, treat them all as loaded, keep your finger off the trigger until on target and ready to fire, point muzzle in safe direction at all times, and be sure of your target and what is beyond. It states while these rules apply to force-on-force simulation training they are slightly modified to allow for the engagement of live adversaries under controlled conditions. Therefore, in the training scenarios using marking projectile firing weapons, participants are required to use specialized protective equipment (pg. 1).

It states wrap around eye protection meeting the standards for a 400 feet per second projectile (ANSI rated) must be worn by all persons in the training area (observers) at a minimum and face and throat protection is highly recommended because they are at risk. The participants in the scenario are required to wear suitable eye, face, throat, groin protection and gloves (pg. 5).

It states one safety officer should be designated to check the entire training safety area and all participants. The safety officer should issue all training weapons used in the scenario. Only converted firearms are allowed in the safety area (pg. 5).

It requires you to tightly script your role players and control them. It provides an outline and set of procedures in developing and writing scenarios to include, scripting the scenario, role player selection and training, safety guidelines and site security to name a few (pg. 33). It requires a final briefing prior to the start of the scenario which establishes all of the role players' rules of engagement, no live weapons or ammunition, knives or sharp objects and training area safety integrity if someone leaves it and tries to re-enter (pg. 37).

Notes contained in the notebook warn that taking the detergent portion of a marking cartridge off (i.e., removing the marking projectile) could cause shrapnel to expel from the barrel when it is fired.

B. Statement of Simunitions/Firearms Instructor, Lt. Bala, Regarding Simulation Training Safety Protocols

During the investigation, Lt. Bala was requested to provide a sworn statement concerning recognized safety protocols used by law enforcement agencies, including the PGPD, for force-on-force training simulations.

Lt. Bala advised he has been with the Punta Gorda Police Department for approximately five and one half years. Prior to starting with the Police Department, he was employed by the Charlotte County Sheriff's Office. He retired as a Lt. and commander of the sheriff's office training division. Lt. Bala stated he started instructing in the mid-1980's in a vast number of disciplines. He stated he was a firearms instructor, Simunitions instructor, patrol rifle instructor, defensive tactics instructor, and SWAT instructor.

Lt. Bala described the make-up of the Simunition brand marking cartridge that PGPD uses in officer training scenarios. He explained the projectile is traveling at 300 to 400 feet per second, and the fact it could cause injury if you were not wearing the required facial, neck and optional groin protection. He stated the damage would be severe if you got hit in the eye without adequate protection.

When asked to describe the PGPD protocols used for each Simunitions training scenario for officer training, he stated it starts in the classroom with instruction on what to expect. He would let everyone know there are no firearms, knives, live ammunition, live Taser cartridges, spray, or anything else that can hurt you, permitted in the training area.

Once at the training site, they cordon the training area off so unwanted people cannot stroll through, and to make sure they keep any observers a safe distance away so an errant projectile does not hit someone outside the training area. That is why you establish a standoff distance. This area is fully checked for any of the previously described prohibited items and if vehicles are involved they are also cleared for those prohibited items.

He advised you then begin safety searches of every participant, including the instructors and any equipment they bring to the training area. He stated he usually has them check each other in his presence then he follows up with his own safety check.

He stated you are looking for anything that has the potential to hurt someone, such as knives and live firearms, predominately.

He stated if you leave the safe training area for any reason, you are again searched, along with your equipment, before being readmitted to the area just in case you inadvertently picked something up you should not have while outside the area.

He stated he then concentrates on the Simunitions marking cartridges and converted weapons being used. If the converted weapons have any ammunition left in the pistol magazines, he would unload to assure they are all Simunition marking cartridges. He advised he would then check the converted weapons for function and to make sure they were in a safe working condition.

He stated at that point he would open the box of Simunition marking cartridges and show everyone they are safe marking cartridges only because at times the participants are allowed to load the weapons while remaining in the safe training area. At that point he would allow the magazines and weapons to be loaded.

He stated there needs to be a written lesson plan with an outline and it needs to be scripted so the role player knows exactly what to do because, as he explained, at times role players like to go off script. He advised you should always meet with the role player before the scenario and specifically tell them what to do and not do. He stated if the role player is unfamiliar with the scenario he should be handed the written script. The plan and script would also identify who the instructors are and their roles.

He agreed when asked that safety protocols and departmental policies are two separate issues and sometimes policies do not include all of the safety protocols required for the exercises or training. He stated just because safety protocols are not written in your policies does not mean you do not have to follow them. He advised you have to be safe and operate your training so no one is hurt regardless of what is in or not in the written policies. He advised you know the safety guidelines for doing the training so you need to follow the accepted protocol for it.

He advised in his career at the sheriff's office, they never had a policy for these protocols but he went to school to learn them and then came back to practice what was taught.

He agreed these PGPD safety protocols for the Simunitions training were common knowledge amongst Department personnel. He stated everyone is a safety officer. He stated this is the reason you go over so much information with everyone before starting the scenarios. It's another way of reinforcing safety precautions each time.

He advised the safety equipment for the helmet/face, neck and groin is necessary to protect the participants. He stated gloves and vest are optional. He advised the police department does not issue groin protection, but he feels it is needed as a Simunitions projectile hitting you in that area could cause an injury. He stated that, as an instructor, he might go light because he knows where the scenario is going, but he will always have a helmet on. He stated if they were shooting paper targets only he would require safety glasses. He stated anyone in close

proximity to the training scenario should be wearing the equipment. He defined close proximity as the distance the projectile can travel. He then estimated that distance to be more than a hundred feet for the Simunitions marking cartridges used by the department.

He was asked his perspective on the argument made by some involved, that the citizen shoot/don't shoot scenarios did not constitute training such that the same safety protocols used for regular police officer Simunitions training should not apply. He responded safety protocols were paramount no matter who is involved in the scenarios. He advised you abide by the protocols because accidents can happen. He further stated you do the safety protocol to make sure your role players understand what is going on because they could improvise and possibly inflict harm if you don't.

Lt. Bala stated he was not familiar with the citizen shoot/don't shoot scenarios until he saw the news coverage from the Knowlton incident. He advised he never participated or assisted with the development and was never asked to do so.

Lt. Bala was asked if it was acceptable to alter the safety protocols, weapons and ammunition not previously allowed in the scenarios during Simunitions based training. He was also shown the photographs from the April 30, 2015 event and the May 3, 2016 event. He agreed the lack of safety equipment for the role players in each were problematic and could have ended with an injury.

He stated he would be very uncomfortable handing a loaded Simunitions gun to a citizen not wearing the required protection. He described how citizens not familiar with gun safety sometimes raise the gun up in a "Charlie's Angel's style" where it is pointed at, or close to, their heads.

After viewing the photographs from the two events, he stated it appeared there was a custom of doing things in the agency well before the incident with Mrs. Knowlton of allowing people to use Simunitions marking cartridges without being fully outfitted, which would make him very uncomfortable. He stated he would not want to hand a gun to someone not familiar with it without the protection being in place.

When asked, he agreed the safety protocols were in place for a reason and there is no good reason not to follow them. He stated it was not about trust, but about safety. He advised anyone can make a mistake.

He agreed there would never be a reason to sacrifice safety protocols for a louder report from the gun. He stated he was only familiar with blanks being in the curriculum because he watched portions of Chief Lewis' trial. He advised he had seen blanks used in a school he attended in Cape Coral, and he thought it would be nice to have because it was safe. He further advised he had never used blanks in any of his training scenarios during his entire career, except for K-9 training. He advised he was not a proponent of the big bang stuff because, in his mind, the desired stress can be built through the scenario itself.

He advised if he were just attending one of the events and not involved in the setup he would assume the safety protocols were being followed. However, he then stated if he did see something that was unsafe he would feel compelled to speak up, as anybody else should.

Lt. Bala was asked how you avoid the "too many cooks in the kitchen" issue where others may be assuming incorrectly that safety protocols are being implemented by someone else involved in the scenario. He advised it goes back to good planning in the beginning, having a lesson plan, designating who is in charge, role player selection, and safety officer selection.

He stated earlier in his career he did not have the luxury of a designated safety officer until his staff increased later. He advised that, at PGPD, he has not had an officer solely designated as safety officer until after the August 9 incident. Rather, they would share safety responsibilities and, as the person in charge, check off the safety inspections. He further stated that, just because you do not have an officer assigned as a primary safety office, someone should still be designated even if are filling more than that one role. He advised in the past five years, with the department's size, a 100% dedicated safety officer was not feasible but he still ran safe scenarios without one because someone was still designated for that roll.

He stated officers at the Department have been schooled on the required safety protocols discussed above. Each officer is aware of the need to watch everyone else. Additionally, in training, they never use weapons not designed to fire Simunitions marking cartridges. He advised you still start off with a safety briefing, with everyone around checking and double-checking each other and any weapons to be used. He advised everyone must have the right equipment on, and this is being checked visually and questioned all through the scenarios.

He agreed based on his knowledge of the FDLE investigation conclusions and the Chief's trial that no one appeared to be in charge during the August 9, 2016 incident. He agreed someone should have been. He agreed there should have been a meeting of the minds with those involved or facilitating the shoot/don't shoot scenarios to discuss that and to designate responsibilities. He reiterated that it goes back to the scripting of the scenario. He stated even though you may have done it a few times there is a need to review and discuss it to make sure everyone is on the same page.

He agreed everyone in the Department knows and is familiar with these normal safety protocols, because it is routinely practiced at the Department. He stated that, in preparing for training scenarios, you should not make assumptions regarding safety protocols, or it might not get done. If two officers erroneously assume the other performed required safety checks when, in reality, neither did, then there could be an accident. He again stated it goes back to the lesson plan or script, which should clearly designate who is in charge. According to Lt. Bala, there should be something in writing for scenarios regardless of what it is being labeled as.

An example of an existing Punta Gorda Police Department scenario based training lesson plan is attached to the 16-001 Professional Standards File for reference.

HISTORY OF SHOOT/DON'T SHOOT SCENARIO AT PGPD

A. Origin of the Shoot/Don't Shoot Scenario

The shoot/don't shoot scenario was originally adapted from a scenario developed by the Maricopa County Sheriff's Office in Arizona. The Black Lives Matter Movement was conducting demonstrations in the Phoenix area protesting the shooting of an unarmed man by the Phoenix Police, so Maricopa County asked one of the leaders of the movement to participate in the scenario so he could witness firsthand how difficult it was for police to make the split-second decision on the use of lethal force. A reporter for Fox 10 News who filmed the scenario also participated.

Their presentation used three scenarios, two of which the Punta Gorda Police Department adapted. The scenarios appeared to be staged for the cameras and participants only, with no other observers seen in the vicinity.

The idea behind the scenarios was to use the first one to heighten the senses of the citizen police officer role player by luring him into a position where he is vulnerable to the suspect role player, who then discharges a weapon toward the ground near him, thereby raising his sense of danger even higher as he prepares for the second scenario. During this second scenario, the citizen is again lured in, and approached by the suspect role player in an aggressive manner, but this time with no weapons visible in hand.⁷

In both instances during the Maricopa County Sheriff's Office scenarios, the citizen police officer role players shot the unarmed suspect role player in the second scenario, which illustrates the point of the entire exercise.

In the Maricopa County Sheriff's Office demonstration, it is unclear how many required safety protocols were in place because the video did not show the preparation portion. The weapon used by the citizen police officer role player appears to be a Simunitions weapon. The perpetrator role player appeared to use a semi-automatic pistol of some type and, by the sound of the ammunition, they may have been blanks. It could not be determined to be a live weapon by sight. Eye protection is worn by all participants, but the only one with a helmet and mask is the perpetrator shooter/aggressor. These protocols displayed by Maricopa County also appear to conflict with the Simunitions training safety protocols followed by the PGPD in reference to the protective equipment worn by the role players and possibly the non-Simunitions weapon introduced into it.

No one interviewed during this investigation spoke with the Maricopa County Sheriff's Office in reference to their scenarios or any safety concerns they might have identified prior to it being incorporated at the PGPD.

⁷ The third scenario used by the Maricopa County Sheriff's office was less visible in the video as to how it started or what the purpose of it was other than the citizen police officer placed him in custody without firing. The third scenario, unlike the first two scenarios, were not incorporated by PGPD in its shoot/don't shoot scenarios.

The Maricopa County Sheriff's Office YouTube video first surfaced at the Punta Gorda Police Department when it was distributed by Detective Martin Meddaugh through department email in January of 2015, as a matter of general interest.

Several officers responded to Detective Meddaugh indicating the video would not play on the department computers. On January 8, 2015, Officer Bala responded that he thought the type of training depicted in the video to be priceless. He commented the role players were not even getting pummeled or shot so there is no fear of being hurt or dying. He further commented the stress involved was from doing the scenario in front of others and the self-induced stress from the scenario itself.

The video was forwarded to Chief Albert Arenal and Sheriff William Prummell by then-Captain Lewis for the purpose of sharing it with the NAACP Task Force, of which both departments were members. It is unknown at this time whether the task force responded after it was forwarded to them by Chief Arenal on January 18, 2015. There is no record the scenarios were ever demonstrated to the task force group.

On January 19, 2015, Captain Nichols, having been copied on Chief Arenal's email to the NAACP Task Force, responded that he would be glad to help with the scenario if needed.

It is unknown the exact date, but sometime prior to the April 30, 2015 debut of the scenarios, Chief Arenal advised Department staff that the scenarios would be adapted for the upcoming Leadership Charlotte class. This information is supported by the professional standards statements of Chief Lewis and now-retired Lt. Nicholas "Joe" King, who was the Community Services Lieutenant at the time.

Lt. King advised in his sworn statement, that he heard Chief Arenal announce during a morning staff meeting that the Department would be adapting the scenarios but never assigned anyone in particular, including him, to the task of organizing it. Lt. King advised he never participated in any planning for the scenarios or the upcoming event with the leadership class at that time. He pointed out the fact his normal class agenda was not used in the April 30, 2015 event and a different format was used in its place.

Chief Lewis, in his statement during this investigation, stated Lt. King was assigned the task of adapting the scenarios but, due to his work product and relationship difficulties with Chief Arenal, Lewis was asked to step in and team up with Lt. King to facilitate the scenarios being adapted and presented at the class. The April 30, 2015 class agenda was determined to have been authored by Captain Lewis.

Calendar invites for April 14, 2015 were sent out by Captain Lewis to all police administration for a final organizational meeting for the upcoming Leadership Charlotte Class. The email attached the class roster and a class agenda with times and participants. It is unknown who attended the meeting. Several accepted the invite, but no one interviewed during this investigation remembered attending other than Chief Lewis.

On April 15, 2015, Captain Lewis sent an email to all police administration with the final class agenda attached. In the email, he states personnel assignments for the Simunitions portion will be determined the following week when then Lt. Woodard gets back to ensure the two scenarios are well planned and safety is at the forefront. Two additional emails were sent the same day. One email instructed Evidence Tech Ashley Handley she would be needed to take pictures on the day of the event and one to Leah Valenti of the Leadership Charlotte Class to advise her of the finalized plans.

No one interviewed during the professional standards investigation, other than Chief Lewis, remembered having the safety planning meeting. Captain Woodard in all his conversations, sworn statements, and trial testimony, denied taking part in the planning and design of the shoot/don't shoot scenarios.

On April 20, 2015, Captain Lewis forwarded Lt. Rick Mohaupt a copy of the final agenda for the class. Lt. Mohaupt was both a firearms instructor and Simunitions instructor for the department.

On April 29, 2015, Lt. Woodard sent an email to Lt. Mohaupt reminding him that Captain Lewis would like for him to participate as a role player in the shoot/don't shoot scenarios along with Officer Coel. Attached to the emails was the Maricopa County video with the notation, "Here are the scenarios we will be doing. If you have any questions let me know."

At the time of the April 30, 2015 Leadership Charlotte Event, Lewis held the position of Captain overseeing Operations (and also a Firearms Instructor and Past Simunition Instructor 2002-2011). Woodard held the position of Lieutenant overseeing Employee Development (i.e., training). King held the position of Lieutenant overseeing Community Services. Nichols was Captain overseeing the Reserves (and also a K-9 Trainer and K-9 Specialist). Mohaupt was a Lieutenant overseeing road patrol Delta Squad (and also a Firearms Instructor, Simunitions Instructor, and Taser Instructor). Cochran was a Lieutenant overseeing road patrol Echo Squad (and on medical light duty assignment). Officer Coel was a K-9 Officer under the direct supervision of then- Operations Captain Lewis.

On April 30, 2015, Albert "Butch" Arenal was the Chief of Police at PGPD. Other than initially authorizing the shoot/don't shoot scenarios for incorporation into the Leadership Charlotte event, there were no emails or documents found which indicated he was part of the scenario planning or set up. While Chief Arenal attended the event as the welcoming host during the classroom presentation portion, he did not attend the shoot/don't shoot portion outside. The April 30, 2015 event was the only shoot/don't shoot scenario that took place while Arenal was the Chief of Police.

B. General Observations from PGPD Shoot/Don't Shoot Scenarios

On each occasion where the PGPD conducted the shoot/don't shoot scenario, citizen participants are observed not wearing required Simunitions protective equipment (helmet, mask, throat protection, approved eye protection for observers). Each event was conducted without consideration for the minimal safety distance for observers. In some events, officers

involved in the scenarios are without the required safety equipment (April 30, 2015, and May 3, 2016).

Additionally, officer role players were observed pointing their training weapons at unprotected citizen role players or the crowd (February 11, 2016, and March 23, 2016). During the April 30, 2015 event, an unknown third party (building cleaner) appeared unannounced in the middle of the training area from a door near the perpetrator staging area.

Equipment failures with holsters were observed on several occasions (April 30, 2015, February 11, 2016, and March 23, 2016). Improper use or placement of holsters was also observed (April 30, 2015). Unsafe muzzle control by citizen role players was observed (March 23, 2016, April 30, 2015). A live fire weapon (Officer Coel's personal revolver) was introduced into the scenarios on two occasions (April 30, 2015, and August 9, 2016).

C. Use of Officer Coel's Personal, Live Fire Revolver During Two PGPD Events

From the FDLE investigation and the tragic events that occurred on August 9, it was determined that Officer Coel used his personal, live fire revolver during the shoot/don't shoot scenario on August 9 with Mrs. Knowlton. With respect to the August 9 incident, the Police Department security camera recorded (video without audio) much of the ongoing preparation and setup, along with the scenario itself and the shooting of Mrs. Knowlton. Included in this recording was a portion starting at 06:35:10 where Officer Coel is equipped and ready to start the scenario. He can be seen talking with Lt. Salsman in the presence of Corporal Chodakowsky.

Additionally, while reviewing video 5699 recorded during the April 30, 2015 event, it is apparent in the video at approximately the 03:14 mark, that a revolver other than the approved Simunitions revolver was used and in the possession of Lt. Mohaupt. Lt. Mohaupt was observed holding the Simunitions revolver with the cylinder open in his right hand and a second, non-Simunitions revolver, in his left hand also with the cylinder open. The second revolver appeared to be the same gun Officer Coel used on August 9, 2016. A closer examination verified it was the same Smith and Wesson Airweight 38 special revolver with black grips, hammer and trigger used in the August 9, 2016 event.

On the video for the April 30, 2015 event, Lt. Mohaupt is seen handing the Smith and Wesson Airweight to Officer Coel in the presence of, and in close proximity to, all the other facilitators -- Captain Lewis, Lt. Woodard and Captain Nichols. Prior to Lt. Mohaupt appearing with the two revolvers, he had ended one of the second wrestling scenarios and walked towards the rear of the pickup truck where the perpetrator shooter's revolver had been staged for the earlier prowler scenarios, indicating Officer Coel's live revolver might have been used in the scenarios. Further review of the video showed Lt. Mohaupt using Officer Coel's live revolver for the prowler scenario at the 01:06 mark. It also appeared the gun was firing wadded blanks as the report was much louder than the first scenario and material was expelled from the barrel. At 01:20 in the video, Lt. Woodard is heard commenting to Officer Coel, "That sounded louder," and Officer Coel agreed.

In video 5701 from the April 30, 2015 event, Captain Nichols is seen holding a box of .38 caliber blanks in the presence of the other facilitators at the 01:30 mark. In video 5702 from the same event Captain Nichols is seen holding the box of .38 caliber blanks and Lee Coel's .38 caliber Smith and Wesson Airweight revolver in his hands from the 01:20 mark until the end of the video. He is in very close proximity to all other facilitators once again. The revolver and blanks are in plain view of each of them.

Through further investigation, it was determined the revolver Officer Coel was using at the time of Mrs. Knowlton's death on August 9, 2016, and by Lt. Mohaupt on April 30, 2015, was purchased on by Officer Coel on April 15, 2015. Officer Coel purchased the weapon from Paradise Jewelry and Pawn in North Port, Florida and at the time of purchase, provided a Consumer's Certificate of Exemption from the City of Punta Gorda. The tax exemption certificate is a standard form kept on hand for police department personnel to use when purchasing or traveling on behalf of the City. They are not regulated in a way that would identify whether someone provided it to Officer Coel for the purchase of the revolver, or whether he used one left over from a previous purchase. The use of the tax-exempt form for a personal purchase, however, is prohibited.

Paradise owner, Carey Cizmarik provided an email with the details of the purchase and all documents associated with it. She advised that Officer Coel contacted her on April 14, 2015, to inquire whether the Smith&Wesson Revolver was in stock. When told it was, Officer Coel requested she start his background check so he could pick it up after his shift the following day. She advised Officer Coel picked it up the following day,⁸ and provided the tax exemption form for the City of Punta Gorda. She further advised Officer Coel told her he would be using the revolver for training purposes.

RELEVANT DETAILS AND STATEMENTS CONCERNING THE APRIL 30, 2015 LEADERSHIP CHARLOTTE EVENT

A. Summary of Reserve Officer Rick Mohaupt's Statement

Reserve Officer Rick Mohaupt (Retired Lt.) provided a sworn professional standards statement. Photographs and still shots from the available videos were occasionally used during the interview to refresh his memory.

In Officer Mohaupt's professional standards statement he advised he was not asked to nor did he participate in the planning of the scenarios. He was called in a week before, told to be there and then given the scenarios when he got there. He advised he had seen the Maricopa County video at a prior date on one of the police sites but it was totally unrelated to the April 30, 2015 event.

⁸ A case that Officer Coel had for the revolver, and which was recovered by FDLE during the search of his vehicle, showed an out of layaway date of June 13, 2015. Notwithstanding, Cizmarik confirmed that Officer Coel picked up the revolver on April 15, 2015, which is consistent with the video taken during the April 30, 2015 event two weeks later.

He advised the day of the event he arrived and prepared the weapons which included the SIMS semiauto pistol and the SIMS revolver which was outfitted with restrictors to prevent live rounds from being fired. He at first indicated they were using crimped blanks in the SIMS revolver. He was asked about the protocols followed within the Punta Gorda Police Department when using Simunitions during training scenarios. He advised instructors should brief or discuss the scenarios beforehand, search each other, designate a safety area, search each participant, remind everyone is a safety officer, do not allow live weapons, ammo, spray, batons or knives.

He was reminded of a conversation with Lt. Cochran at the time of the April 30, 2015 event. At the time, Lt. Cochran questioned why they had not issued the citizens the required Simunitions protective equipment and Lt. Mohaupt responded that they removed the tips of the Simunitions ammunition and pointed the Simunitions revolver at the ground. During his interview, he stated he did not remember the conversation or taking the tips off.

He stated he thought someone searched him before the scenarios commenced, but could not remember who. He also stated he might have searched Officer Coel. When asked why citizen participants were not provided the protective equipment required during department training scenarios he advised he would be firing blanks at the ground. When asked about the citizen having an accidental discharge he stated they would probably hit him. When asked about the possibility of an accidental discharge going into the crowd, he stated Captain Lewis at the time was controlling their direction. He then stated he agreed the citizens should have been made to wear helmets for the scenarios.

He advised he did not see the original scenario format before the time he arrived. He stated Lt. Woodard possibly described the scenario before it started. He felt Lt. Woodard at the time would have been in control because of his training Lt. position. He stated Captain Lewis was facilitating the scenarios. No one ever stated to him they were in charge.

When asked why he participated in the second scenario not wearing a required helmet neck and neck protection he stated he felt there was a less of a risk of him being hit because Officer Coel was the aggressor in the scenario.

He was asked what gun he was handing Officer Coel after the last scenario during the citizen debrief portion. He advised it was Officer Coel's K-9 training gun. He stated he thought it could be the departments but did not know at the time if it was his personal or department issued training gun. Officer Mohaupt stated Officer Coel retrieved the revolver with some blanks after the second scenario. He then stated he was starting to get a clearer memory of the event.

He stated in the first scenario they did remove the tips of the Simunition ammunition used in the department Simunition revolver and then Officer Coel brought his training gun over with the blanks. He thought they might have used it in the last scenario, he did not point it at anybody and they were blanks. He stated they were real blanks (full size) and the gun was real (live fire). He stated he did not remember who made the decision to use the live fire revolver and blanks but it was because the Simunitions ammunition was not loud enough. He stated everyone there knew they were using a different revolver with blanks. He stated when the

decision was made, Officer Coel ran to his K-9 vehicle and retrieved the revolver and blanks from the lock box in the rear.

Officer Mohaupt stated he thought the blanks were checked twice for safety but he could not remember who the second officer was. He stated Captain Nichols handed them to him. He stated he did not care if he saw the box because he was inspecting the ammunition itself.

He advised he was not concerned at that time about a live revolver being introduced into the scenario because he felt confident in his abilities to be safe with it.

He was asked if he would use a live firearm in the department's Simunition training for officers. He advised in his entire career he never had.

He stated while in charge of the armory in the past he had never issued a blanks gun to the K-9 officers who came before Officer Coel. He advised he was never aware of the department buying blanks. During his time taking care of the armory it did not contain a training revolver to issue to canine.

He stated during the April 30, 2015 event he heard the discussion amongst everyone about the blanks being louder but never participated in a discussion about using them in the future. He stated the discussion about them being louder was among everyone that was there that day. He stated the conversation was among then Captain Lewis, Captain Nichols, Officer Coel and himself, but not the crowd.

Officer Mohaupt stated he was not there on August 9, 2016, but he thought qualified instructors should be present during events. He stated he never had a chief or sheriff inspect the safety aspects of his classes.

He was asked in regards to the April 30, 2015 event if he and Captain Lewis had been firearms and Simunitions instructors. He stated they were. He stated Lt. Woodard, Captain Nichols and Lee Coel were not.

He was asked in regards to the February 11, 2016 event if Officer Chow or Officer Jimenez were instructors and he stated they were not nor was Captain Woodard but Chief Lewis was.

He was asked in regards to the March 22, 2016 event if Officer Kennedy or Officer Chodakowsky were instructors and he stated they were not, nor was Lt. Salsman but Chief Lewis was.

He agreed that, other than Chief Lewis in the August 9, 2016 event, no one else present, including Captain Ciaschini, were instructors.

He stated blanks were acceptable in the FDLE curriculum. He was asked if a live weapon was acceptable and he stated it was. He was asked if the Simunitions protocols would allow it and he stated it would not.

Lt. Mohaupt was asked about the FDLE Firearm Instructor manual he had referred to. He was read the section on safely using blanks. He was asked if he thought with his expertise FDLE was

approving the use of live firearms for blanks or blanks that can only be loaded into a no-live fire weapon. He stated they did not specify but he would use a specific blank that fires out of a non-live fire ammunition weapon.

He stated in Simunitions training there would be no live weapons capable of firing anything allowed, but with blanks most of the time you have to have a functioning weapon depending on the caliber you buy. He agreed most blanks-only guns fire a particular type blank, unlike what we have purchased for K-9 Officer Coel. He agreed there was no real benefit to using a live-fire weapon over a ported blanks-only weapon.

Officer Mohaupt was asked if he was familiar with the International Association of Law Enforcement Firearms Instructors' manual. A portion of the manual was read to him regarding only permitting instructors to control the distribution of training weapons and ammunitions during scenarios. It also warned that without very close inspection a .38 wadcutter bullet may look like a blank and the difference could be fatal. It further stated recognizing the difference could not be left to trainees and only instructors or safety officers should distribute the munitions. Officer Mohaupt agreed with the summary. He engaged in a brief discussion of a tort law example in the FDLE Firearms Instructor Manual where blanks were used in a scenario and caused injuries along with a fatality caused by a blank gun discussed in the ALEFI manual.

B. Summary of Reserve Captain Jim Nichols' Statement

Reserve Captain Jim Nichols provided a sworn professional standards statement. Photographs and still shots from the available videos were occasionally used during the interview to refresh his memory.

Captain Nichols stated he was not at the April 30, 2015 event, but after viewing a video taken that day, recalled he was there. He stated he recognized his vehicle being used by the roleplaying citizen officers as the starting point in the scenarios. He advised he did not remember much about the scenarios other than Lee Coel and Rick Mohaupt having a pushing match (i.e., second shoot/don't shoot scenario) then Lee Coel falling down.

Captain Nichols did not remember getting the email sent by then Captain Lewis regarding the administration staff getting together to plan the scenarios. He did not remember participating in any planning meeting for the scenarios at that time. He stated he did not have any input on the shoot/don't shoot scenarios.

He stated during the April 30, 2015 event he had no role in providing the weapons or equipment. He stated he did not know what weapons were used on that day. He advised he did not know who provided the weapons. When asked who was running the scenario, he stated both Captain Lewis and Lt. Woodard were providing the directions. He agreed Lt. Mohaupt and Captain Lewis at the time were firearms instructors and Simunitions instructors either current or past. He stated Lt. Woodard was over the training section. When asked, he stated he assumed they were using Simunition ammunition by the way Officer Coel was dressed in the photographs being used to refresh.

Captain Nichols stated he was not familiar with the Simunitions revolver that much or the restrictors in the cylinder. He stated he had always used blanks in his K-9 training and there were no restrictors in them.

He stated he did not remember any conversation about the Simunitions ammunition not being heard during the scenarios or the need to switch to blanks. When asked if he ever possessed blanks or another weapon that day he stated he had not. After being shown the photograph of him holding Officer Coel's personal 38 caliber revolver and a box of blank ammunition, he stated he did not remember it occurring. He stated he did not know whose gun it was but it was not his. He stated he did not remember who passed it to him.

He stated he did not remember a conversation about switching to blanks from Simunitions cartridges for a louder noise. He stated he did not remember there being a change in the loudness of the gunfire in the scenario being different from one scenario to the next. It said it would have been a big difference because the Winchester rounds were significantly louder. He had no idea as to who made the decision to switch guns and ammunition.

Captain Nichols advised he had never seen Officer Coel with the 38-caliber revolver he was holding. He stated he had seen Officer Coel qualify with blanks many times but never seen the particular 38-caliber revolver he was holding. He stated he had seen him use the sheriff's department blanks gun and qualify with the USPCA blanks gun.

He was shown a receipt which had been provided by Chief Lewis earlier in the professional standards investigation where he had requested 150 rounds of Winchester Super X 38 caliber blanks in July of 2014 just like the ones Lt. Heck had purchased in February of 2016. He stated he did not remember requesting them but they might have been used to pick out a dog. He stated when they went north to get Officer Coel's K-9 the sheriff's department took their gun and maybe he supplied them with department blanks. He stated the sheriff's office used a live fire 357 magnum which was standard practice for dog units. He stated he was unaware of Officer Coel being issued a blanks gun.

Captain Nichols stated blanks and live weapons were regularly used in K-9 demonstrations and it was very safe if you had experience and knew what you were doing. He stated they would not hurt you if you were more than ten feet away and it is pointed at the ground.

He agreed that a safety briefing, experience, and distance between role players was necessary. He agreed the Simunitions protocols were important in those types of citizen exercises because it is fluid and not like having two seasoned officers who know the scenario from experience and are out away from everybody else. He agreed even when officers are training they are in close proximity most of the time and that is the reason no live weapons are allowed in the area.

He again stated he did not remember the discussion about switching to blanks and did not remember being consulted beforehand. He also did not remember any discussion afterwards or in staff meetings regarding whether to stay with blanks in the scenarios or return to Simunition ammunition with the tips removed.

RELEVANT DETAILS AND STATEMENTS CONCERNING THE FEBRUARY 11, 2016 LEADERSHIP CHARLOTTE EVENT

A. Background of the Event

The Leadership Charlotte Class visited the police department on February 11, 2016 for their yearly departmental visit during government day. At the time of the planning and the presentation of this event Chief Arenal had retired and, on September 11, 2015 Chief Lewis, was appointed Interim Chief of Police. Lt. Jeff Woodard was appointed Interim Captain overseeing Operations; Corporal Katie Heck was appointed Interim Lieutenant overseeing Community Services and Lt. Chris Salsman was transferred from Lieutenant overseeing Community Services to Lieutenant overseeing Employee Development (training) after serving in the Community Services role since August 3, 2015. Lt. Cochran was currently over the Criminal Investigation Section.

In addition to the appointments and transfers, the Community Services Section Lieutenant was re-aligned under the direct supervision of the Chief of Police. It was at this time specialty teams, including K-9 Officer Coel, were transferred to the Community Services Section under Interim Lt. Heck.

On January 11, 2016, Lt. Heck issued a calendar invite to Chief Lewis titled Leadership Charlotte Planning for January 13, 2016. Lt. Heck issued a calendar invite titled Leadership Charlotte Prep Meeting for February 4, 2016 at 2:00 p.m. Required attendees for the meeting were listed as Thomas Lewis, Jeffrey Woodard, Chris Salsman and Jason Ciaschini. A tentative outlined schedule for the event was attached. It mirrored the same outlined schedule from the previous April 20, 2015 Leadership Charlotte event with time adjustments and no personnel designated in their roles. At 2:20 p.m. on February 4, 2016 Lt. Heck sent an email to Mark Bala, Rick Mohaupt, Kelvin Jimenez and Lee Cole with the subject line, Charlotte Leadership Government Day. It contained the same outlined schedule but with names inserted into the roles. The email explained they were needed for the February 11, 2016 Charlotte Leadership day. It gave each of them their duties and the time they were needed. Lt. Rick Mohaupt, Corporal Mark Bala and Officer Kelvin Jimenez were slated for the shoot/don't shoot portion and Officer Lee Cole for the K-9 demonstration. The email ended by saying they were all handpicked through conversations with the Chief and if they could not participate for some reason they should let her know as soon as possible.

On February 7, 2016 at 8:02 a.m. Corporal Mark Bala emailed Lt. Rick Mohaupt and copied Lt. Heck and Officer Jimenez. In his email, he explains he is working on February 11, 2016, and he asked Lt. Mohaupt to take over his role. He also voices a concern about the use of marking cartridges and how they travel a long distance. He remarks the required preparation for the scenarios is longer than the time the students are assigned and finishes by stating he has all around safety concerns.

The following day Lt. Heck forwarded Corporal Bala's email to Captain Woodard with the comment, "I don't know what he means by marking cartridges." It is unknown if this information was shared with anyone else at the time.

On February 8, 2016 at 8:55 a.m. Corporal Bala sends Lt. Heck an email telling her he has been sick working nights and the Charlotte Leadership event falls in the middle of his sleep day. He requested she ask Lt. Lipker or Officer Cody Smith to help instead. He referred to the email he sent on February 7th but doesn't think it would be good for his recovery to attend. At 10:54 a.m. Lt. Heck responded back. She advised him it was ok and they would get a replacement. She advised him the reason they reached out was because he was Chief Lewis's first choice.

On February 9, 2016 Lt. Mohaupt emailed Corporal Bala back regarding his February 7th email where he raised a safety concern. Lt. Mohaupt asked Corporal Bala to give him a call and they could make it work. He informed Corporal Bala he used both blanks for himself and marking cartridges. No other emails from the thread were located.

On February 10, 2016 at 10:37 a.m. Lt. Heck sent an email to Leadership Charlotte Member Leah Valenti with final preparation information for the following day.

On February 10, 2016 Lt. Heck sent an email to all department members participating in the Leadership Charlotte event along with the attached outlined schedule complete with assignments. Shoot/don't shoot participants were Chief Lewis, Captain Woodard, Lt. Mohaupt and Officer Jimenez.

At the time of the event the shoot/don't shoot participants for the police department were Chief Lewis, Captain Woodard, Officer Terry Chow and Officer Kelvin Jimenez. It is unknown why Lt. Mohaupt did not participate and Officer Chow was inserted as the perpetrator shooter in his place. Officer Chow was working his regular patrol shift at the time of the event, which appears to indicate he was a last-minute selection for the role.

B. Summary of Officer Terry Chow's Statement

Officer Terry Chow provided a sworn professional standards statement. Officer Chow stated he participated in the February 11, 2016 event as the perpetrator shooter. He could not remember the circumstances of why he was asked but remembered Captain Woodard asking him to help. He advised he only participated in the scenarios portion of the event.

Officer Chow believed Captain Woodard was facilitating the scenarios. He stated Captain Woodard laid out the scenario verbally and then showed him the Simunitions revolver on a table in the wash bay. He was familiar with the revolver from past Simunitions training in the department. He stated the Simunitions gear was staged with the revolver. The gear consisted of the helmet and throat protection. He stated he provided his own long sleeve shirt.

Officer Chow at first stated the revolver was loaded with blanks and then stated they were Simunitions rounds. He stated he did not see the revolver loaded so he checked it and saw that

the ammunition had the paint projectiles. He first stated they were pink but then stated could have been orange or blue.

Officer Chow stated he never saw the citizen's weapon being loaded but it looked like the department Simunitions weapon. When asked if there was any special briefing he advised he was told to be stand offish and then engage the citizen with the Simunitions weapon. He stated he was told to shoot off to the side and not directly at the citizens. He could not recall if the citizens had on the required protective Simunitions gear.

Officer Chow did not remember speaking with Chief Lewis. He remembers Captain Woodard saying here is the gun and the scenario then he checked the revolver.

Officer Chow advised he fired two or three shots per citizen participant. He stated he reloaded the revolver between scenarios. He stated the box of Simunitions ammunition was there on the table. He was sure they were Simunitions rounds because they had the paint tips.

Officer Chow stated he was aware of the required Simunitions protocols regarding no live ammunition or weapons in the scenarios.

He thinks he and Officer Jimenez might have checked each other as required but then thought it might have been before the second fight scenario. He could not remember if anyone checked him before the first scenario.

Officer Chow did not remember any specific debrief and stated when it was over it was just over. He could not remember how or when he was told he would be the perpetrator shooter for the scenarios. He stated it was the only one he participated in and nothing unsafe sticks out in his mind.

C. Summary of Corporal Kelvin Jimenez's Statement

Corporal Kelvin Jimenez provided a sworn professional standards statement. He stated he participated in the February 11, 2016 event after being notified by Lt. Heck through email. He at first stated he thought Officer Kennedy was his scenario partner and Lt. Salsman was there as a facilitator. He later was reminded it was actually Officer Chow in the scenario and Captain Woodard was also present.

He could not remember who gave him his equipment and stated there was no pre-briefing about the weapons being used. He stated he could not remember being checked or checking Officer Chow before the scenarios. Corporal Jimenez stated the citizens were carrying the blue Simunitions gun. He believed Officer Chow had the revolver but could not specifically remember seeing it. He stated he saw the scenario but never really saw the gun. He stated he never checked the weapons used. Corporal Jimenez advised he did not see the weapons loaded or the ammunition used to load them.

Corporal Jimenez did not know if a safety officer was appointed. He knew the required protocols. No live ammunition, no live weapons, everyone does a pat down, look at the actual rounds being used to make sure they are Simunitions rounds, make sure no one leaves the

training area and if they do you start the process all over. He further advised none of the protocols occurred that day.

He thought the citizens might have had a mask but really could not remember for sure. He could not remember how many participants there were or who recovered his equipment from him. He stated a debrief did not occur amongst officers and he did not pay attention to whether anyone was in charge. He further stated he was told to be there so he was there.

RELEVANT DETAILS AND STATEMENTS CONCERNING THE MARCH 22, 2016 PUNTA GORDA CITIZENS ACADEMY EVENT

A. Background of the Event

The Punta Gorda Citizen's Academy visited the police department on March 22, 2016 for their yearly police department presentation. At the time of the planning for this event and its presentation, all command staff personnel remained in their previously described roles. However, as of March 21, 2016, the interim title had been removed from Chief Lewis, Captain Woodard and Lt. Heck. They were officially promoted on that date.

Punta Gorda Citizen's Academy Coordinator, Hope Petkus, emailed Chief Lewis on October 5, 2015 to begin the process of planning the next citizen's academy for 2016.

Chief Lewis in turn sent a calendar invite for March 22, 2016, titled Citizen's Academy 2016, with required attendees listed as police administration and optional attendees listed as Katie Heck, Gloria Sepanik, Jason Ciaschini and Chris Salsman.

On November 25, 2015, Mrs. Petkus sent an email to Chief Lewis confirming the March 22, 2016 date. She attached the 2015 police department citizen's academy outline and asked for an updated version by December 14, 2015.

Chief Lewis responded back to her on the same day that the format would remain the same and Lt. Heck would be her point of contact from that point on for any citizen's academy matters. He stated he copied Lt. Heck on the email so she could clean up the last year's outline with correct dates and coordinate the day.

On November 30, 2015, Lt. Heck emailed Mrs. Petkus an updated police department outline for the event and verified the March 22, 2016 date. The tentative outline did not include the shoot/don't shoot scenario portion previously demonstrated at the April 30, 2015 Leadership Charlotte event as the original video from Maricopa County, Arizona had not surfaced within the department at that time.

On March 17, 2016, Lt. Heck sent a calendar invite for the citizen academy event scheduled on March 22, 2016. The required attendees were Chief Lewis, Captain Ciaschini, Detective Larry Schrader, Officer John Kennedy, Volunteer John McAlear, Officer Chodakowsky, Lt. Cochran, Dispatcher Audrey Denis, Lt. Salsman, Deputy John Heck, Officer Cody Smith and Officer Tony Pribble. The email contained a final police department schedule outline. The schedule included

the shoot/don't shoot scenarios and listed Chief Lewis, Captain Woodard, Officer Kennedy and Officer Chodakowsky as participants for the police department. The schedule was later changed prior to the event and Lt. Salsman replaced Captain Woodard on the schedule.

B. Summary of Marine Office John Kennedy's Statement

Officer John Kennedy provided a sworn professional standards statement. Officer Kennedy stated he was notified to participate in the shoot/don't shoot scenario by his supervisor, Lt. Heck while manning the marine static display at the event. He advised he asked what it entailed because he had never done it before. He received a brief synopsis and was told there would be additional instructions later. He was instructed to report to the cars being used in the scenario, which were staged by the weight room on the back lot, once he finished his static display presentation.

He stated Lt. Salsman asked him to come inside and he followed him to the armory. He thought Captain Woodard was there but not one hundred percent sure it was him. He stated there was definitely another person there. He advised he was shown a small tray with a badge in it along with Simunition rounds. He stated there was also the wooden handled revolver and they told him it was the weapon he would be using. He stated he recognized it as the Simunitions revolver. He advised they told him the citizen would have the blue Simunitions gun but never saw it.

Officer Kennedy stated he finished his static demonstration then met Lt. Salsman at the scenario area for instructions after placing his gun belt and uniform shirt in his vehicle. He stated he was not planning on wearing the helmet because he did not think he was going to get shot but Chief Lewis told him he needed to wear the neck and head gear. He stated he then asked what the scenarios were going to be and Chief Lewis told him he could play it as a drunk, at his own vehicle, who has a concealed weapons permit but gets scared then puts it on the car after seeing the police but not to go for it. He was then told he could play it suspicious and then go for the gun.

Officer Kennedy said he was told several times because he asked what exactly was supposed to go on. He advised the revolver came out late and he had not seen it prior to the scenario discussion. He advised he checked the weapon and Officer Chodakowsky made a joke about him not trusting anyone. He said he told Officer Chodakowsky he did not when it was someone handing it to him. He advised he could see the colored tips and recognized them as Simunitions ammunition. He advised it was the first time he had used the revolver in an exercise.

He advised he did not take the rounds out but opened the cylinder and then turned it towards him so he could see the paint tips still attached to them.

He advised he was informed Officer Chodakowsky would only participate in the second scenario and they were supposed to be brothers fighting. He was instructed not to use the revolver in the scenario but run towards the citizen to see if they would panic and shoot him.

He stated Chief Lewis told him not to point it at or near the citizen participants. He stated he asked Chief Lewis why they were using it and he replied to just exaggerate with it. Pull it then exaggerate. He stated he held it to the side during one of the scenarios and fired three shots. He said on the other scenarios as soon as he shot the revolver they shot him.

Officer Kennedy said he did not see the citizens Simunitions gun loaded. He stated he is not sure who loaded it because he was not told he was participating in the scenario until the event.

He advised he was in control of the revolver during the first scenarios then it was put in the wash bay with the other Simunitions equipment. He stated he kept it in his waistband one time during the second scenario.

Officer Kennedy stated it was the only time he participated in the shoot/don't shoot scenarios. He stated he believed he and Officer Chodakowsky checked each other for knives and other things for safety reasons before the brothers fighting scenario. He agreed it was normal procedure to check and make sure there were no weapons so they would not hurt each other. He stated he thought that safety check took place after he completed his first scenario by himself.

C. Summary of Corporal Shane Chodakowsky's Statement

Corporal Shane Chodakowsky provided a sworn professional standards statement. He advised he was the second perpetrator in the second scenario with John Kennedy. He advised Officer Kennedy played the part of the guy with the gun in the first one. He stated he was aware of the required protocols for Simunitions training to include no live ammunition, weapons, firearms or anything that can injure you. He stated multiple safety checks of your person were required as well as wearing the protective equipment if you are in the scenario.

Corporal Chodakowsky stated he did not remember how he was notified or who notified him that he would be participating in the event. He stated he could not remember meeting with anyone before the scenarios except for Officer Kennedy.

He stated it was his first time participating in the shoot/don't shoot scenarios. He stated he did not remember having a conversation with Chief Lewis or Lt. Salsman about the scenario or what was going to occur. He could not remember who provided his protective equipment. He did not remember any safety checks being conducted that evening.

He advised he recognized the weapon Officer Kennedy had as the Simunitions gun from past trainings. He stated he did not know what type of ammunition was in the revolver. He stated it sounded like normal Simunitions rounds being fired because they are not that loud. He stated he did not know who gave Officer Kennedy the weapon and ammunition.

Corporal Chodakowsky did not remember a safety officer being designated that night. He stated he could not speak for Officer Kennedy but he did not remember Lt. Salsman or Chief Lewis performing any safety checks on him during the event.

He stated he was unsure if the citizen participants were issued any safety equipment and would be guessing whether he and Officer Kennedy checked each other. He stated there was no pre-briefing during the event that he could remember. He stated he was aware of the debrief protocols but did not remember them occurring. He was asked if he had any concerns because the citizens did not have safety equipment and he replied that he could not remember the exact circumstances of everything that night but he does not remember being alarmed about something being unsafe at the time.

RELEVANT DETAILS AND STATEMENTS CONCERNING THE MAY 3, 2016 POLICE OFFICER EXPERIENCE DAY RAFFLE EVENT

A. Background of the Event

On May 3, 2016, Amanda McCorkle, the winner of Police Officer Experience Day raffled as a fund raiser for the Kiwanis Club participated in the shoot/don't shoot scenario. She was the only citizen participant. At the time of the planning for this event and its presentation, all command staff personnel remained in their previously described roles.

On March 25, 2016, prior to the event, Chief Lewis sent Kiwanis Club member Larry Taylor an email which contained a document titled, "Police Officer Experience." The document described the 8:00 a.m. to 6:00 p.m. police schedule the winner would experience. In the 9:00 a.m. police training slot it describes how the winner will test their skills with practical training on firearms using simulated ammunition. In the email, Chief Lewis requests input from Mr. Taylor and tells him once they get the final product, he would clean it up, make it look good, and send it to him packaged up.

On April 6, 2016, Chief Lewis sent an email to his Administrative Assistant, Beverly Marquis, in reference to the Police Officer Experience Day. Chief Lewis stated in the email that it was quite a bit more than a ride along and requested that she make an auction basket for the fundraising event.

On April 25, 2016, Captain Woodard sent an email to Captain Nichols advising him the department had raffled a Police Officer Experience basket at the Kiwanis fundraiser. He explains the person who won is ready to have their day. Captain Woodard advised Captain Nichols the day involves a Taser and firearms. He also advises that Chief Lewis would like to see if Reserve Officer Mohaupt could lead the endeavor and to get available dates from Officer Mohaupt.

A few minutes later Captain Nichols responded by email that he would take care of it immediately and thereafter sent a second response that Officer Mohaupt had been notified and would provide some available dates.

Captain Woodard responded a short time later, by emailing Captain Nichols and forwarding him Chief Lewis's email to Larry Taylor containing the Officer Experience schedule.

On April 26, 2016 Captain Nichols emailed Officer Mohaupt the Police Officer Experience schedule and advised him it was confirmed for the May 3, 2016 date.

Participants in the event are role players Captain Nichols and Lt. Salsman along with facilitator Officer Mohaupt. Ms. McCorkle was the only citizen participant at the event.

B. Summary of Reserve Officer Rick Mohaupt's Statement

In Officer Mohaupt's previously described professional standards statement he spoke about his participation in the Police Officer Experience day event, as well. This was the second citizen shoot/don't shoot event he had participated in. He was the shooter/role player in the very first one on April 30, 2015.

Officer Mohaupt advised he had retired in April of 2016 and was asked to attend and participate in the event. He stated he handled the Taser portion with Ms. McCorkle because he is also a Taser instructor.

He advised on May 3, 2016, he used the blue Simunitions gun and the wooden handled revolver were used in the role play by Captain Nichols and Lt. Salsman. After viewing photographs of the role play portion it was noted Ms. McCorkle had on what appeared to be safety glasses during the role play. He stated it was mandatory that she wear the glasses for the Taser exercise and she had just finished that portion when they transitioned into the role play. He stated someone had told him they were not going to put the civilians in the full Simunitions mask. He was asked whether he was talking about the May 3rd event or April 15, 2015 and he responded both. He did not remember who made the decisions.

He stated he was not sure but he probably prepared the weapons for the scenarios. When asked if he did a safety briefing with anyone he stated he went through the scenario with Ms. McCorkle, explaining the weapon function and what she might encounter with Captain Nichols. He stated he debriefed her actions to see how she thought she performed afterwards.

When asked if anyone was named a safety officer or had performed the safety protocol checks on the role players, like checking them for live guns or ammunition, he stated he did not specifically remember but would bet he checked Captain Nichols. When asked about Lt. Salsman he said yes and stated he thought Lt. Salsman had put some stuff away so all he had was a radio on his duty belt. When shown a photograph of Lt. Salsman his full duty belt with duty firearm, Taser and ammunition pouches to refresh his memory he stated he made sure the duty weapon had no live rounds and the Taser had no live cartridge.

When reminded that live firearms and Tasers were not allowed in a Simunitions exercise with or without ammunition or cartridges, he began to say it was not a real Simunitions exercise, before conceding that was. He then stated he did not know what the direction was that day as to how to treat it. When asked who was running the scenario, he stated he was called in to take care of the Taser portion and did not know who was facilitating the scenario.

When asked if the tips were removed from the Simunition ammunition prior to loading the revolver, he stated he had no independent recollection of that occurring; however, since he did that on the April 30, 2015 event, he probably would have during the May 3, 2016 event.

He agreed the shoot/don't shoot scenarios regardless of what they are called were actual Simunitions exercises with the same weapons. When asked if it would bother him from a safety standpoint knowing other role players had used Simunition ammunition with the tips still intact on the round, he replied it would absolutely bother him.

He repeated he had never participated in the planning of the scenarios before they were first introduced on April 30, 2015. He stated he was a firearms instructor, a Simunitions instructor and an armorer. He stated he just showed up and was told what they wanted.

C. Summary of Reserve Captain Jim Nichols' Statement

In Captain Nichols' previously described professional standards statement he spoke about his participation in the May 3, 2016, Police Officer Experience day event, as well. This was the second citizen shoot/don't shoot event he had participated in. He was a facilitator in the very first one on April 30, 2015.

Captain Nichols advised he was the perpetrator shooter during the Police Experience Day event. He advised he used a small .38 caliber revolver provided to him by Officer Mohaupt. He stated he did not remember anything about the revolver such as how it was set up or loaded.

When asked, he stated he thought there had been a safety briefing but could not remember anything that was said. He could not remember if they told him what kinds of rounds were in the pistol. He stated he assumed at the time of this interview it would have been blanks or empty because the citizen was not wearing the protective gear. He stated he could not remember if he fired the weapon or not.

He stated in the second scenario he and Lt. Salsman were supposed to be fighting and then he charged Ms. McCorkle.

He was asked if he was searched before the scenario and he stated Lt. Mohaupt had searched him. When asked if Lt. Salsman was searched he stated he was.

He was asked what the safety protocols for a Simunitions exercise consisted of. He stated you are searched by two people. You take off all your equipment, anything that could be dangerous and then you submit to the search. He stated Officer Mohaupt and Lt. Salsman would have searched him and he and Officer Mohaupt would have searched Lt. Salsman to make sure no one had anything on them. He was asked if that occurred on that day and he replied yes.

He stated the May 3 event was the last one he participated in and the only one in which he played the shooter. He was asked if he remembered speaking to Lt. Cochran earlier in the year and stating the revolver he had was the Simunitions revolver. He stated he did not remember the conversation.

Photographs from the May 3 event were shown to Captain Nichols to refresh his memory. In the photograph, he and the Lt. Salsman were in the middle of the scenario wrestling with each other as Ms. McCorkle approached. Lt. Salsman was observed without any of the required Simunitions protective gear and only a pair of sunglasses which fell off during the scenario. Lt.

Salsman was also observed to have his full duty belt on including his duty firearm, Taser and ammo pouches. He was asked if he was having issues remember the details of the scenario. He stated sometimes you are so use to doing something a certain way that, in his mind, that's the way he remembered doing it. He was asked if sometimes assumptions are made, and he stated yes and that is how mistakes are made.

RELEVANT DETAILS AND STATEMENTS CONCERNING THE AUGUST 9, 2016 CHAMBER OF COMMERCE EVENT

A. Background of the Event

The Punta Gorda Chamber of Commerce visited the police department on August 9, 2017 for the Chamber Night presentation. At the time of the planning for this event and its presentation, all command staff personnel remained in their previously described roles. The Punta Gorda Police Department is a member of the Chamber of Commerce and has enjoyed a close-knit relationship with all the members over the years. The Punta Gorda Police Department was voted business of the year in 2013. The Chamber Night event, just like the classes and academies before it, was designed to give the members an opportunity to visit the department, meet the staff and be introduced to all of the facets of it. It was the first time this format had been offered to them as a body.

The planning of the Chamber Night event appears to have started in June of 2016. Punta Gorda Chamber of Commerce Marketing Manager Pat Oliva emailed Punta Gorda Police Accreditation Manager Gloria Sepanik on June 16, 2016 regarding the event. She advised Mrs. Sepanik that August 9th was a good date for them and they usually start their events at 5:30 p.m. She further advised if they could get some information about it with the times then she would put it on the Chamber's calendar.

Mrs. Sepanik immediately forwarded the email to Lt. Salsman and Lt. Heck asking them to advise Mrs. Oliva on the matter. Lt. Heck responded back to Mrs. Oliva on the same day, confirming the date and attaching a tentative schedule.

The schedule included the shoot/don't shoot portion listing Chief Lewis and Lt. Salsman as facilitators along with two officers to be announced later.

Mrs. Oliva responded back later on June 16, 2016 asking Lt. Heck to try and make the event a little shorter. She also inquired about the number of chamber members the police department could accommodate.

On July 15, 2016 Lt. Heck responded to Mrs. Oliva confirming the August 9 date and enclosing a pared down schedule outline. The new outlined schedule included the shoot/don't shoot scenarios, listing Chief Lewis and Lt. Salsman, and adding Officer Chodakowsky and Officer Coel as participants.

On July 18, 2016 two additional emails are exchanged between Lt. Heck and Mrs. Oliva setting the maximum number of attendees at forty.

On July 27, 2016, Mrs. Sepanik issued a calendar invite to the police administration staff at 11:02 a.m. for a PGPD Chamber Citizen's Academy organizational meeting. The meeting was set for 1:30 p.m. the same day. Chief Lewis, Captain Woodard and Lt. Heck all accepted the meeting with a response.

On July 28, 2016, Lt. Heck sent an email to all the staff and officers listed as participants in the outlined schedule with the schedule attached. Listed as shoot/don't shoot scenario participants were Chief Lewis, Lt. Salsman, Officer Coel and Officer Chodakowsky.

On August 8, 2016, Lt. Heck sent an email again to the participants and their supervisors, where applicable, with an updated outlined schedule. The schedule was changed to include Officer Brandon Angeleni in the static display as a road officer.

On August 9, 2016 at 2:54 p.m., Lt. Heck issued a calendar invite to the police administration staff and several of the attendees with the same final outlined schedule attached.

The only fact not reflected in the existing staffing outline of the event at that time was the fact that, even though Captain Woodard was not on the schedule for any of the assignments, he had agreed earlier in the day to participate as a handler making sure all the groups and demonstrations remained consistent and on time. Although Lt. Heck had helped organize the event, she had been excused from attending the event.

B. Summary of Corporal Shane Chodakowsky's Statement

In Corporal Chodakowsky's previously described professional standards statement he spoke about his participation in the Chamber Night event, as well. Corporal Chodakowsky stated he was notified of the event by an email from Lt. Heck. He stated he did not remember having a conversation with her about the event after the email.

He then recalled talking with her about the bicycle static display sometime before the event. He stated he could not remember talking with her about the shoot/don't shoot scenarios. Officer Chodakowsky stated he and Officer Coel were working out in the police gym together before the event and they spoke about how the last shoot/don't shoot. He stated they spoke more about the second scenario. He advised after that conversation he really did not remember exactly who he spoke with. He stated they set up the vehicles and he could remember speaking with Lt. Salsman but could not remember the exact conversation. He stated he was unsure but believed Lt. Salsman came outside with the Simunitions protective masks and vests for both he and Officer Coel.

Corporal Chodakowsky stated the Simunitions training protocols noting everyone should be checked and double checked for live firearms, ammunitions, knives or anything that can be used as a deadly weapon. He advised only Simunitions or non-lethal ammunition should be used. He stated generally participants would line up and be checked by someone whether they are in the scenario or not. He stated the protocols were a series of checks and balances. He stated the safety checks did not occur that night.

Corporal Chodakowsky agreed no real guns, knives, clubs, or anything that can injure someone, were allowed, including ammunition. He agreed that usually all participants are wearing protective Simunitions equipment. He stated the citizens were not issued protective gear prior to the scenarios starting.

He advised no one facilitating the scenarios such as Chief Lewis, Captain Woodard and Lt. Salsman had any conversations with anyone about safety checks as far as he knew.

Corporal Chodakowsky stated he did not remember Officer Coel talking about the shoot scenario specifically. [REDACTED]

[REDACTED] He stated he did not recall the specifics of it because it was more in passing over towards where the vehicles were staged. He stated he did not inquire as to what gun Officer Coel was using. He stated he only remembered seeing it when he staged it on the bumper for the scenario. Corporal Chodakowsky stated he thought it was Officer Coel's K-9 blank gun. He had seen him use it the month before in a K-9 demo at the CCSO gun range. He stated he was too far away to see the gun well enough to describe it but assumed it was the same one he saw Officer Coel place on the bumper. He stated they had a previous conversation sometime in the past about a blanks gun, but he never stated anything at that time about it being able to fire live rounds.

Corporal Chodakowsky stated he was not aware of anyone being designated as a safety officer that night before the event. He stated he had no idea where Officer Coel got the ammunition.

C. Former Officer Coel's Decision to Decline Giving a Statement

Though requested to provide a statement for this investigation, Former Officer Coel, through his attorney, declined to provide one while the criminal charges against him remain pending.

D. Former Captain Jeffrey Woodard's Testimony

Though requested to provide a statement for this investigation, former Captain Woodard declined to do so after initially indicating that he would do so. However, he testified under oath extensively regarding these matters during Chief Lewis' criminal trial. His testimony during that proceeding was reviewed as part of this investigation.

While testifying, he stated as a police officer with the department he was not a firearms instructor but was an Ar-15 armorer. He acknowledged Chief Lewis was a firearms instructor. He gave a brief description of the scenarios and how they were supposed to unfold. Jeff Woodard stated he thought Officer Coel was in possession of his K-9 blanks gun and did not know it was a real weapon that night.

He stated there was never any written guidance, script or directions for role player duties for the scenarios.

He advised he was not initially supposed to work the August 9 event but took on the role of time management for the overall event. He stated that, at one point during the event, he asked

Chief Lewis if he would like him to prepare the Simunitions weapon for the citizens to use, and the Chief responded in affirmative.

Woodard stated he retrieved the Simunitions weapon, cleared it then checked it and the ammunition with Detective Davoult to make sure it was the correct ammunition. He stated he loaded the ammunition in the magazine and took it to the training classroom where he placed it under the podium until the scenarios were ready to start. He stated he did not get a Simunitions weapon for Officer Coel because he was using his K-9 blanks gun. He confirmed he had access to the armory along with Chief Lewis, Lt. Salsman and possibly two or three other firearms instructors.

He stated he saw rain was coming in so he asked Chief Lewis if he wanted to move forward with the shoot/don't shoot portion before it got there. He stated Chief Lewis stated, yes, so he then asked him if he wanted him to get the participants ready and Chief Lewis again responded yes.

He advised he took the two participants inside to the training classroom where he described the nomenclature of the Simunitions gun they were going to use. He stated he told them even though they were loaded with paint cartridges they were live and danger was associated with them. He stated he then instructed them on how to hold it without placing their finger on the trigger and told them not to turn toward the class with it.

When asked, Woodard stated Simunitions rounds can seriously hurt someone.

Woodard advised he took Mrs. Knowlton outside with the magazine separated from the Simunitions weapon. He asked if they were ready to proceed and they told him it would be two more minutes. He then repeated the safety discussion with Mrs. Knowlton at that time. He advised he then met with Chief Lewis in the parking lot where he turned over the Simunitions weapon and the magazine at that time. Chief Lewis described the Simunitions rounds to the crowd and Mrs. Knowlton along with some safety instructions about not placing her finger on the trigger.

Woodard acknowledged Mrs. Knowlton was nervous prior to the scenario starting. He stated he never conducted a briefing with Officer Coel before the scenarios. He stated Officer Coel did not have a handler and he was not assigned to be his handler.

He advised Officer Coel asked for a safety mask, so he had to go off site to obtain the Simunitions gear. He then returned and provided the gear to Officer Coel and Officer Chodakowsky.

He stated he did not conduct any safety checks on Officer Coel. He stated he saw the revolver in Officer Coel's waistband prior to the scenario. He acknowledged it was a policy violation. Jeff Woodard stated he never checked him for weapons or knives and knew he would be in the shoot/don't shoot scenarios.

Woodard stated he was not supposed to be there and he was not in control of the shoot/don't shoot scenarios. He stated if it was ever discussed as to who was in charge he did not hear it.

Woodard advised he never checked any of the role players' guns in past shoot/don't shoot scenarios. He further stated there was never an assigned safety office and no one ever said to him he was the assigned safety officer. He was under the belief that everyone is a safety officer during that type of scenario.

Woodard stated he never had a conversation with Chief Lewis about the assignment of safety officers in the shoot/don't shoot for the citizen academies.

He stated Officer Coel was allowed to keep K-9 ammunition (blanks) and his blanks gun. Woodard stated he knew Officer Coel had the blanks.

He stated he was not aware of any briefing on safety procedures amongst the officer role players and facilitators before the August 9, 2016 event.

He advised he came to work dressed in a class A uniform for the purpose of helping even though he earlier had advised everyone he would not be attending. He was told he could participate as a time keeper for the event.

On cross examination, Jeff Woodard stated he was in charge of training and armory from 2011 to 2015.

He acknowledged there were no policies in place regarding events such as citizen academies when Chief Arenal was still at the department and Chief Lewis inherited that from him. He acknowledged the shoot/don't shoot had been demonstrated three or four times without incident before the August 9 event. He stated Chief Lewis was the Operations Captain when Chief Arenal authorized the shoot/don't shoot scenarios. Jeff Woodard stated he was not present when Chief Arenal initially brought it up. He further stated Joe King oversaw Community Services and would have been responsible for what Chief Arenal enacted.

When asked about statement to the FDLE on August 9, wherein Woodard stated Chief Lewis was the person who distilled the scenario information from the Arizona video, he clarified that he did not mean Chief Lewis had the authority to get it off YouTube and implement it in the department. Rather, he stated he meant Chief Lewis was the first person to tell him the department was going to do the scenarios. He acknowledged that in his deposition for Lee Coel's upcoming trial he told the attorney he was not involved on how the scenario was developed. He acknowledged he also told the lawyer during the deposition that he did not know of any protocols out there on how this should have been put on to protect the public.

Jeff Woodard stated he did not know how the process evolved or what went into the planning with Chief Arenal.

Jeff Woodard stated Lt. Chris Salsman took his place in the training section and was trained to do safety checks.

He agreed that when he told Chief Lewis he was taking care of the citizens Simunitions weapon it could have been construed he was doing a safety check.

He stated he sought out a holster for the Simunitions gun from Detective Davoult and Chief Lewis was still conducting tours with the group. He stated clearing the citizen weapon and checking the ammunition could be construed as a safety check.

He agreed Officer Coel was the only K-9 officer. He agreed Officer Coel was trained on blanks and they were provided to him by the department. He agreed Officer Coel trained regularly with CCSO and did other demonstrations in the community.

He advised when Officer Coel asked him about the officer role player's protective gear he also offered to do the scenario without it. Jeff Woodard advised he told him there was no way he was going to allow that to happen, Jeff Woodard stated he went to get the protective gear for the officers because without it they were in danger of being injured. He stated he looked in Lt. Salsman's office and the armory but could not find any. He stated he drove to the offsite storage area and retrieved it.

Jeff Woodard acknowledged the first scenario involved blanks. He also acknowledged the reason he retrieved two sets of safety equipment is because the second scenario involves two role players at the same time so both could be hit and injured if they were not wearing the gear. He stated providing the safety gear could also be considered a safety check.

He stated he had a second conversation with Officer Coel and observed the silver revolver in his waistband but because it was silver he thought it was a blanks gun. He stated Officer Coel had discussed the blanks gun before. When asked by defense if he told him it only fires blanks Jeff Woodard responded that he only heard it described as a blanks gun.

He stated he did not discuss with anyone the fact that Officer Coel was carrying the weapon in his waistband, or the fact he offered to do the scenario without a mask. When asked if he should have reported it, Jeff Woodard stated the policy prohibiting the carrying of the revolver in the waistband only applies to live weapons. He acknowledged nothing prohibited him from inspecting the weapon at that time.

He agreed, when asked, that his conduct during the event could have indicated, if observed by others, that he was conducting checks. He agreed no one had to be named as a safety officer because officers know to do that and, when dealing with the public, everyone is a safety officer. He stated Officer Coel had the responsibility to tell someone he was carrying a gun capable of firing live ammunition and he had not been checked before the scenario started. Jeff Woodard stated Officer Coel never asked him to do a check.

Woodard advised Officer Coel's gun was a .38 caliber revolver. He stated he was not involved in issuing Officer Coel his blanks. He agreed the police department does not carry live .38 caliber projectile ammunition. He agreed ammunition must be either issued by the department or approved by the department. He agreed there was no concern that an officer could have live .38 caliber ammunition because the department does not issue it or approve it.

Woodard agreed if he were to check a .38 caliber revolver he would be looking for live rounds with a projectile. He stated he would have not recognized the wadcutters as bullets. He stated he was unfamiliar with them.

He agreed that you could modify a Simunitions round by taking off the detergent projectile basically turning it into a blank. He stated had the role players been using Simunitions guns and he were in charge of checking weapons he would have checked them.

Woodard agreed Officer Coel kept his K-9 gun with him.

He stated that both role players, Officer Coel and Officer Chodakowsky, should have checked each other before the scenario, but agreed that did not negate the fact he should have checked them or inquired if they checked each other.

Woodard stated in his mind he was the handler of the citizen participants on August 9. He stated regardless of the fact he was not listed on the schedule he made it clear to everyone.

He stated scenarios have a beginning and an end. He agreed there was a holster problem because Mrs. Knowlton was left handed and the department did not have a left-handed holster so she had to carry it in her hand. He stated the scenario portion involving the citizen was under his control during that event.

He agreed Officer Coel was required and trained to point his blanks gun at the ground when using it for training.

He testified the event of August 9 was and is very difficult for him. [REDACTED]

Woodard stated as a training Lt. he sent out annual reminders that all secondary weapons had to be registered and qualified with.

He advised while he was talking with Officer Coel about the protective mask situation, he briefed Officer Coel when he told him they were starting with the suspicious person scenario.

On redirect, Woodard was asked if Chief Lewis implemented the shoot/don't shoot scenarios at the police department and he responded he did not know. He further stated he did not know how it was developed and that Chief Lewis was probably involved but he did not know his role in it.

He advised Lt. Heck coordinated the August 9 event, but he did not know what she did. He stated she had no responsibility in checking the guns used. He also acknowledged Chief Lewis participated in the shoot/don't shoot scenarios.

Woodard explained no safety equipment was provided to Mrs. Knowlton because he thought Officer Coel's blank pistol only fired blanks, like a starter pistol with no projectiles. When asked, he stated the police department did not store blank pistols in the armory. He advised he thought it was a training article Officer Coel possessed.

He agreed he had supervised Officer Coel for a month but did not have any idea what kinds of weapons he had in his police vehicle.

Woodard stated he did not know who was in charge of checking role players that night. He then stated it was his understanding the two role players should have been responsible for checking each other. When asked if someone should have checked Officer Coel's gun he responded the two role players should have checked and Officer Coel should have requested to be checked. Jeff Woodard was then asked if anyone asked him if he had been checked and he responded he did not know.

Woodard again stated he would have been unable to identify the rounds in Officer Coel's gun as real. He was asked if someone should have at least tried to and he responded the more safety the better.

Woodard stated he never perceived himself as in control of any scenario, but he was Mrs. Knowlton's handler. He then stated he was ten to fifteen feet away from her during the scenario. He stated he was supposed to keep her from accidentally firing back towards the group. He agreed when it was pointed out that at that distance away it would have taken some time to get to her and prevent the misfire.

He stated he had never seen the security video of the shoot/don't shoot scenario as it played out that night. He stated the point of the shoot/don't shoot scenarios was to expose citizens to the stress police officers experience on the job.

The full trial video, including Woodard's testimony, is attached to the Professional Standards File 16-001 for reference.

E. Former Captain Woodard's Exit Interview

In addition to testifying during Chief Lewis' criminal trial, former Captain Woodard also met with City Manager Howard Kunik for an exit interview the day after he resigned from the Police Department, during which time he relayed his account and commented on the events of August 9. The notes from that interview were forwarded to Lt. Cochran and attached to the professional Standards File 16-001 for future reference. His comments included opinions on Lee Coel, the Knowlton incident, Shoot/Don't Shoot scenarios, and the night of the incident.

Most of the notes are consistent with the FDLE interviews and court testimony Woodard provided but conflicted at times with other known facts. Below are several comments Jeff Woodard made during the exit interview which conflict with other known facts. The complete list of subjects discussed can be found in the 16-001 Professional Standards File.

Woodard discussed that in the first shoot/don't shoot they used the Simunitions revolver for the police role player. He stated the decision to use Lee Coel's blank gun occurred under Chief Arenal's time as chief.

Based on all the evidence, the decision to use Lee Coel's blanks gun was made by the facilitators at the first shoot/don't shoot scenario between scenario one and scenario two.

Based on statements and photographic evidence Chief Arenal was not present at that time and never personally attended a shoot/don't shoot scenario demonstration.

Woodard discussed that, according to Captain Jim Nichols, a K-9 expert blanks gun in K-9 terminology means a real .38 gun. He says he did not know that at the time of the August 9 incident.

The same revolver used on April 30, 2015 during the original shoot/don't shoot portion and carried by Officer Coel as a canine training blanks gun was the same one used on August 9, 2016. Photographic evidence shows the revolver provided by Officer Coel at that event being displayed to all the facilitators in plain view at very close proximity. Each are experienced with training and firearms certifications.

He then discussed he had never heard of a wadcutter bullet, never seen one before and not sure following a policy or procedure would have produced a different outcome on August 9. This indicates that he and the others who have previously made similar statements, would not necessarily have known there was a problem even had they looked at the ammunition on the night of August 9, 2016.

Strict Simunition safety protocols, had they been followed, would have identified the revolver as a real live fire weapon which is prohibited. They also require, when checking the ammunition before a scenario, you inspect the ammunition at its source (packaged) along with each individual round. Had this been done, the safety officer would or should have recognized from the ammunition packaging, that the rounds contained within had a 148-grain weight, indicating a projectile was attached.

Woodard discussed the fact that no one ever specifically designated a safety officer for any of the shoot/don't shoot scenarios. Based on the statements from other role players, this was likely an accurate statement. Several advised they were never safety checked in accordance with the required Simunition protocols and some even stated they were firing live Simunition from their weapon with the citizen role players unprotected.

He also advised no one would have authorized Officer Coel to introduce his personal weapon into the scenarios.

Based on statements and photographic evidence, it appears that Officer Coel's personal live fire revolver was authorized, tacitly at least, to be used by three command staff members and a training officer at the first shoot/don't shoot scenarios on April 30, 2015. Whether it was by miscommunication or negligence, it was authorized and used in the very first shoot/don't shoot scenario. This could have led Officer Coel to think it was authorized in the August 9 event, particularly since no one provided him an alternative weapon before the event.

He discussed there was no industry standard or policy for this type of event.

Based on statements and observed training manuals, force-on-force simulation training is a popular and wide spread form of training throughout the United States. There are many companies who provide training certification and direction on the use of their equipment. Each

requires strict safety protocols be followed while the equipment is in use and they make no distinction between officer role players or civilian role players being the ones using it. The Punta Gorda Police Department, at the time of the first shoot/don't shoot scenario planning, had four certified Simunition Instructors and firearms instructors on staff. Simunition training conducted under the strict industry standard safety protocols has been a part of the Department's training schedules for more than fifteen years.

F. Summary of retired Lt. Joe King's Statement

Lt. Joe King (retired) provided a sworn professional standards statement. He advised at the time of the April 30, 2015 Leadership Charlotte event he was the supervisor over the Community Services Section. He advised he played no part in planning the event itself or the shoot/don't shoot portion of it.

Joe King stated he had created schedules for other events such as the citizen academy. He advised he was responsible for coordinating the events, staffing them and being the liaison with the incoming organization. He stated that was not the case the April, 30, 2015 event and he did not know who was responsible for the planning and staffing of the Leadership Charlotte events.

He stated he did not remember participating actively in the event but might have been there as a part of staff to be introduced in the beginning during the Chief's welcome. He stated he never saw the shoot/don't shoot portion of the event.

When asked if he attended the meeting to discuss the event, called by then Captain Lewis, he stated he could not remember because there were six meetings a day back then. He stated he did not participate in the planning of the shoot/don't shoot scenario at any stage of it.

He stated he did remember Chief Arenal announce that the department was going to be doing the scenarios based on the videos from out west. He stated it was during a regular morning staff meeting when Chief Arenal discussed it. Joe King stated at that time he assumed it would fall under his responsibility since he was doing the citizen academies but he had no association with it after it was announced, primarily because he was transferred to the road before the next Citizen's Academy came around in 2016.

G. Summary of Lt. David Lipker's Statement

Lt. David Lipker provided a sworn professional standards statement. He advised he was at the police department on August 9, 2016 and provided FDLE a statement at that time. He stated he did not remember the email sent by then Captain Lewis to the police administration staff regarding the planning meeting for the shoot/don't shoot scenarios. He stated he did not remember participating in the meeting or having anything to do with the planning or organizing of the shoot/don't shoot scenarios. He also stated he does not remember attending any of the shoot/don't shoot scenarios.

Lt. Lipker stated he was a certified range instructor and Simunitions instructor. He then described the required safety protocols for a Simunitions exercise. He advised each participant would be searched. He advised the area and any vehicles involved would be searched, typically

by two instructors. They would make sure no live firearms were allowed in the safety area. The only guns allowed would be the dedicated blue Simunitions Glock and the dedicated Simunitions revolver that has discriminators/restrictors in it. He stated both guns would be double checked as well. He stated the additional safety equipment included masks, face gear and throat gear.

He agreed Simunitions was a brand and the training was considered force-on-force. He advised he trained under the Simunitions brand and they preached safety in their training. He stated he brought back the safety protocols he was taught so we have been very, very safety conscious when conducting training with Simunitions.

When asked, he stated to his knowledge the department has never used blanks in Simunitions training. He further stated he never remembered the department using blanks at all, let alone in Simunitions or any other kind of training. He stated no one had ever asked his opinion or consulted with him on the use of blanks or a live gun in the scenarios. He stated the night of Mrs. Knowlton's death he was expecting to hear Simunitions rounds and got concerned when it was different. He stated he was not aware we would be using a live gun, let alone blanks.

H. Summary of Captain Jason Ciaschini's Statement

Captain Jason Ciaschini provided a sworn professional standards statement. He stated he did not recall attending a meeting for the planning of the shoot/don't shoot scenarios as outlined in then Captain Lewis' April 15, 2015 email although it sounded like something the department would do in the normal course of business.

He stated what was unique about the leadership classes is they have tight time constraints.

He stated he could not independently remember attending a meeting regarding the planning of the scenarios but he stated he could not rule out they might have been talked about in an impromptu hallway meeting or somewhere else.

He stated he seemed to recall Captain Lewis at the time researching the shoot/don't shoot scenarios as the Operations Captain. He stated the idea itself was rolled out by Captain Lewis but he cannot remember if it was at the direction of Chief Arenal or not. He stated the idea came out of Captain Lewis' office and he had the lead on the process and scenarios. He stated he knew Chief Arenal was aware of the scenarios but he did not know if Chief Arenal engaged Captain Lewis first about them or if it was the other way around.

When asked if thought Chief Arenal would have been planning or preparing the scenarios himself he replied the staff would have been responsible for them not the Chief.

Captain Ciaschini stated he did not remember attending more than one leadership event involving a shoot/don't shoot scenario. He stated at most events of this kind he conducted tours and PowerPoints. He stated if he observed them it was not because he was assigned to that portion of the event.

Captain Ciaschini advised he did not know who set up, planned, and staffed the scenarios. He also had no independent knowledge of who set up planned or provided the equipment to the role players. He stated the scenarios were always done independently of any function that he supervised and they originated out of Captain Lewis's office and just seemed to stay there for whatever reason. He stated he had no recollection of sitting in a meeting where the scenarios were planned and role players were selected.

He agreed Joe King's position for the events was more of an overall facilitator and not the individual portions of them. He stated while Joe King was reporting to him as the Community Services Lt. he had no recollection of him being directly involved with the shoot/don't shoot portion.

I. Summary of former Lt. Katie Heck's Statement

Katie Heck provided a sworn professional standards statement. After her resignation, Lt. Heck made herself available to provide a statement for the professional standards investigation. Heck provided multiple statements to FDLE during their investigation of Mrs. Knowlton's death and testified under oath in Chief Lewis' criminal trial. The additional statement provided for the professional standards investigation centered mainly on the planning of the August 9, 2016 event and other previous events featuring the shoot/don't shoot scenarios.

Heck advised she became a part of the police department command staff on September 11, 2015 when she was promoted to interim Lieutenant over the Community Services Section. She advised Lt. Salsman was in the position when she took it over but he had only been there a few weeks himself after replacing Lt. Joe King.

She advised she had no firsthand knowledge of how the shoot/don't shoot scenarios came about, but after discussions she found out it had come from a YouTube video where a black activist was shown what officers have to think about. She did not believe she saw the original video until after the August 9, 2016 incident.

She stated she did not participate in the planning, organizing or facilitating the initial use of the scenarios because she was still on the road as a corporal.

She advised the February 2016 Leadership Charlotte Class was the first one she was involved with, and she was responsible for setting the agenda. She stated the schedule outlines for the Citizen's Academy and leadership classes were stored on the P drive. When it came time to do one, she stated she opened the document, changed the date, and then started looking at the squad rosters to see who would be available to fill roles and assignments.

She stated her role in assigning people to the event started with the rosters to see how many she could fill without incurring unnecessary overtime. She stated it was standard for command staff officers to give the tours and, through conversation, learned that Chief Lewis was always going to be assigned to the shoot/don't shoot and either Captain Woodard or Lt. Salsman would be assigned with him depending on their availability. She stated static displays were filled with people who knew and used the equipment displayed. She advised the shoot/don't

shoot role players were picked based on availability, but they were supposed to be big as an intimidating factor in the scenario.

Heck stated she did not have any role in running the shoot/don't shoot scenarios. She could not remember how many shoot/don't shoot scenarios she had personally seen because, when she attended the events, she was always the person keeping everyone moving and on time. She advised she had never seen a complete scenario played out.

She stated she was not involved at all in the Police Officer Experience Day event.

Heck stated she did not have any involvement in the shoot/don't shoot scenarios in regards to the safety protocols, so she did not know who was tasked with taking care of that aspect. She stated she assumed dedicated Simunitions guns were being used but she had no role in handling them or assigning them. She advised she did not know who was running the Simunitions portions of the event.

When asked, she described the required Simunitions training safety protocols as making a safe zone for the training, and checking the participants as they enter the zone to make sure they do not have a gun, knife, or anything else like that. She stated that two people must check the Simunitions guns being used, just to make sure Simunitions rounds are being used. When asked about the designated safety officer, she stated before the incident on August 9, 2016 it was normally one of the firearms instructors running the scenario, but sometimes the instructor would appoint a competent officer after they had been checked themselves.

Heck stated she was not aware of any conversations amongst the command staff about switching from Simunitions rounds to blanks for the shoot/don't shoot exercises.

Heck stated she was Officer Coel's immediate designated supervisor from September 11, 2015 to June 16, 2016. She stated her immediate designated supervisor was Chief Lewis during that time frame.

She advised she was previously a K-9 officer herself earlier in her career, but she never had a blanks gun issued to her. She advised she trained with the sheriff's office but never personally used their blanks gun. She stated the Department ordered blanks for the sheriff's office back when she was a K-9 officer and they used the sheriff's office's revolver.

She advised the blanks she ordered at PGPD in February of 2016 were for Officer Coel. She speculated that the blanks bought at the request of Captain Nichols in 2014 were also for a K-9 dog event. She stated she did not know Officer Coel had a personal blanks gun or a revolver he used with blanks. She stated that, when he asked for the 150 rounds of blanks in February 2016, she did not think anything of it because K-9 officers are always ordering them. She advised that her brother, who previously took her place as the K-9 officer, also never had a blanks gun.

She stated she could not recall any conversation about which gun should be used for the shoot/don't shoot scenarios, nor did she recall any conversation about there being noise

problems with the scenarios. She stated Officer Coel never made a requisition through her for a gun that fires blanks.

J. Summary of Officer Cody Smith's Statement

Officer Cody Smith provided a sworn professional standards statement. Officer Smith was Officer Coel's roommate at the time he purchased the revolver and participated in the first shoot/don't shoot event. Officer Smith could not provide any information relevant to the professional standards investigation.

K. Summary of Lt. Mark Bala's Second Interview Statement

Lt. Bala provided a second sworn professional standards statement. He was re-interviewed about his January 8, 2015 email sent to Martin Meddaugh commenting about the training method he observed, which was discovered after a secondary email search was conducted based on information provided after Lt. Bala's initial interview.

He was asked if there was a conflict from his original statement and the comments he made in the email about the safety protocols not being followed in the five shoot/don't shoot scenarios performed by the department between April 30, 2015 and August 9, 2016. He stated he did not fully remember the video he was responding to in his January 8, 2015 email, but he had no reservations about his first professional standards statement.

He stated his February 9, 2016 email to Lt. Mohaupt in which he expressed his concerns about the way the scenarios were being conducted was accurate, and his opinion today is the same. He stated Lt. Mohaupt's response, that he used marking cartridges and blanks for the April 30, 2015 event, was a red flag to him about the scenarios. He stated again that using those types of ammunition while training civilians was dangerous because they are untrained and both types of ammunitions can cause injury.

LINE INSPECTIONS FOR OFFICER COEL

During the investigation and Chief Lewis' trial, the topic of vehicle line inspections was discussed as it related to Officer Coel's possession of a personal live fire K-9 training revolver without the knowledge of his supervisors with or without it being registered by form with the Department, as required by Department policy.

The line inspection report referenced is a two-page, pre-formatted Department form. The purpose of the report is to inspect the individual officer, weapons, vehicle, emergency lighting, sound equipment, and required issued equipment at least once every three months or quarterly. It is what is referred to as a force-fed form because most entries are accomplished by filling in the block with an X or a serial number. Comments can be made on the second page by the supervisor filling out the form.

Per Department policy, the line inspection report should be completed by the officer's immediate supervisor. Under certain circumstances, the immediate supervisor can delegate another supervisor to conduct the inspection and complete the form. The immediate supervisor

has the primary responsibility to ensure all his or her officers have been inspected and that the report has been forwarded to the Division Captain, unless the inspection is being conducted by the Division Captain. The Division Captain is then responsible for forwarding the inspection reports to the Chief of Police and to the Accreditation Manager, where the central repository of the reports is maintained.

The line inspection report is tailored to a standard police vehicle, either in road patrol or investigations. To date, there is not a line inspection form tailored to a specialty police vehicle such as K-9 or Marine patrol. Each of these vehicles have the standard issued equipment listed on the line inspection report, but the report does not reflect any additional specialty equipment or items such specialty units might possess or store in their respective patrol units because of their special duties. Due to this, supervisors conducting line inspections on specialty team personnel and vehicles, who are not their designated immediate supervisor, are unfamiliar with the secondary specialty equipment and are subject to missing such equipment during the inspection, or not recognizing that such equipment has not been properly approved.

When assigned to a road patrol squad, a K-9 officer is under the supervision of the on-duty uniform patrol road lieutenant working that day for matters such as report approval and general direction on calls. The K-9 officer's schedule and the road patrol squads' fluctuations, results in the K-9 officer working for multiple road patrol lieutenants as supervisors during a regular work week. However, the K-9 officer's immediate designated supervisor is responsible for his scheduling, equipment requests, training, and vehicle issues.

During Officer Coel's career at the Punta Gorda Police Department, which started on March 17, 2014, he had four immediate designated supervisors. While in the field training program as an officer in training he was under the immediate designated supervision of the Employee Development Lieutenant, Jeffrey Woodard at that time.

Officer Coel was appointed as a K-9 officer upon completion of his field training program in June of 2014. As a K-9 officer, at that time his immediate designated supervisor was then-Captain Lewis. Captain Lewis had been the immediate designated supervisor of all K-9 officers since the program was reintroduced to the department in 2008, with Officer Katie Heck as the handler at that time.

Upon being appointed interim Chief of Police on September 11, 2015, Chief Lewis reassigned Officer Coel to the immediate designated supervision of Interim Lt. Heck in the Community Services Section.

On June 16, Of 2016 Officer Coel was transferred back to the immediate designated supervision of the Operations Captain, Jeffrey Woodard.

During the time span of Officer Coel's career at the Punta Gorda Police Department he worked nine quarters where line inspections should have been conducted on his person, vehicle, and equipment. Only three line inspection forms were on file in the central repository stored by the Accreditation Manager.

During Officer Coel's field training program, Lt. Rick Mohaupt conducted the inspection of his road patrol vehicle, Unit 109, on April 30, 2014. The inspection was unremarkable and no secondary weapon was listed.

The next recorded line inspection on file for K-9 Officer Coel was conducted on his K-9 vehicle, Unit 117, by Lt. Heck on February 1, 2016. The inspection was unremarkable and no secondary weapon was listed. This inspection occurred approximately thirteen days before Officer Coel requisitioned the 150 rounds of .38 blank ammunition previously referred to in the investigation.

The third and final line inspection on file for K-9 Officer Coel was conducted on his K-9 vehicle, Unit 117, by Lt. Norman Nahra at the request of Captain Woodard on July 8, 2016. The inspection was unremarkable and no secondary gun was listed. This inspection occurred approximately twenty-two days after Officer Coel was reassigned back to the Operations Captain for designated supervision.

REVIEW OF ADDITIONAL DOCUMENTATION PROVIDED BY CHIEF LEWIS

A. Canine Training Reports

Prior to Chief Lewis' professional standards interview, he provided copies of four K-9 training reports previously submitted by K-9 Officer Coel on March 15, 2015, March 21, 2015, May 29, 2015, and August 15, 2015. Each described a public K-9 demonstration with blanks being fired. They were approved by Corporal Rebecca Grim, Lt. Salsman, Lt. Melissa Reynolds, and Lt. Lipker respectively.

When providing these reports, Chief Lewis noted that the supervisors approving the training reports did not question the fact Officer Coel was reporting he used blanks for the demonstrations or take any measures to check his weapon.

The reports were reviewed and it was noted two of the reports occurred prior to Officer Coel obtaining his Smith & Wesson .38 caliber revolver on April 15, 2015. As of that time, the Department also had not issued any K-9 firearms for blanks. The remaining two reports were from demonstrations occurring after he obtained the revolver and prior to obtaining the misidentified wadcutter bullets from Lt. Heck.

K-9 reports are used strictly for recording training and maintaining the documentation necessary for the K-9 and their handler.

In this case, much like the line inspection process, Officer Coel is under the control of an immediate designated supervisor. The training reports are approved by uniform patrol road lieutenants to facilitate them being entered into the computer database. The uniform patrol road lieutenant would have very limited knowledge of what demonstrations were planned or the equipment required to perform them. Had this been a crime report filed by Officer Coel while working a shift on the lieutenant's squad, it would have been his/her responsibility to thoroughly review it for accuracy and completeness. The uniform patrol lieutenant's main

objective in reading and submitting the reports into the system would be so K-9 Officer Coel and his immediate designated supervisor can maintain the K-9 files as required by policy.

Additionally, for the K-9 training reporting period of March 15, 2015 to August 15, 2015, then-Captain Lewis was Officer Coel's immediate designated supervisor.

The reports were placed in the 16-001 Professional Standards File for reference.

B. Listing of Prior Blanks Demonstrations

Prior to his interview, Chief Lewis submitted a list of prior demonstrations where blanks were used. Twenty-four demonstrations are listed and all but four are either K-9 demonstrations or honor guard salutes with comments. The list also notes Chief Arenal's departure date, Chief Lewis' interim date, and Chief Lewis' promotion date as they relate to the demonstrations. The K-9 demonstrations identify the event coordinators if known, any supervisors attending the event, and the road patrol supervisors who signed off on the K-9 training report.

Noted in the Leadership Charlotte Class event on April 30, 2015 was the following description:

This was an event where we did the same scenarios for the 2015 Leadership Charlotte Government Day Class. Lt. Rick Mohaupt played the part of the "bad guy" and used a department-issued revolver that is equipped with discriminator rings placed into each of the cylinder slots to prevent a live round from chambering. There is photos and videos of the scenarios. Officer Lee Coel played the part of the "bad guy" in the second scenario.

There is no mention of the use of Officer Coel's personal revolver and full size .38 caliber blanks retrieved by Officer Coel from his K-9 Unit after the first shoot/don't shoot scenario was deemed not loud enough to hear.

C. Blanks Ammunition Purchase Records

Prior to his interview, Chief Lewis provided several police department records pertaining to the purchases of blank ammunition. Two of the purchases involved the Winchester Super X .38 caliber smokeless blanks used by K-9 Officer Coel.

The first purchase was a requisition by Captain Jim Nichols submitted on July 25, 2014 for three boxes (150) of the blanks. Captain Nichols, during his statement, could not remember the requisition but speculated it was for an upcoming dog trial or for use with Officer Coel and his recently obtained K-9 at the time. The requisition was approved by then-Captain Lewis, who was the immediate designated supervisor over the K-9 unit at the time, and by Chief Albert Arenal.

The second purchase was a requisition by K-9 Officer Coel submitted on February 11, 2016 for three boxes (150) of blanks. Lt. Heck testified the blanks were for use in Officer Coel's demonstration or to repay the CCSO for the blanks provided by them and previously used

during his training. The requisition was approved by Lt. Heck, who was the immediate designated supervisor over the K-9 unit at the time, and by Chief Lewis.

D. Documentation of Blanks Revolver Example

Prior to his interview, Chief Lewis provided a two-page internet based document from Blank-Guns-Depot.com. The document depicted a .38 snub nose blanks-firing revolver, which was silver in color with black grips. The revolver was somewhat similar in appearance to the revolver used by Officer Coel during the August 9 shoot/don't shoot scenario with Mrs. Knowlton. The specifications describe it as firing single or double action with a swing out cylinder for easy loading and ejection. The specifications state it holds 5 380/9mm blanks.

Chief Lewis stated Jeff Woodard had provided him with the information, while stating it was the blanks gun he thought Officer Coel had in his possession and was using during the August 9, 2016 event.

It was noted that, after reviewing the above specifications, the .38 caliber Winchester blanks previously described above would not have fit into the blanks gun depicted in the Blank-Guns-Depot document.

E. Additional Documentation and Evidence Reviewed

Prior to his interview and along with the previously detailed documents, Chief Lewis provided additional information in the form of documents, video, photographs, and emails. All the information provided by Chief Lewis is attached to the 16-001 Professional Standards File for reference.

The folder titled, "*Lee Coel Violations*," included numerous departmental policy and training violations Chief Lewis asserts Officer Coel violated leading up to the death of Mrs. Knowlton.

The folder titled, "*Model Policies and SRIC*," contains information documenting the fact that no other departments had policies specifically governing an event such as the public shoot/don't shoot demonstration that led to the death of Mrs. Knowlton.

The folder titled, "*Video Segments*," contains an outline and short clips from the August 9 event, as recorded by the police department security system.

In addition, there was a single copy of the calendar invite for the Chamber Police Night and the attached outlined schedule distributed by Lt. Heck on August 9, 2016, as well as a video copy of the original shoot/don't shoot scenarios as performed by the Maricopa County Sheriff's office in Arizona.

SUMMARY OF INTERVIEW STATEMENTS OF INVESTIGATION SUBJECTS

A. Chief Tom Lewis

Chief Lewis provided a sworn professional standards statement. Chief Lewis indicated the Chamber Night event on August 9, 2016 began with discussion between Gloria Sepanik and Pat Oliva in June of 2016 and later was turned over to Lt. Heck to coordinate with Mrs. Oliva. He stated there were some preliminary discussions, and he approved the Department participating in the event.

When asked about any organization meetings held before the event, Chief Lewis stated there were roles established prior to the Knowlton incident, so there was essentially no need for discussions on who was going to play what role in the August 9 event. Chief Lewis stated he remembered attending two meetings, one of which was the regular staff meeting on the morning of the August 9 event. He also remembered an earlier meeting between himself, Lt. Heck, Lt. Salsman, and Captain Woodard, to the best of his recollection. In that meeting he said Captain Woodard indicated he had a family matter and could not attend on August 9. However, in the staff meeting on the morning of the event, Chief Lewis stated Captain Woodard showed up ready to help, and he was assigned the task of keeping the event running on time.

He stated the discussions were mainly about how they were going to keep the same format, as they had put on with previous events with presentations, classroom time, and tours. He stated they also discussed staying on course with the previous scenario format as well.

Chief Lewis again advised that, historically, every one of the staff knew what their roles entailed. He advised he might have had some informal conversations about staffing the static display and role player positions as far as authorizing overtime and the like.

Chief Lewis provided an email indicating there was a meeting held on or about July 27, 2016, and a second email from Lt. Heck indicating actual assignments were given to the participants.

Chief Lewis stated Lt. Heck was unavailable due to a legitimate reason and therefore did not attend the August 9 event. He advised that, since Captain Woodard had agreed to help, he was given her basic duties of making sure everything was running on time and smoothly.

When asked if they discussed how the shoot/don't shoot scenario was going to operate during the August 9 event, he responded they established who had what roles in the very first one, referring to the April 30, 2015 event. He advised as they progressed through each event with the scenarios everyone remained familiar with those roles so there was no need to discuss it.

Chief Lewis advised there was no difference other than the role players changed and somebody was assigned a role to make sure all the safety measures were in place. He stated there was no need to reestablish who the safety officer was, because it had been established in the April 2015 event.

He was asked if he thought the numerous personnel changes that had occurred between the first one and the subsequent events made it necessary to reestablish that everyone knows their roles. Chief Lewis responded that Captain Woodard was established as the safety officer in the very first one. He stated it was very well established and there was no question about it at the time. He advised that, when Captain Woodard transitioned training responsibilities to Lt. Salsman, he expected Captain Woodard let Lt. Salsman know what his duties entailed. As such, when Lt. Salsman is placed on the event agenda, he assumed Lt. Salsman had been fully briefed.

He stated he had a half-hour private meeting with Lt. Heck on January 13, 2016, and fully trained her on how to setup and staff the Leadership Charlotte event set for February 11, 2016. He stated he explained to her she was to put a training officer in the shoot/don't shoot scenarios because he would be busy acting as the host. Chief Lewis stated the Employee Development Coordinator (training) was always to be slated as the safety officer even if they were not wearing a vest designating them one. He again stated Captain Woodard was assigned that role when he was a lieutenant over training. He stated there was no lack of clarity in his directions and all the talk before, during, and after his trial about no one being designated since everybody served as a safety officer was not true. He advised that fact would have been made clear in his trial had he testified.

Chief Lewis acknowledged he was a firearms instructor, past Simunitions instructor, and past armorer.

He was reminded that not a single person who testified in the trial or gave a statement acknowledged they had ever participated in the planning of the scenarios or attended any meetings where roles were assigned. Chief Lewis responded they were having convenient memories.

He was reminded that nothing had been written down about the scenarios such as lesson plans or assignments of roles. He agreed that, regardless of that, on April 30, 2015 he assigned then Lt. Woodard to the role of safety officer with the understanding he would remain the safety officer for all of the shoot/don't shoot events until he left that position.

Chief Lewis stated the April 30, 2015 event was the only one performed while he was the Operations Captain.

Chief Lewis advised the scenarios came from a news video that had been distributed by Detective Meddaugh in January of 2015. He advised he sent the video link to Chief Arenal to consider for a presentation to the NAACP Task Force. Chief Lewis stated Chief Arenal forwarded it to the task force and offered to set up similar scenarios for them. Chief Lewis advised he did not know if there was any response from the task force members.

Chief Lewis stated that, sometime between January 2015 and April 15, 2015, Chief Arenal announced in a morning staff meeting that the Department was going to adopt the scenarios depicted in the video link for future presentations. Lewis advised that Chief Arenal assigned Lt. King to develop it for presentation, but never actually said what event he would like to use it for.

Chief Lewis stated that, at the time, Chief Arenal and Lt. King were not getting along very well, and Chief Arenal had been very critical of Lt. King's work product. He advised it was at that time Chief Arenal asked him to step in and make the scenarios happen.

Chief Lewis advised he drafted a new agenda for the Leadership Charlotte Class on April 30, 2015 because Chief Arenal was critical of the one Lt. King had designed for earlier events. He stated he then extended a calendar invite for April 14, 2015, with the agenda attached. Chief Lewis stated he did not know who attended the meeting. He advised Chief Arenal approved the agenda. Chief Lewis stated that, on the same day, he sent the email to police administration advising everyone they would sit down when Lt. Woodard returned to come up with the assignments for the Simunitions portion, with safety at the forefront.

Chief Lewis stated he did sit down with then-Lt. Woodard sometime between the April 15 email and April 20, 2015, at which time they laid out the structure of the shoot/don't shoot scenarios. He again stated that, at that meeting and with no lack of clarity, Lt. Woodard was appointed to be the designated safety officer. He advised they discussed it was not your normal Simunitions training exercise and there were going to be more people involved. He stated they discussed having many more people than normal and it might take more than one safety officer to control the larger scene. He stated that, because of this, he instructed Lt. Woodard to get Lt. Mohaupt involved, because he was the Department's primary firearms instructor and Simunitions instructor. Chief Lewis advised he wanted a guy there with the most experience in making sure the whole thing ran smooth and safe.

When asked if Lt. Mohaupt was ever brought in to consult on the planning of the scenarios, Chief Lewis responded he had a conversation with him sometime between April 15th and April 20th to tell him he was going to be involved, but he could not remember the exact conversation. He stated it was something along the lines of get with Lt. Woodard to make sure it went smooth and safe because these were citizen participants without law enforcement training. Chief Lewis stated he sent the agenda to Lt. Mohaupt on April 20, 2015.

Chief Lewis advised he became too busy to stay involved in the planning of the event, so he assigned it to Lt. Woodard, who advised him it would not be a problem. He pointed out that Lt. Woodard sent Lt. Mohaupt another email on April 29, 2015 reminding him of his need to participate and enclosing the video link.

It was pointed out to Chief Lewis that the video link sent to Lt. Mohaupt in the April 29 email appeared to be the first time he was made aware of what the scenarios entailed, which was the day before they were to be presented at the event. He responded he did not know because he delegated it to Lt. Woodard. He stated he did not remember his conversation with Lt. Mohaupt or if he explained the scenarios when he spoke to him prior to April 20 other than he needed to partner with Lt. Woodard and make sure it went off safe.

He was asked that, even though he delegated everything to Lt. Woodard, was he not the person in charge of the scenarios and event? He was reminded his name was on every document setting it up, even down to assigning the photographer. He agreed and stated he was definitely the person answering to Chief Arenal, who wanted every single detail. He stated Chief

Arenal wanted to know who was doing every little thing, so he definitely saw himself as the person delegating everything to everyone else like Ashley Handley and Lt. Woodard.

When asked if there was ever a meeting where he basically asked for a complete rundown on how the scenarios were going to work and what weapons and ammunition was going to be incorporated into it since he would be held responsible if it did not work. Chief Lewis responded the first meeting with Lt. Woodard covered all that information. He stated they decided to only use Simunitions. He stated they discussed the fact that the department only owned two masks at the time and they were going to have two officer role players and citizens involved. Chief Lewis stated due to this lack of equipment it was decided the tips (i.e., projectiles) of the officer role players' Simunition rounds would be removed so there was no risk of the citizen being struck. He stated Captain Woodard and he watched the Arizona video and kept the scenarios identical to those in the videos. He elaborated that they did not want to change anything because Chief Arenal stated the video example was what he wanted. Chief Lewis stated that, after it was laid out, he delegated the execution back to Lt. Woodard.

Chief Lewis when asked agreed there were definitely industry-standard protocols for the use of Simunitions. He agreed you do not use them unless everyone is wearing the required protection, no live weapons or ammunition is present and everyone involved is checked, patted down, and double checked. Chief Lewis stated he named Lt. Woodard the designated safety officer in that meeting to make sure those things happened.

When asked if they ever considered the fact that the citizen role player or someone in the crowd watching could be injured if the citizen role player had a misfire or errant shot, Chief Lewis stated he did not know but the bottom line was Chief Arenal wanted it implemented so they were implementing it. He advised that fact was one of the reasons he wanted Lt. Mohaupt involved for his expertise. He stated if it had concerned Lt. Mohaupt, it would have concerned him. He again stated he had too many differing responsibilities at the time so he delegated those tasks to Lt. Woodard, Lt. Mohaupt, and Ashley Handley, no matter how minute it was because he was there to try and host the event. He was asked if there might have been a discussion about the accidental discharge possibility, but he just did not remember it. He responded that he would have expected Lt. Woodard to discuss with each citizen what to do if they had a misfire such as where to point the weapon and how to index the trigger. He stated he expected Lt. Woodard to take care of those things as the safety officer.

Chief Lewis agreed that the protocols used for the shoot/don't shoot were basically a hybrid of the Simunitions scenarios the Department typically used for training. In that regard, the shoot/don't shoot scenario used Simunition rounds, but with the tops of the rounds removed. Additionally, the scenarios also had live Simunitions weapons in the hands of unprotected citizens who have only seen them for about three minutes and with other citizen observers nearby. When asked if he remembered any of those facts being discussed and being deemed safe, he stated to the best of his recollection, yes.

When asked if he was concerned, after reviewing the videos from the April 30, 2015 event, that Lt. Mohaupt was in the second scenario as a role-playing bad guy without wearing safety

equipment, he responded it did concern him in hindsight because Lt. Mohaupt was endanger of being injured. He stated that, with that event being the first one conducted by PGPD, there were things that could have been done better. He stated, in hindsight, you look back at the videos or photographs and do not remember seeing those things at the time.

He was asked if they reviewed the videos and photographs of the events once they were posted on the Department data drive to do a review or safety debrief or if they had a meeting to critique the scenarios based on the videos and photographs. Chief Lewis advised he did not know for sure if that occurred but it was possible if Chief Arenal asked about how it went and who did what.

It was pointed out to Chief Lewis that Chief Arenal was noticeably absent from the shoot/don't shoot portion of the event, even though he was at the event that day and is the one reportedly asking for it to be implemented at the Department. Chief Lewis stated that, after Chief Arenal's initial involvement, he told him he was too busy and for him to take care of it. He stated that was a common occurrence working under Chief Arenal. He was asked if Chief Arenal provided him any feedback based on the video and photographs, and he stated possibly but he did not remember.

Chief Lewis was asked that even though the Department was treating the scenarios a little different than the usual, with some people in safety gear and some not, were we still checking for live weapons, live ammunition, knives and clubs. Chief Lewis stated he would expect the answer to be yes and that was his expectation. He stated he was there with the group so Lt. Woodard and Lt. Mohaupt set things up, so he would expect they did that.

He was asked if he ever asked either of them if everything was done and was good to go. He responded, no, because he never questions an instructor during in-service since he delegated those duties to them and believed they were competent to do them as required.

He agreed he was the facilitator for the group and gave the citizens a lot of direction during the actual scenarios during the April 30, 2015 event. He stated, since it was the first one, he was trying to help as they were kind of feeling it out and getting their feet wet for the first time.

Chief Lewis commented that the scenarios were kind of a hybrid where the environment was not controlled as much as the environment would be for police training. He commented that the debrief during a police training scenario was more for discussing officer tactics.

Chief Lewis agreed when asked that the safety issues in both types of scenarios were just as real. It was pointed out to him that one part of the debrief was to get feedback on anything that was observed to be unsafe, any improvements that could be made, or any injuries that occurred. He agreed and stated a debrief could have been done but he did not remember it occurring. He stated he would have to ask Jeff Woodard of Rick Mohaupt. He reiterated that he delegated that responsibility to then-Lt. Woodard at the time.

Chief Lewis was asked if he knew what weapons were used in the April 30, 2015 event scenarios. He replied that Lt. Mohaupt used the department Simunitions revolver in the first

one or two scenarios and the citizens used the blue Simunitions gun. He then inquired if we were going to discuss Officer Coel's revolver.

He was asked how using Officer Coel's live revolver occurred in the first event came about. Chief Lewis stated he initially did not remember using it, but when he looked over the videos and photographs provided to him in the investigation it was obvious that it was used on April 30, 2015. He then explained that, during the initial presentation of the first shoot/don't shoot scenarios; someone complained they did not hear the perpetrator/shooter's weapon when it was discharged. Chief Lewis stated he could not remember who said it. He advised that a discussion then took place about Officer Coel having blanks available. He stated he does not know who had the discussion with Officer Coel, whether it was Lt. Woodard or Lt. Mohaupt. Chief Lewis stated that, at the time, he was told Officer Coel's revolver was incapable of firing live rounds and was not an actual firearm that was being introduced into the scenario. He stated that, as he considered Lt. Mohaupt a subject matter expert and Lt. Mohaupt allowed it in the scenario, he deemed it safe.

It was pointed out that the live weapon was against the Simunitions protocols that the Department typically practices. He stated he agreed to an extent but even the Department's own Simunitions revolver is a real gun, just modified with restrictors so as not to accept a live round. He stated he was told the revolver Officer Coel had that day would not fire live ammunition.

Chief Lewis was asked if he looked at the weapon before it was allowed into the scenario. He stated he did not because he had delegated those duties to Lt. Woodard at the time and, if Lt. Mohaupt said it was safe, then he believed it. He stated that, in hindsight, he could have checked but he did not because he assumed those people working for him were competent enough to make the decision.

He was asked if that was the first time he knew Officer Coel had a blanks gun. He responded it was the first time but he knew Officer Coel trained with the Charlotte County Sheriff's office and the North Port Police Department and that he would sometimes use their firearms for training. He stated that, to the best of his recollection, Lt. Woodard told him on April 30 that the revolver belonged to one of those agencies. He stated he assumed Officer Coel had possession of it to conduct training or a demonstration later that day.

It was pointed out that in the video and subsequent photographs the live revolver was passed from Lt. Mohaupt to Officer Coel in front of the entire staff present during the April 30 shoot/don't shoot scenarios, and that later Captain Nichols was shown holding the revolver and a box of blanks in front of everyone at the scenario. He stated it did not concern him because he did not think it was a real revolver. He was asked if he could not tell by looking at it, and he stated it would be like looking at the Department wood-handled Simunitions revolver, it is a real revolver that has been modified but incapable of firing live ammunition. So just by identifying it as a real revolver still does not mean it can fire live ammunition. He again stated the person he delegated the safety role to, Lt. Woodard, was telling him it only fired blanks. It was pointed out the box of blanks seen in the video appear to be .38 caliber special blanks

which only fit in a real gun. Chief Lewis responded he did not know a lot about blanks and relied on Lt. Mohaupt at the time to determine whether it was safe or not to use them.

Chief Lewis acknowledged he signed off on a requisition from Captain Nichols for 150 rounds of .38 special blanks in July of 2014 as the Captain over the K-9. He stated he did not remember the purpose, but it could have been for training with Officer Coel and his partner Spirit. Chief Lewis stated at the time he knew Officer Coel did not possess a blanks gun. He stated he understood at that time that Officer Coel was using the blanks gun owned by the Sheriff's Office or North Port Police Department.

It was pointed out that, since the events of August 9, people have said they did not know Officer Coel had the revolver, but it was obvious on April 30, 2015 everyone in attendance knew he had it. Chief Lewis agreed. It was pointed out that the assertion that Officer Coel never informed anyone he had the revolver was not entirely accurate because he provided it for use in the April 30, 2015 event. Chief Lewis agreed that Officer Coel provided the revolver at that time, but noted it was his understanding at the time that the revolver was owned by North Port or the Sheriff's Office and not kept in Officer Coel's possession 24/7. He stated he did not know at the time it was a real firearm so to say people knew he had a gun would be inaccurate. He was reminded both Lt. Mohaupt and Captain Nichols were aware it was a live firearm. He stated it would have been great if they informed him of that, but he did not know it was real.

When asked, Chief Lewis could not remember who brought up using the blanks during the April 30, 2015 event. He stated he did not know Officer Coel had the gun nearby.

It was pointed out that while all the scenario facilitators, including himself, were standing around after the scenarios talking to the crowd, Officer Coel's revolver was passed around in plain view of everyone and actually held by Captain Nichols for a significant period of time in front of everyone involved with the scenarios. Chief Lewis stated it clearly happened based on the photographs, but he does not ever remember seeing it.

Chief Lewis advised he was Officer Coel's immediate designated supervisor at the time of the April 30, 2015 event. He was asked why he did not inspect the weapon or ask Officer Coel why he was carrying it since he had never seen it before and was unaware it was in his possession. He stated he did not think it was a real gun and therefore, from a Department policy standpoint, would not have a problem with him carrying a blanks-only gun for demonstrations and training purposes. He further stated he did not know it was real, let alone his own, personal weapon. He stated his thought process is essentially validated because of the annual reminders sent out to all officers to register their secondary weapons, and Officer Coel did not respond.

Chief Lewis was asked that, if the staff at the April 30, 2015 event allowed Officer Coel to retrieve the live training firearm from his K-9 police vehicle and they used it at the April 30, 2015 event, wouldn't Officer Coel rightfully be able to assume that everyone knows he has the firearm, including his immediate supervisor. And since nobody questioned it or counseled him for having it, wouldn't he assume he doesn't have to worry about paperwork or possessing it in his vehicle as a training weapon. Chief Lewis stated he understood the question but the policy that requires you to register your guns is there for a reason and you cannot just show it to

somebody and it would be okay. He further stated, if Officer Coel assumed the firearm was authorized because someone saw it, he would be wrong. Chief Lewis was reminded the live training firearm was not just seen, but used by two lieutenants in front of two captains. He stated he saw the video but had he known it was a live firearm he would have never allowed it in the scenario regardless of Lt. Mohaupt's recommendation that it was safe. He again stated it was represented to him that it only fired blanks and, even though he could have checked it several times, he had delegated those responsibilities to the people he thought were competent enough to carry them out.

Chief Lewis stated he did not know who loaded officer Coel's revolver at the April 30, 2015 event. He stated he was dealing with the crowd at the time.

Chief Lewis was asked if there was a debrief or discussion after the event as to whether they would continue to use the blanks in future events or return to Simunitions rounds with the tips removed. He stated he did not remember one that day. He then stated the only reason he allowed the blanks was because Lt. Mohaupt was there and he felt comfortable with him using them in the scenario. He stated, after watching the video and in hindsight, it sounds bad but at the time he trusted his decision that they were safe. Chief Lewis stated again, if he had any idea at the time that it was a real firearm, he would not have allowed its use. He stated there was no way he would allow anyone to just grab someone else's firearm and fire it. He stated it is not the way the Police Department does business. Chief Lewis was reminded that it actually did happen that way for the last three scenarios on April 30, 2015. He stated he understood, but it was a onetime thing.

Chief Lewis was asked if there was a discussion about the use of blanks between himself and Captain Woodard prior to the next event and scenario presentation on February 11, 2016. He stated there was not but there were organizational meetings to make sure they are doing what they needed to do. He stated, even though they did not do the debrief and discuss whether they are doing that again or not doing that again, when it was time for the next one they were going to have a sit down.

Chief Lewis stated it was determined before the February 11, 2016 event that they would be using Simunitions again. When asked why they changed back to Simunitions, he stated they never really changed the philosophy of it being a Simunitions-only exercise. The use of the blanks in the first one on April 30, 2015 was a onetime thing for that event only. The use of the blanks in the first scenario was re-discussed and Chief Lewis reiterated the crowd or role player not being able to hear caused a discussion amongst some of the staff about the use of Officer Coel's revolver, but it was for that event only and did not change the structure of the original scenarios.

He was asked if there were not concerns for the subsequent event attendees not being able to hear the rounds in the Simunitions revolver. He stated he never had concerns for the loudness of the rounds. He further stated that if Officer Coel had a blanks gun available he could not hand it off to just any role player so the main structure of using Simunitions never changed. He

stated there was never a discussion that from that point on they would consider changing to blanks.

When asked who made the decision to use Officer Coel's revolver in the April 30, 2015 event, Chief Lewis recalled that Lt. Woodard and Lt. Mohaupt had a discussion with Officer Coel and subsequently Lt. Woodard told him it was not a real gun. Lt. Mohaupt then stated to him that he would be using it and it was safe. He stated he did not remember the entire discussion or all the details, but in the end, it was a collective decision.

Chief Lewis was asked who selected Officer Coel to participate as a combatant in the second shoot/don't shoot scenario on April 30, 2015. Chief Lewis stated he selected him based on his physical size and the need for a very large officer in the second scenario.

Chief Lewis acknowledged that Officer Coel was placed under his immediate designated supervision as a K-9 officer. He stated that, while Officer Coel was in K-9 training, he and the Employee Development Lieutenant tag teamed it for a few months. He acknowledged the K-9 Unit was his direct responsibility under the Department organizational charts.

It was pointed out that in FDLE's investigation and court testimony during his trial, the subject of officer line inspections was brought up. The question was posed; couldn't those line inspections have uncovered the fact that Officer Coel had a live fire training weapon in his vehicle? Chief Lewis stated that, while Officer Coel was assigned to him, he missed a few of the inspections because they were working different hours most of the time. He stated he spoke with Chief Arenal about the schedule and his workload making these inspections of Officer Coel and his vehicle very hard to accomplish, so Chief Arenal authorized him to have uniformed road patrol lieutenants do it. Chief Lewis stated he had the same situation with the marine officer as well. He advised he asked the uniform road lieutenants to take on the responsibility. Chief Lewis advised he did not know if the inspection would have uncovered the revolver because Lt. Heck completed one on Officer Coel after she assumed the responsibility for supervising him in September of 2015 and did not uncover it. It was noted to Chief Lewis that the form does not include a blanks gun checkbox, but does list a secondary weapon.

It was noted to Chief Lewis that there were only three quarterly line inspection forms completed on Officer Coel during his entire career at the Police Department. He concurred that he observed that in the investigative file. He was asked if he remembered which lieutenant he assigned to complete the line inspections on his behalf. Chief Lewis advised there was no specific lieutenant assigned, but it was based on who was available when the inspections were being completed that particular day and Officer Coel was on duty. Chief Lewis advised that if they were not being done by the lieutenants as he expected them to be, he would have hoped that Accreditation Manager Gloria Sepanik would have alerted him to that fact and he could have done them, but that did not happen.

Chief Lewis was asked if he had any input in selecting Officer Chow and Officer Kelvin Jimenez as participants for the February 11, 2016 event and shoot/don't shoot scenarios. He stated he did not think so. He stated Lt. Heck had already been informed by him on how to plan and

conduct the events and scenarios back on January 13th at their meeting. He stated they may have talked about personnel, but he did not remember.

He noted, in an email from Lt. Heck to the role players, she indicated they had been hand-picked by Chief Lewis. He stated Lt. Heck had been complaining that officers she had been picking for roles were not cooperating, so he authorized her to use that language in an effort to get better cooperation. He did not know for sure, but doubted he hand-picked the role players himself.

Chief Lewis stated they held the February 4, 2016 planning meeting. He reiterated he was trying to facilitate everything and delegating all the responsibilities because of his busy schedule then as the interim chief.

Chief Lewis was asked if the email from Corporal Bala, and received by Lt. Heck, questioning the safety aspects of the shoot/don't shoot scenarios was seen by him at the time. He stated he had never seen it before. It was noted the email had been forwarded from Lt. Heck to Captain Woodard at the time. Chief Lewis stated he and Captain Woodard never discussed the email or Bala's concerns. Chief Lewis stated, if he had seen it, he would have had concerns also. Chief Lewis stated he viewed Corporal Bala like he did Lt. Mohaupt -- that both have been around a long time and are experts regarding firearms. He stated, if they had concerns, it should have been talked about.

Chief Lewis stated he did not know why Lt. Mohaupt was scheduled to be the role player again in the February 11, 2016 event, but ultimately did not participate and instead Officer Chow participates. He stated Lt. Heck was responsible for the assignments. He stated he certainly would have preferred Lt. Mohaupt.

He agreed Simunitions ammunition was used by all the role players at the February 11, 2016 event. When asked who prepared the weapons, he stated that, same as before, Captain Woodard was still designated as the safety officer. He stated there were discussions in the prep meeting and it was decided nothing was going to change. He stated Captain Woodard was the safety officer, and he was going to take care of the group. He acknowledged it was a sort of team effort.

Chief Lewis stated someone has to set up the scenario, vehicles, and weapons, as well as brief the role players. He again reiterated all that stuff was assigned to Captain Woodard as of April of 2015, and it was clearly established so there should have been no misunderstanding.

It was pointed out to Chief Lewis that Captain Woodard had a different opinion. This different opinion was in reference to him giving sworn statements and testifying in court that he was never involved in the planning of the scenarios or assigned as a designated safety officer in any of them. Chief Lewis responded there were a lot of people who had different stories and convenient memories. Chief Lewis stated he had read the transcripts, and some of them were angering. He stated, when he got criminally charged, everybody went into a self-protection mode, nobody remembers anything, and denied they were designated as a safety officer.

Chief Lewis stated it was clear from the very first meeting in April of 2015 that Captain Woodard would always be the safety officer, and he was still on the scheduled outline so why would he not know his role was the same. Chief Lewis stated he himself was somewhat of a safety officer because he was controlling the crowd, but as far as the actual shoot/don't shoot scenario, it was Captain Woodard.

Chief Lewis stated that, throughout this whole ordeal over the past year, people keep saying there was no designated safety officer. He stated he has had no venue to respond because he was going through the criminal trial and now this internal investigation. He stated there have been so many different statements and nobody was remembering anything unless it was convenient for them. Chief Lewis stated that it was not true there was not a safety officer.

It was noted to Chief Lewis that Officer Chow stated he had live uncapped Simunitions rounds in his Simunitions revolver during the February 11, 2016 event. It was also noted that, even though he stated he was told not to point his gun at the citizen role players, he apparently did as seen in one of the event photographs. Chief Lewis acknowledged he had seen the photograph while reviewing the file.

Chief Lewis acknowledged that several personnel changes had occurred between the April 30, 2015 event and the following one on February 11, 2016. Chief Arenal had retired; he had been appointed interim Chief; Jeff Woodard was appointed interim Operations Captain; Lt. Salsman had transferred to the Employee Development Section; and Katie Heck had been appointed interim Lieutenant in charge of the Community Services Section. Chief Lewis also agreed that all of the changes had occurred in September of 2015, just five months before the February 11, 2016 event.

Chief Lewis was asked if the movement could have caused confusion or problem with people being briefed properly on what they were supposed to do in their new roles as it relates to the events and scenarios. He stated that, in looking back, it appeared Lt. Salsman was unsure of exactly what he was supposed to be doing. He stated there should have been no confusion on Captain Woodard's part.

Chief Lewis was asked if he had concerns about using Officer Chow because of his lack of experience with the scenario. He again stated he felt Captain Woodard was a competent safety officer and was capable of getting Officer Chow up to speed.

In reference to Officer Chow reporting he had live Simunitions rounds in the perpetrator role player weapon, Chief Lewis was asked that, since Lt. Mohaupt set up the weapons in the very first event, perhaps Captain Woodard did not know the tips were supposed to be removed before the scenario. Chief Lewis stated he could not speak for Captain Woodard, but they covered that fact in their very first meeting that there were not enough helmets to go around. He stated they further discussed before the February 11, event that it would be the same as the first.

It was noted to Chief Lewis that, looking at the photographs from the February 11, 2016 event, some people were having equipment problems with the holsters coming off or not having the

proper holster for the person using it. It was noted one citizen role player had the weapon and holster in his left pocket because a left-handed holster was not available. Chief Lewis stated he saw the photographs while reviewing the investigative file. He was asked if they debriefed and discussed addressing the equipment problems. Chief Lewis stated they might have and at one point discussed getting a left-handed holster. He advised he could not remember the details.

When asked, Chief Lewis agreed the same kinds of safety checks conducted for officer Simunitions training should have been conducted for all the citizen events and he thought they were being done by Lt. Mohaupt and Captain Woodard prior to him getting outside with the crowd. He was asked if, after the fact, he had concerns they were not being conducted. Chief Lewis stated he became concerned after he read Officer Chow's statement. He was asked if, at any other time or shortly after the events did he have concerns, or was he under the impression the protocols were being followed. Chief Lewis stated the events went off fairly successfully in the beginning and nobody voiced any concerns. He stated he was not pushing off responsibility, but there were a lot of cops present who observed the scenarios, people who had been through Simunitions training many, many times, and not a one of them voiced a concern.

Chief Lewis stated if there was a debrief with Officer Chow, it was not significant enough that he knew about it. Likewise, if there were comments made about the holsters, he didn't know about it but it probably happened. Chief Lewis did not remember seeing the photograph of Officer Chow pointing his pistol at the citizen until he reviewed the investigative file. He stated he was working a lot at the time and just does not remember.

Chief Lewis stated he received an email in November of 2015 from Hope Petkus regarding the March 22, 2016 Punta Gorda Citizen's Academy. He stated he directed Mrs. Petkus to Lt. Heck as a contact person. He stated the next thing that comes out is an email calendar invite for the event from Lt. Heck.

Chief Lewis was asked if there was a planning meeting or briefing in regards to the shoot/don't shoot portion of the March 22, 2016 event. He stated he assumed they were following the same procedures as before that had been set up since the first event in April of 2015. He was asked if there was a meeting or briefing set up for the shoot/don't shoot participants specifically. He advised he did not know. He stated there were always discussions about who was going to be assigned. He stated Lt. Salsman was taking on Captain Woodard's role as Employee Development Lieutenant and he assumed since Lt. Salsman had no questions when he was assigned to the event it meant he and Captain Woodard discussed his new responsibilities for the scenarios. Chief Lewis stated that, in the actual event itself, Lt. Salsman appeared to have fulfilled the role of the safety officer and he did not have any concerns the checks had not been completed.

Chief Lewis stated he never had a conversation with Lt. Salsman about his duties in the shoot/don't shoot scenarios because he had the expectation that Captain Woodard had properly transitioned with him. As far as the event went, he assumed they had the briefings and safety checks that were required. He stated the scenarios were the same, with Simunitions

being used and the citizens still without safety gear because the tips of the Simunitions rounds were being removed.

It was noted to Chief Lewis that the perpetrator shooter in this event, Officer Kennedy, reported the Simunition rounds in his revolver still had the tips on them and he was seen in one of the of the photographs from the event pointing his revolver back towards the crowd.

Chief Lewis stated he was unaware of those facts at the time and assumed Lt. Salsman was taking care of the safety aspects. Chief Lewis stated he was never told the Simunitions rounds were not modified and he did not remember seeing the photographs after the event.

He stated he did not know for sure if there was any debrief with the scenario participants, but if there was, nothing significant was mentioned from a safety aspect. He stated that, obviously the email from Corporal Bala was a concern, but he did not see that at the time of the previous event. It was noted that neither Officer Chow nor Officer Kennedy remembered any scenario debriefs being conducted. Chief Lewis acknowledged that, based on that, they probably did not occur.

Chief Lewis advised the Police Experience for a Day event on May 3, 2016 was a part of a Kiwanis Club fundraiser event. Kiwanis asked that, since the Department was doing the scenarios and providing baskets for other events, could it put something together for their auction fundraiser. He stated he put the event together and had his assistant put the basket together. He stated Captain Woodard agreed to take over the organization of the event, since he did not have time.

Chief Lewis stated that he spelled out, in his email, it was the Simunitions scenarios that he wanted to include in the event. When he spoke with Captain Woodard, the captain stated it would be no problem and he would take care of it. Chief Lewis stated they talked about getting Officer Mohaupt to do the scenario again.

Chief Lewis stated he did not attend the shoot/don't shoot portion of the day-long event, but he did pop in to other parts periodically. Chief Lewis stated he knew Officer Mohaupt conducted the Taser portion of the training and then the shoot/don't shoot was presented with Captain Nichols as the perpetrator shooter. He stated he did not see the scenarios, but he saw the photos. When asked if he saw them shortly after the event or during this investigation, he stated he could not remember.

Chief Lewis stated he did not participate in the shoot/don't shoot scenarios, nor did Captain Woodard. He stated it was Captain Nichols and Lt. Salsman as the perpetrator role players.

Chief Lewis stated he assumed all the protocols and procedures were being followed, and he expected it to be done. Chief Lewis was asked if he viewed the photographs from the shoot/don't shoot portion. He stated he did. He was asked if any of the safety procedures were apparently being followed, and he stated he did not know of one based on what he saw.

He was asked if anybody raised any concerns after seeing the photographs, and he stated they did not. He stated he was most alarmed because Lt. Salsman was in the scenario with a live

firearm and a Taser. It was noted Lt. Salsman was also not wearing the required safety equipment for the role player assignment. Chief Lewis advised he was very much bothered by the whole thing. Chief Lewis stated no one brought any concerns to his attention about the event.

Delving back into the August 9, 2016 event, Chief Lewis felt there was confusion on his role and how his conversation with Mrs. Knowlton was being framed. He stated everyone was saying he was the person giving safety instructions to Mrs. Knowlton, which was not totally accurate as the actual safety briefing occurred in the training room with Captain Woodard.

Chief Lewis stated he partially covered the procedures with her in front of the crowd so the crowd could be informed also. He stated that, before he gave her the blue Simunitions gun, he covered indexing and a couple of other things again, but not in lieu of the of the original safety briefing. Chief Lewis advised he was not comfortable handing her the gun until he was sure she was going to take it from him properly. Chief Lewis stated he did not want to get shot accidentally during the exchange and it was not that he did not trust Captain Woodard's instructions, but now it was him. Chief Lewis stated he also checked the first few rounds in Mrs. Knowlton's magazine out of habit and not out of distrust of Captain Woodard. He felt it had been framed that his interaction constituted the safety briefing, when it really was not.

Chief Lewis was asked about Captain Woodard telling him he was going to take care of the Simunitions weapon. Chief Lewis stated that it did not happen and was not true. He stated he never knew Captain Woodard left the room until he came back later with the Simunitions gun and magazine for the citizen role player. He stated Captain Woodard handed it to him and said it was checked and double checked. Chief Lewis advised he asked Captain Woodard if they were all set outside and Captain Woodard gave him the "thumbs up" sign, to which Chief Lewis responded, that was great. He stated he told Captain Woodard he could not take the Simunitions gun at that time because he was starting the tours, so Captain Woodard took it back and Chief Lewis stated he is not sure what he did with it at that point.

Chief Lewis stated he was under the impression Lt. Salsman was the safety officer and responsible for everything safety-related that night. He stated that, at some point, Captain Woodard approached him at the static display stating the rain was coming in and if they were going to do the shoot/don't shoot scenarios they needed to do it. Chief Lewis stated that he agreed and, at that point, Captain Woodard informed him he was taking the role player citizens inside for their safety briefing. Chief Lewis stated that exchange with Captain Woodard validated his view that Captain Woodard had taken over the safety officer role. Chief Lewis stated it appeared all the safety checks were done because the cars were set and he saw Officer Coel and Officer Chodakowsky carrying their helmets. He stated Captain Woodard told him everything was set outside and the Simunitions weapon had been checked and double checked.

Chief Lewis was asked if Lt. Salsman ever told him everything was good to go or gave him a "thumbs up." Chief Lewis advised he did not say anything to him like that. Chief Lewis stated he had people assigned and it was his expectation they were doing their jobs. He stated he had the expectation Lt. Salsman was filling the safety officer role, but if Captain Woodard, who is Lt.

Salsman's supervisor, came back and took that role away from him then he expects him to do the job as well. Chief Lewis stated he actually felt more comfortable at the time knowing Captain Woodard had taken the role over from Lt. Salsman.

Chief Lewis stated he had no personal knowledge that any briefings or safety checks had occurred, but he did have the expectations they were being done.

Chief Lewis was asked if it ever came into his mind that since, the Police Department used Officer Coel's training revolver in the last event he participated in, was it a possibility he thought it was alright to use it in the August 9, 2016 event as well? Chief Lewis stated he did not know Officer Coel was the perpetrator shooter until he got outside with the group and it never entered his mind. He stated he did not know Officer Coel's blanks training gun being used that night until after the incident.

Chief Lewis stated his initial FDLE statement was full of inaccuracies, such as the number of times the scenarios had been performed, how many times Officer Coel had previously participated, who was checking the guns, and who the safety officer was, among other things. He stated the amount of information overload he was experiencing and the fact someone had been shot and killed that night contributed to all of that. He stated that, in court the prosecutor tried to make it look like he did not know what was going on, when in fact at the time he thought he knew everything that was happening.

Chief Lewis was asked if he was under the impression that, at the time of the August 9, 2016 event, Simunition rounds with the tips removed were being used. He stated he never had any knowledge they had stopped doing that in past events. He stated it was set up that way because the citizens are without protection, such as head gear, throat protectors, or chest protectors. He stated it was established that way from the first event so there was no risk of them getting hurt. He stated there was not enough protective gear for the citizens if we were going to be firing real, un-unmodified Simunitions rounds at people, so those decisions were made up front.

It was noted to Chief Lewis that Captain Woodard only retrieved one Simunitions weapon from the armory which was contrary to what occurred in past events. Chief Lewis agreed and stated he did not know why that happened.

Chief Lewis was asked if we knew who authorized them to go back to Officer Coel's training revolver for the August 9 event. He advised it was a great question, but it was not him. Chief Lewis stated Captain Woodard created the impression that he was acting as the safety officer, so why did he not check Officer Coel's gun. He stated, since Captain Woodard only prepared one Simunitions gun, he does not have the answer as to why that occurred. He stated there should have been a discussion or briefing before that kind of change was made in the scenario.

Chief Lewis was asked if Captain Woodard was confused because he was there when Officer Coel's training revolver was used in the very first shoot/don't shoot scenario on April 30, 2015. He was asked if maybe, since Captain Woodard knew it was used that time and thought it only

fired blanks, he thought it was appropriate on August 9 since Officer Coel was there and a role player. Chief Lewis stated he hoped Captain Woodard did not make that assumption.

Chief Lewis stated the safety officer sets up the Simunitions weapons for the scenarios, and he would not delegate that to anyone if he was the safety officer.

Chief Lewis advised he never saw the Simunitions revolver or Officer Coel's training revolver prior to the incident.

Chief Lewis agreed that, based on the FDLE investigation and court testimony, Lt. Heck provided Officer Coel with ammunition that she misidentified as blanks. He agreed Officer Coel also failed to recognize that two boxes of the ammunition were actual live wadcutter bullets. He agreed those were the basic reasons those live wadcutters were loaded into his training revolver on August 9, 2016.

Chief Lewis agreed that the revolver Officer Coel used when Mrs. Knowlton was shot and killed was the same revolver used in the very first shoot/don't shoot scenario on April 30, 2015. Chief Lewis agreed that, up until the past few weeks of this investigation, the revolver was believed to have been introduced into a scenario for the very first time on August 9, 2016.

Chief Lewis agreed there were policies against unauthorized firearms and ammunition being carried or used by officers on and off duty. He agreed Lt. Heck should not have issued the ammunition due to the brand and type and that Officer Coel shared that same responsibility for the ammunition as well.

He agreed the unanswered questions and issues included who did not check what and why they were not checked. He agreed the protocols had changed and the scenarios never followed true Simunition protocols. Chief Lewis stated the procedures used were a little bit of a hybrid of normal protocol, because we were removing the tips from the Simunitions rounds.

He was asked if there was ever a lesson plan, script, or anything similar created, which is normally done for a Simunitions training exercise. It was noted to him that Simunitions exercises require a written lesson plan with roles scripted. Chief Lewis disagreed, stating that, in all his years of instructing Simunitions, he never had a script for role players. It was noted that instructor/Lt. Bala advised there should be a lesson plan and script. Chief Lewis agreed there should be a lesson plan, but there had never been a script at PGPD. Chief Lewis stated that when Lt. Bala came to the Department it was possible he instituted the scripts, but he had not experienced it as yet. Chief Lewis stated that, when he was a Simunitions instructor, they literally made their scenarios up on the fly depending on what case law or national event had recently occurred. He stated they would verbally script it just before the participants came in.

It was noted to Chief Lewis that Lt. Bala had provided his simulation instructor training manual from the Armiger Police Training Institute. Chief Lewis stated he attended the Simunitions Company's training for his instructor certification. It was noted the Armiger manual required lesson plans, scripts, and role-play assignments. Chief Lewis was asked if his was different. Chief Lewis responded that he did not recall what the manual stated, but he remembered the school

had scripts. He stated it was mostly specific training objectives like tactical stuff. He stated it was structured more for students and not police officers. Chief Lewis stated he did not know which Simunitions training Lt. Mohaupt attended. It was noted in Lt. Bala's handwritten notes from his training course that removing the tip of the Simunitions marking cartridge could produce shrapnel. Chief Lewis stated he had never heard that in his career. He stated, had he been aware of that, they would have not planned the scenarios the way they did.

It was noted that Chief Lewis provided excerpts from the 801 CMS FDLE Firearms Instructors Course Manual that his defense used in his trial to justify the use of blanks as safe. He was asked why the justified use of blanks came up in the trial. He advised the state attorney was saying things to his attorney in and out of court so they kept the manual available for use in his defense if necessary, and, when Gene Sims testified that it was never safe to use blanks in role play, they used the manual to impeach his testimony.

Chief Lewis was asked if it was not his position from the very beginning that he did not know blanks were used. He stated that was correct and, until he went back and reviewed the investigative file, he did not remember everything. It was asked why, if we did not know we were using blanks that night, why it would be necessary to justify their use? Chief Lewis advised that the State Attorney was arguing the point, so they did research to rebut it.

The section of the manual that stated blanks and marking cartridges could be used to provide realism in training was noted to Chief Lewis. Chief Lewis agreed that, even though the section approves of the use of blanks and does not differentiate whether it is referencing the use of a blanks-only firearm or a live fire weapon used with blanks, common sense and firearm safety would dictate the live firearm would not be allowed.

Another section of the manual discussing torts and potential liability references a blanks gun injury that occurred on the east coast of Florida. Specifically, it describes a training scenario where the trainee was injured by a close-proximity discharge of a blank. The manual emphasized that, even if blanks are used, they require safety protocols as well. Chief Lewis agreed with the assessment.

A third manual from the IALEF was discussed with Chief Lewis, namely the IALEF's Simulations Training Safety Guidelines. A passage describing the lethal dangers of using blanks or primer rounds in close proximity was discussed. Chief Lewis thought Lt. Mohaupt had been at a safe distance from the citizen role players when he discharged the blanks from Office Coel's revolver on April 30, 2015, and he stated he had faith in Lt. Mohaupt's expertise with firearms. He stated he recognized Lt. Mohaupt as a subject matter expert at the time and trusted his judgment in the matter.

Chief Lewis stated there was never anything put in writing as far as the shoot/don't shoot scenarios were concerned. He stated he assumed the safety officer briefed the role players verbally and, obviously, the citizens were being briefed verbally. He stated they only had the original video for reference and maybe that was better than a written script depending on the discussion. Chief Lewis stated, to his knowledge, the Police Department never reached out to the Maricopa County Sheriff's office for feedback on how they prepared for the scenarios.

It was noted to Chief Lewis that, in the IALEF manual referenced above, it indicates that a trainee or role player should never be allowed to provide weapons and ammunition, nor load them for the scenario. It stated the instructor and/or safety officer should always be the one to do this. It also highlighted that many types of ammunition can get confused. It specifically described how .38 wadcutter bullets could be mistaken for blanks, and that the failure to discern the difference could be fatal. Chief Lewis stated he agreed wholeheartedly with the safety aspects of the passage and commented it was surprising it actually described how wadcutters could be confused with blanks. Chief Lewis reiterated he was not familiar with any of the manuals before the August 9, 2016 incident and only learned about them afterwards, including some of it occurring during his interview.

Chief Lewis was asked if he knew where Officer Coel obtained the City's tax exempt form for the purchase of the firearm he bought on April 15, 2015 and which was used in the shoot/don't shoot scenarios on April 30, 2015 and August 9, 2016. He stated he had no idea where he would have gotten it unless it was one issued for another purchase and he kept it. He stated that, in no way, shape, or form, was Officer Coel authorized to buy a personal handgun tax-free. He also stated no one told him to purchase it and promised to reimburse him.

[REDACTED]

[REDACTED] Chief Lewis stated the Department has an abundance of earmarked K-9 funds for equipment.

Chief Lewis stated he did not question the February 2016 blanks purchase, which he signed off on for Lt. Heck, requested by Officer Coel because he did not know how many blanks they were using in training or if he was sharing them.

Chief Lewis was asked about the press release he delivered on August 11, 2016 in reference to the death of Mrs. Knowlton. Addressing the press release, Chief Lewis stated that the release was written by Lt. Heck with the assistance of Dee Hawkins, not by him. He stated that he delivered the message to the community as the Chief of Police and the face of the Department. Chief Lewis stated that he stood behind the statement and what he said. He reiterated that he has many responsibilities, which he has accepted, including the responsibility to get to the bottom of what occurred, be transparent with the community on what happened, determine if any officers committed policy or training violations, and to ensure that something like the incident of August 9 never occurs again. However, Chief Lewis emphasized that accepting those responsibilities is not the same as saying he is responsible for shooting and killing Mrs. Knowlton. Chief Lewis stated that the press release has been twisted to make it appear that he has admitted such responsibility, when he has not.

Chief Lewis stated that, had he known at the time the press release was prepared by Lt. Heck that she was the individual who supplied the ammunition used by Officer Coel on August 9, he would have scrutinized it more and had reservations about her involvement. Chief Lewis was asked if he thought Lt. Heck knew at the time she wrote the press release, that the ammunition responsible for Mary Knowlton's death was supplied by her. He stated it was his opinion that

she did. He stated, given the time between the incident and the press release, he could not believe she did not think about it being a possibility and chose to remain quiet about it. Chief Lewis was asked if he had any personal knowledge that she knew those facts at the time she co-authored the release, and he responded he did not it was just his opinion.

Chief Lewis was asked if he thought anyone did anything wrong leading up to the death of Mrs. Knowlton other than Officer Coel. Chief Lewis responded that if everything discussed during the interview was true, there were several things that went wrong, such as live Simunition rounds being fired by the perpetrators, safety officers not doing their jobs, Captain Woodard doing an improper transition with Lt. Salsman, and Lt. Heck giving Officer Coel the ammunition to start with.

Chief Lewis was asked if he bore any responsibility. He stated he thinks things could have gone better and maybe he could have recognized a few things earlier, because when he looked at the photographs of the previous events he realized he had not seen those mistakes at the time they occurred. He stated, hindsight was 20/20, and absolutely some things should have been done differently for sure.

Chief Lewis was asked if he thought the changes in protocols, role players, and different participants degraded the scenarios a little each time because, by the time the May 3, 2016 Police Experience Day event occurred, it was almost a free-for-all situation. He was also asked if the lack of positional knowledge, degradation in safety protocols, or mistaken assumptions played a part in the eventual incident. Chief Lewis stated, in his mind, each one was a separate event and he expected his designated safety officer to do his job. He stated there were never any visual indicators that the safety protocols were not occurring. He stated no one was asking questions or raising concerns and that included role players, citizens and on-looking officers. He stated he was not shifting responsibilities but there were five scenarios presented and maybe every officer in the agency saw at least one. All of those officers participated in Simunitions training in the past and not one of them, with all of that training, said anything appeared unsafe. He stated, in hindsight, things should have been different, but he never would have imagined a lethal round being introduced into any type of scenario.

Chief Lewis stated he did not know who assigned Officer Coel as the shooter in the August 9, 2016 event. He stated he never had contact with Officer Coel before the incident, and did not see him until he saw him on the lot while speaking with the group.

Chief Lewis was asked whether, given everything that had transpired since the August 9, 2016 incident, did he think he could continue as the Police Chief and be effective. Chief Lewis responded that in his opinion he could, one hundred percent; continue to be an effective Chief for the Department. He emphasized that he has received substantial support from the community, including from citizens, business owners, and others. He noted that the Union conducted an anonymous survey seeking the opinion of the Department's police officers and that the support for him from the personnel was nearly unanimous. He also mentioned that several Department supervisors sent a letter to the City Manager expressing their support for

him. Based on those facts, Chief Lewis believes he has the confidence of both internal personnel and the external community to continue to lead the Department.

Chief Lewis previously agreed the Simunition scenarios used in the shoot/don't shoot scenarios were a hybrid of the ones officers use with strict Simunition safety protocols in place. He was asked if he thought not following those strict Simunitions protocols caused the incident or is it all because someone failed to check a single weapon. He stated that, if Captain Woodard had checked the weapons the night of the incident, it would not have happened because even if he did not recognize the wadcutters he would have seen the revolver was real. He further stated, if we had followed strict Simunitions protocols it would not have happened, and likewise, if we had followed the protocols set out in the hybrid format, it would not have happened. He stated, if Officer Coel and Lt. Heck had followed Department policy, it would not have happened. He stated there were so many things that could have been done to prevent this incident that were outside his knowledge and others. He stated that, had they followed the initial hybrid Simunitions structure they had developed for the scenarios, he believed 100 percent it would have been prevented.

He was asked, if the strict industry standard protocols had been followed, would they have allowed the blanks gun into the scenario. He responded, no, then stated he took that answer back because of Lt. Mohaupt's expertise at the time and him representing that it was safe. It was noted to Chief Lewis that, regardless of Lt. Mohaupt's opinions at the time, the live firearm would have been prohibited under the protocols, to which he responded, 100 percent.

Chief Lewis was asked who controlled the K-9 safety protocols when Officer Coel was training with other agencies, and he responded the agency providing the training supervised Officer Coel while training at their agencies. He stated they trust the FDLE-certified instructors the Sheriff's Office provides.

B. Lt. Chris Salsman

Lt. Chris Salsman provided a sworn professional standards statement. Lt. Salsman indicated he had worked at the Police Department for eighteen years, with most his time spent in the Uniform Patrol Section as a supervisor on the road. He stated he was transferred to Community Services as a lieutenant in August of 2015 and, on September 11, 2015 was transferred again to Employee Development (training), which is the position he held at the time of the August 9, 2016 event.

Lt. Salsman stated there was a lot of movement and positional changes occurring during that time frame due to the retirement of Chief Arenal. The position changes required him to take in a lot of information about the positions in a very short period of time and, even after the initial changes, he continued to learn more and more as he went along on his own.

Lt. Salsman stated he was not a firearms or Simunitions instructor. He stated he held no current training certifications but had instructed defensive tactics in the past.

He stated the first shoot/don't shoot scenario he participated in as a facilitator was the one conducted on March 22, 2016. He stated he believed he might have shadowed Captain Woodard during the February 11, 2016 event, but was not completely sure. For the May 3, 2016 event, he stated he was just a facilitator role player. He stated Captain Woodard oversaw that day-long event, and Lt. Mohaupt was in charge of the training, including the shoot/don't-shoot scenario. He advised Captain Nichols was the perpetrator shooter for that scenario.

When asked, he provided the Simunition safety protocols used by department members that are training. These included selecting the location, roping it off, and searching everyone and everything for weapons, ammunition and equipment. He stated that every officer is a safety officer and should search each other, while the training coordinator is in charge of making sure this occurs. He stated no live firearms are allowed inside the training area or the scenario.

Lt. Salsman alluded to there being a difference between types of Simunitions training, as on several occasions he qualified his answers by references to it being during in-service training. When asked what difference it made if the Simunitions training was during in-service training or not, and whether the dangers associated with such training were the same no matter what the circumstances, he agreed there was no difference and the danger was the same. When asked if the safety protocols should ever be different based on the circumstances of the equipment's use, he stated not in hindsight.

He stated there was no policy in place at the department when the August 9 event took place that required a designated safety officer be in place. He agreed that the practice at that time was that everybody checked everybody and were then rechecked by the training instructor.

Lt. Salsman stated he saw Captain Woodard and Detective Davoult conducting the safety check on Mrs. Knowlton's Simunitions weapon the night of the incident. He stated he did not see or participate in a briefing before the scenario where the safety issues and role player duties were discussed. He stated he felt Captain Woodard was in charge of the scenario that night, not because he was specifically assigned, but because he took charge by his actions.

He stated he did not remember having any conversation with Officer Coel before the scenarios started on August 9, 2016. He advised he was under the impression the Simunitions gun was being used by Officer Coel that night.

In reference to this FDLE interview, he was asked what made him expect blanks to be used. He stated he was expecting a Simunitions round to be used without the projectile. He stated he considers that a blank round because nothing comes out.

Lt. Salsman advised he was taught how to take the rounds apart by Captain Woodard and understood that to be the way the scenarios were conducted for all the past ones. He stated he is the one that decapitated (i.e., removed the non-lethal detergent projectile) the Simunitions rounds for the March 11, 2016 event. He stated he could not remember the exact date he was instructed on how to conduct the academy-type event because he had a lot of information being thrown at him all at one time with the ongoing transitions within the department, but he knows at some point it was discussed.

He advised he performed Captain Woodard's prior scenario duties for the March 22 event and he personally took off the Simunitions detergent projectiles and loaded the guns for that scenario. He stated he was in charge.

When asked if he conducted the required Simunitions safety protocols or the hybrid protocols that seemed to evolve before he became involved, he stated he wasn't privy to the hybrid term until the conversations occurred over the past year. He stated they did not cordon off the area and block access to anyone, but he did check the vehicles that were used. He stated Officer Kennedy was checked, and both Simunitions guns were checked. He stated he had a second officer with him, but could not remember who that was. He stated the tips were off the rounds loaded into the .38 revolver.

He was reminded the role players, in their statements, did not remember safety checks being conducted. He then stated there was a safety check conducted on Officer Kennedy and he was instructed to check Shane Chodakowsky.

He was asked if he reloaded the pistol in between scenarios, and he stated it should not have needed to be reloaded. He stated they only fired two rounds and were told not to fire at anyone. He was advised there were three citizen participants and two shots per participant would have required a reload. Lt. Salsman stated he did not remember reloading it.

Lt. Salsman stated there was no debrief conducted after the scenarios among department members. He stated he was still learning the position and the job at the time, so it was a learning experience for him. He stated he did not remember anyone contacting him saying they looked at the pictures from the events and it appeared some things needed to be tweaked.

He stated on the May 3, 2016 Police Officer Experience event, Lt. Mohaupt was in charge of the guns and checking them. He stated he did not know who the second person was checking the guns that day. He agreed Captain Nichols should have checked it also, because he was using the Simunitions revolver.

Lt. Salsman agreed multiple safety protocols were not being followed that day. He stated hindsight was 20/20. He was asked if he thought the fact that the Department was modifying, or not following, some of the normal safety protocols degraded the safety of the events. He stated he had no live ammo in his live pistol that he was wearing in the scenario. He was also reminded he was wearing a live Taser during the scenario, both of which are prohibited. He stated hindsight was 20/20.

He advised that, at the August 9, 2016 event, Captain Woodard was preparing the blue Simunitions weapon and waved him off at the armory door. As such, he thought Captain Woodard was taking care of furnishing that revolver for the citizens as well as the Simunitions revolver for Officer Coel.

He was asked if Captain Woodard ever told him how the live fire revolver got introduced or where it came from. He stated Captain Woodard indicated he thought it was the K-9 training gun from the North Port Police Department or Charlotte County Sheriff's Office. He stated

Captain Woodard advised he never checked it because he thought it was only capable of firing blanks. He later was told by Captain Woodard that, even had he checked it, it would not have mattered as he did not know what a wadcutter bullet looked like.

Lt. Salsman also stated he had never seen a wadcutter bullet himself before the incident occurred. He agreed that our Simunitions safety protocols require both the ammunition and the source package to be inspected prior to using it. He also agreed had he seen the wadcutter box, he would have known they were real because the box identified the bullet's grain, which he understood equals its projectile weight, and it was just common sense. He also agreed that, with the ammunition taken out of the equation, the Department would still have been able to recognize a live firearm had been introduced into the scenario if someone had completed the required safety checks.

Lt. Salsman stated if he had seen Officer Coel's revolver that night, he would have questioned it.

Lt. Salsman stated he was shocked how few times the Department had conducted the shoot/don't shoot scenarios. He had been under the impression they had done them a dozen times, and Officer Coel had been the perpetrator shooter multiple times.

He stated he was unaware the same live revolver had been used before in the April 30, 2015 event. He stated Captain Woodard never mentioned to him a blanks gun was used in that event.

He advised he did not remember any debriefs or a review of the photographs from the May 3, 2016 Police Experience event.

Lt. Salsman agreed that even if Coel's revolver was only capable of firing blanks, it would require safety checks just like a Simunitions gun that also will not fire a live round.

He stated when he began shadowing Captain Woodard in February of 2016 regarding the shoot/don't shoot scenarios, Captain Woodard never told him he was the designated safety officer nor did he advise him from that point on it would be his responsibility. He stated the safety aspect of it then was more of a group effort. He stated he was told he would be responsible for the Simunitions equipment and having it ready during the events.

Lt. Salsman stated he had never been asked to conduct line inspections on Officer Coel or his vehicle by Captain Lewis or anyone else.

Lt. Salsman stated he was on vacation the nine days prior to the August 9, 2016 event, and, when he returned, the workload was backed up so Captain Woodard began taking on more and more of his event responsibilities for that day, while he caught up in the office. He stated that, in the morning meeting on August 9, 2016, they were focused on the time aspects of the event and not so much the content. He agreed the consensus was they have done the events in the past, so they would continue doing them the same way, and everyone seemingly knew what they were supposed to do.

Lt. Salsman advised the oncoming thunderstorm during the August 9 event speeded things up and that it might have caused things to be overlooked or contributed to it a little.

Lt. Salsman stated he did not remember getting any instructions or responsibilities defined by Chief Lewis before any of the events he attended. He felt that it would have come from Captain Woodard.

He agreed that before a Simunitions exercise can occur in officer training a lesson plan must be submitted and approved. He stated the lesson plan lays out everything that is going to occur during the training. He stated he is not aware of any written direction existing for the scenarios and none was passed to him when he became responsible for training.

He took issue to the suggestion that the lack of safety protocols seen on the May 3, 2016 Police Experience event contributed to the August 9, 2016 incident. He stated none of the people involved during the May 3 event were a direct part of the August 9 one. He was reminded he was involved in it, and he responded somewhat but not directly.

He agreed that when you look at things like this after the fact, you can learn a lot and policy often comes from tragedies. He felt a lot has changed since the incident and some of it has been very positive.

He was asked if he thought the death of Mrs. Knowlton would have occurred if the Department had been following the same strict safety protocols that are required for officer training. He responded no.

He was advised that a lot of people think the Police Department not adhering to the required safety protocols for using the Simunitions equipment contributed to the incident on August 9. He responded that, he not only thought it contributed to it, but that he also thought scenarios never should have taken place to begin with. He stated they never should have been implemented at the Department.

CONCLUSION

Although there are inconsistencies in the recollection of some of the witnesses on some issues – such as, for example, whether a designated safety officer was appointed for the shoot/don't shoot scenarios or whether specific instructions were given by Chief Lewis to Captain Woodard concerning safety protocols to be followed – the investigation clearly revealed that the Department did not consistently follow standard safety protocols that it routinely followed during officer force-on-force or Simunitions training. The failure to follow these protocols was open and should have been observed and corrected by those involved in the planning and operation of the scenarios. Examples of standard safety protocols that were uncovered include:

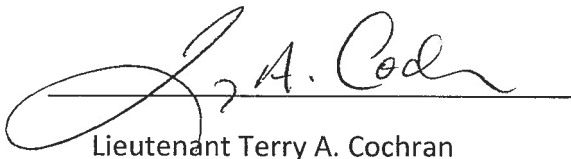
- Written lesson plans and scripts were not developed for the shoot/don't scenarios;
- The immediate vicinity of the shoot/don't scenarios were not cordoned off;
- Protective gear was not required for the citizen role-players or nearby observers;

- Participants and those in the immediate vicinity were not checked and double-checked for unauthorized weapons, ammunition, or other equipment prior to the shoot/don't shoot scenarios;
- Live-fire weapons were used in the scenario on two occasions and, on at least one other occasion, a role-playing officer wore unauthorized weapons during the scenario; and,
- No safety briefings or debriefings were done.

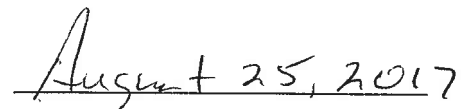
It seems apparent from these facts that, on August 9, 2016, those involved in the scenario made incorrect assumptions as to who was responsible for ensuring proper safety protocols were in place. Due to the unique factual setting of this incident and the direct involvement of most of the Department's management staff, including the Chief of Police, the determination as to whether these deficiencies are grounds for any sustained findings and/or formal disciplinary action against any current City personnel is submitted to the City Manager for determination and final disposition.

This investigation began on July 5, 2017 and was completed on August 24, 2017 with a total of fifty-one (51) days of investigation.

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes. I further represent, based on my personal knowledge, information and belief, that the contents of this report are true and accurate."


Lieutenant Terry A. Cochran

Professional Standards Investigator


Date

STATE OF FLORIDA

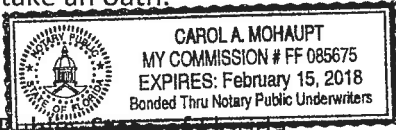
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 15 day of August, 2017 A.D.

by Terry Cochran who is personally known to me or who has produced

a _____ as identification and who did /
did not take an oath.

(SEAL)



Notary Public, State of Florida

Name of Notary *Carol Mohaupt*

My commission expires: 2-15-18

Howard Kunik

Howard Kunik
City Manager

8/25/2017

Date