

TOLEDO POLICE DEPARTMENT



Annual Response to Resistance Analysis Report 2022

June 26, 2023

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Subject: Response to Resistance Analysis – 2022

Police officers are often put in the position of making split-second decisions in life-or-death situations, not just for themselves but for suspects and innocent bystanders alike. For officers, situational awareness is essential as they determine when to use force and how much force is necessary to control the situation. Through continual training, a comprehensive supervisory review process and an annual Response to Resistance analysis, the Toledo Police Department strives to reduce the number of violent incidents that occur between police officers and citizens.

The annual Response to Resistance Analysis report is a requirement of the Commission on Accreditation for Law Enforcement Agencies (CALEA). The purpose of this report is to review response to resistance related incidents, with the goal being that they may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications.

Toledo Police officers are permitted to only use physical control techniques that are objectively reasonable, in light of the facts and circumstances confronting them, to accomplish lawful objectives. The Toledo Police Department and its members follow the guidelines set forth by the United States Supreme Court rulings in *Graham v. Conner* and *Tennessee v. Garner*. Anytime a Toledo Police officer uses physical control techniques (beyond the mere taking control of a subject) to take a subject into custody, to contain a situation, to affect an arrest, and/or to protect persons or property, written documentation of the incident is required.

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2022 Response to Resistance Overview

The year 2022 involved 629 incidents that required the use of force from officers. This number is a 3% increase from 2021 (612 incidents). In 2022, the Toledo Police Department responded to 189,482 total incidents. This total amount is down from 2021 (205,515 incidents for an 8% decrease). It should also be noted that response to resistance related incidents accounted for .33% of the total incidents. This number is up slightly from what was observed in 2021 (.30%).

In 2022, data was gathered primarily utilizing the Benchmark Analytics Information System. The Administrative Investigations Management, (AIM) system was utilized only to gather data relating to the number of complaint investigations involving officers for alleged use of force violations. Prior to this, the department had been using only AIM, then a more equally weighted combination of both systems to gather data. As the Benchmark Analytics database continues to evolve in its capabilities and grow with the continued input of information, it allows for easier access to more accurate information and for enhanced tracking of each response to resistance related incident while also assisting with the analysis of the data.

Regarding the use of less-lethal options, the department saw a slight decrease in the use of some of these options from 2021 to 2022. More specifically, TASER usage decreased from 61 incidents in 2021 to 58 incidents in 2022 (5% decrease). TASERS were utilized in only 9% of all response to resistance related incidents. Of the incidents where a TASER was utilized in 2022, there were two documented incidents where the subject was completely missed and five documented incidents where an officer utilized only a warning arc, which does not contact the subject, leaving 51 subjects who experienced TASER contact in 2022.

Continuing with the discussion of less-lethal options, the use of chemical agents remained the same from 2021 to 2022. There were 13 incidents in 2022, as there were 13 incidents in 2021. In 2021, the total number of officers who utilized chemical agents during these incidents was 13. Of the 13 officers, four utilized aerosol chemical agents and the remaining nine involved the use of projectile chemical agents fired from department issued pepper ball guns. While the number of incidents remained the same at 13 from 2021 to 2022, the number of officers that utilized chemical agents dropped slightly from 13 in 2021 to 11 in 2022 with a breakdown of three officers deploying aerosol chemical agents and eight officers deploying projectile chemical agents from department issued pepper ball guns.

The Canine Unit responded to 5,586 calls for service and deployed their canines a total of 3,048 times in 2022 compared to 4,433 calls for service and 1,670 deployments in 2021 (a 26% increase in calls for service as well as a 82% increase in deployments). A canine can be deployed for numerous reasons including, but not limited to, building searches, odor work, community relations deployment, warrant services, tracking, burglaries and explosive sweeps. From the deployments in 2022, there were 67 apprehensions in which 4 resulted in injuries to the subject as compared to 2021 where there were 30 apprehensions which resulted in 6 subjects sustaining injuries. The number of calls for service, deployments and apprehensions increased significantly, while subject injuries have dropped from 2021 to 2022.

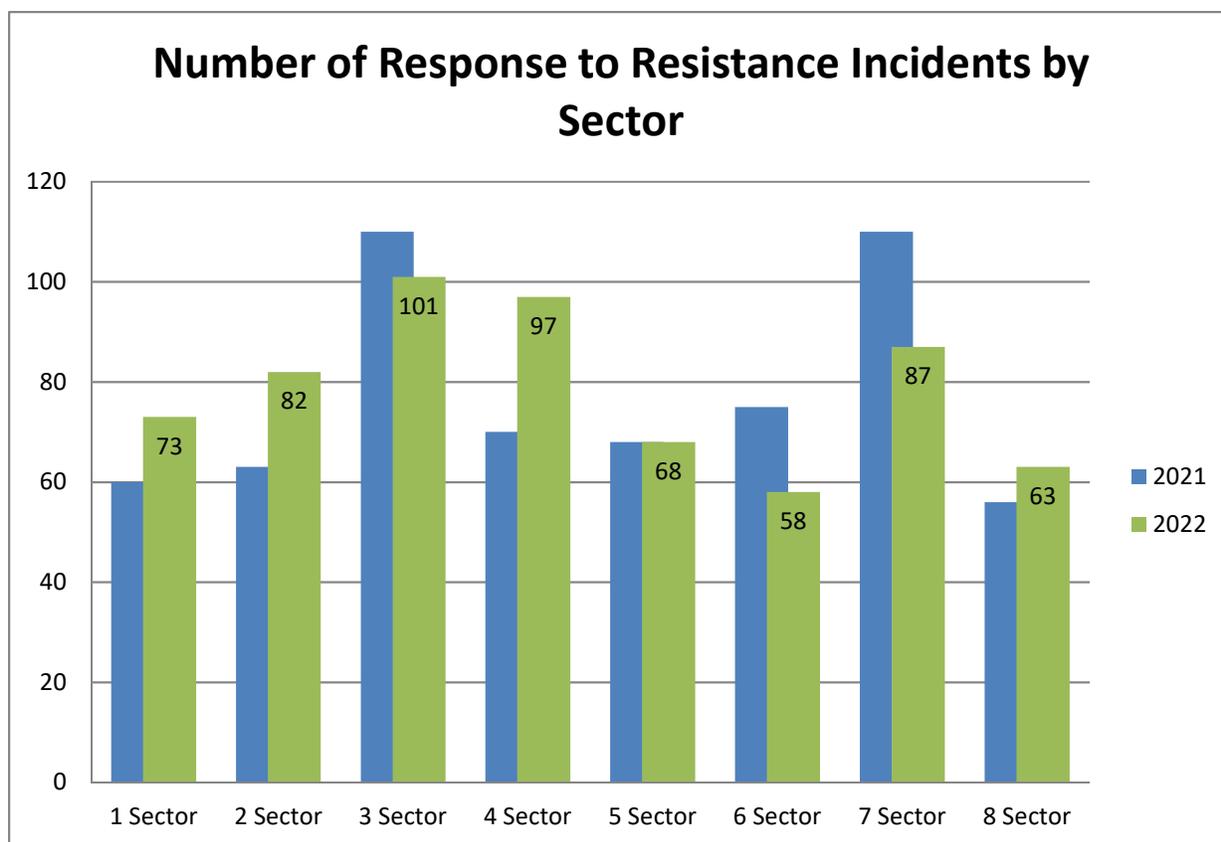
The department saw the slightest possible decrease in the total number of officers injured. There were 45 officers injured in 2022 compared to 46 in 2021.

Lastly, in 2022 there were 2 incidents where officers used deadly force on a human (2 less than the 4 incidents that occurred in 2021). These incidents will be reviewed later in this report. Of the 2

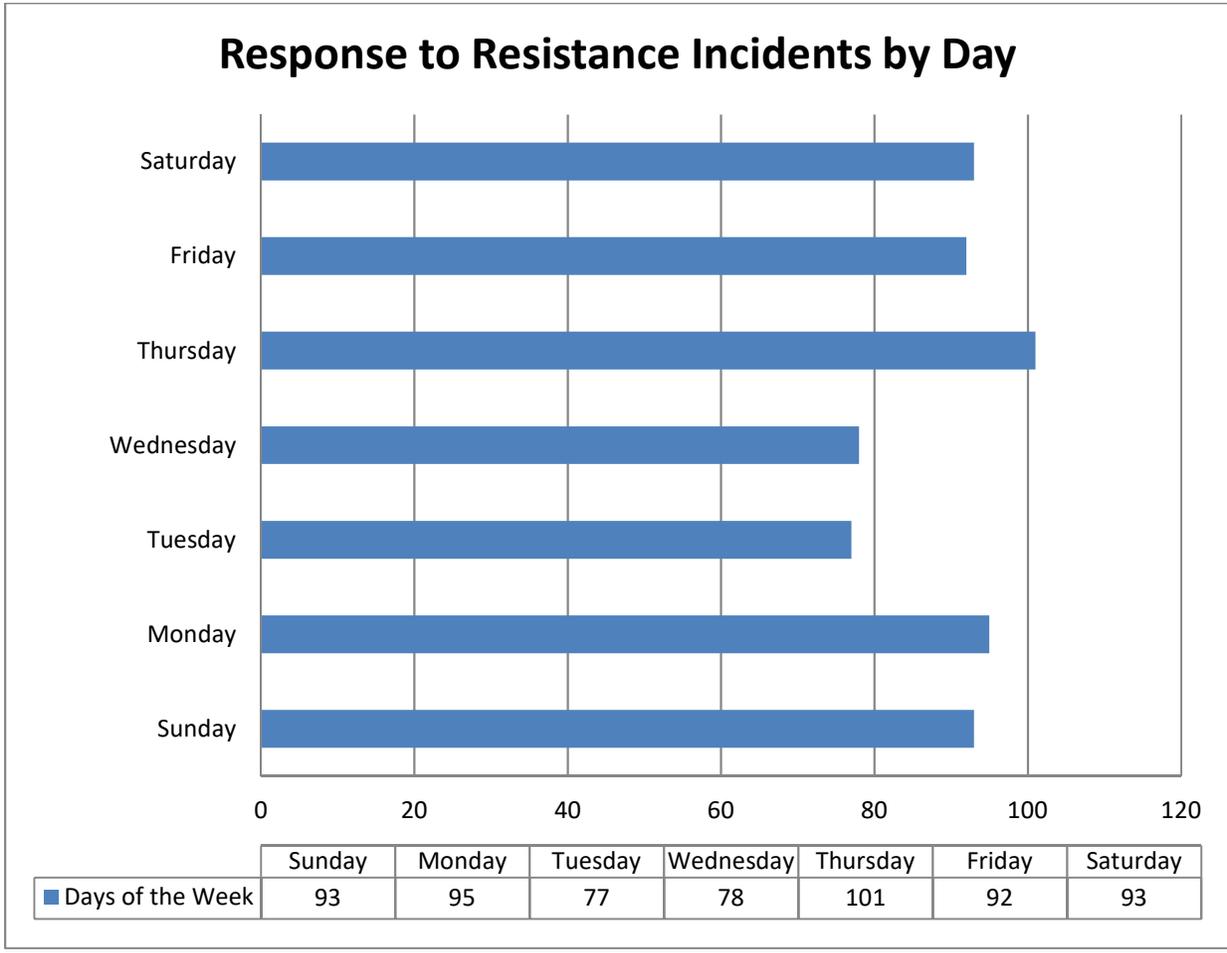
occurrences, one subject was fatally wounded and the other sustained non-life threatening injuries. It is important to note that in 2022, no warning shots were fired by a Toledo Police officer.

Where Response to Resistance Incidents are Occurring

The following graph is a breakdown of those incidents by sector for years 2021 and 2022. Sector 3 had the highest total (101 response to resistance related incidents), followed by sector 4 with 97. The sectors with the lowest totals were sector 6 with 58 and sector 8 with 63. Overall sectors 1, 2, 4 and 8 saw an increase in response to resistance related incidents, while sectors 3, 6 and 7 saw a decrease and sector 5 remaining unchanged. Both sectors 3 and 4 have high amounts of violent crime which likely translates to increased incidents involving physical encounters between law enforcement and subjects. It should be noted that the offenses included in the violent crime category are Homicide, Aggravated Assault, Rape, Gross Sexual Imposition and Robbery. This data comes from the Ohio Incident-Based Reporting System (OIBRS).

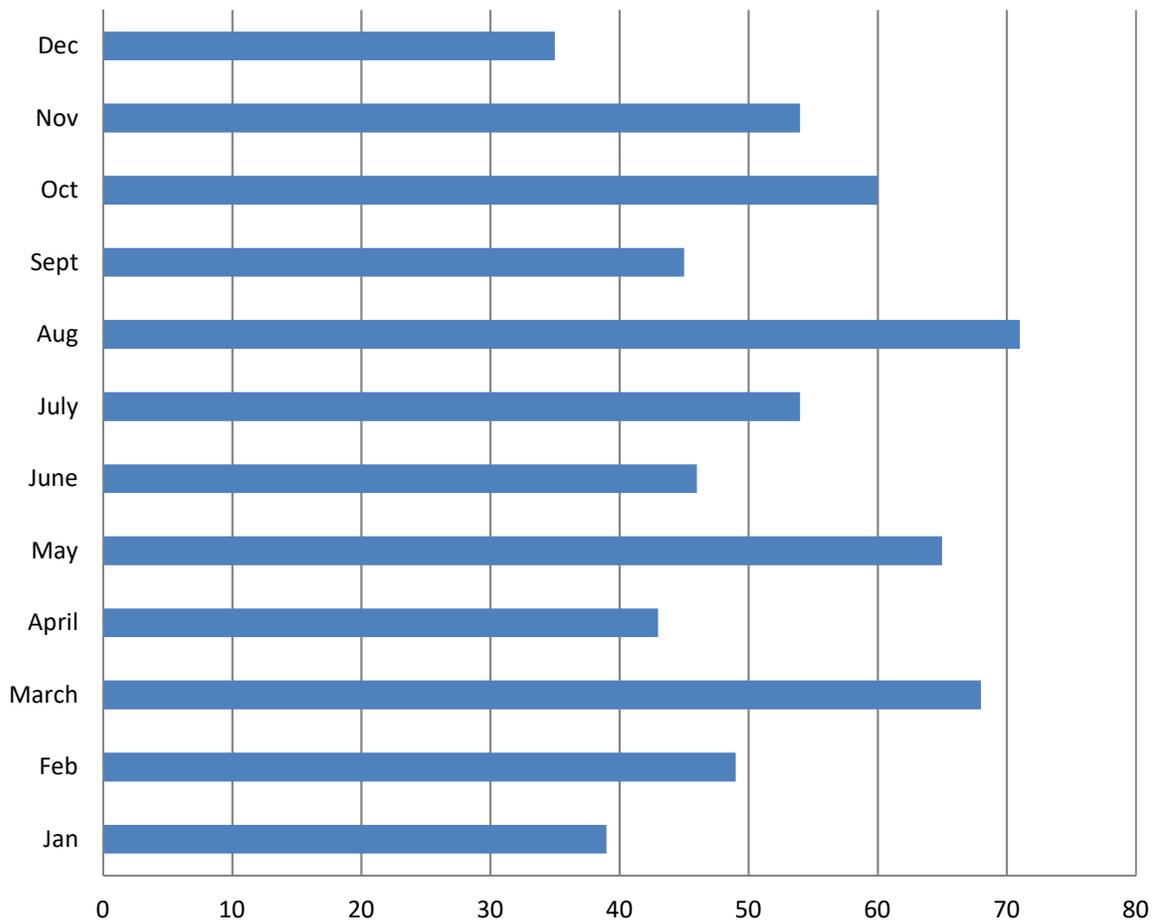


When Response to Resistance Incidents are Occurring



Response to Resistance related incidents had the highest occurrence on Thursdays with 101 incidents, followed by Mondays with 95 incidents. In comparison, 2021 showed Sundays to have the highest number of response to resistance related incidents, with 104.

Response to Resistance Incidents by Month

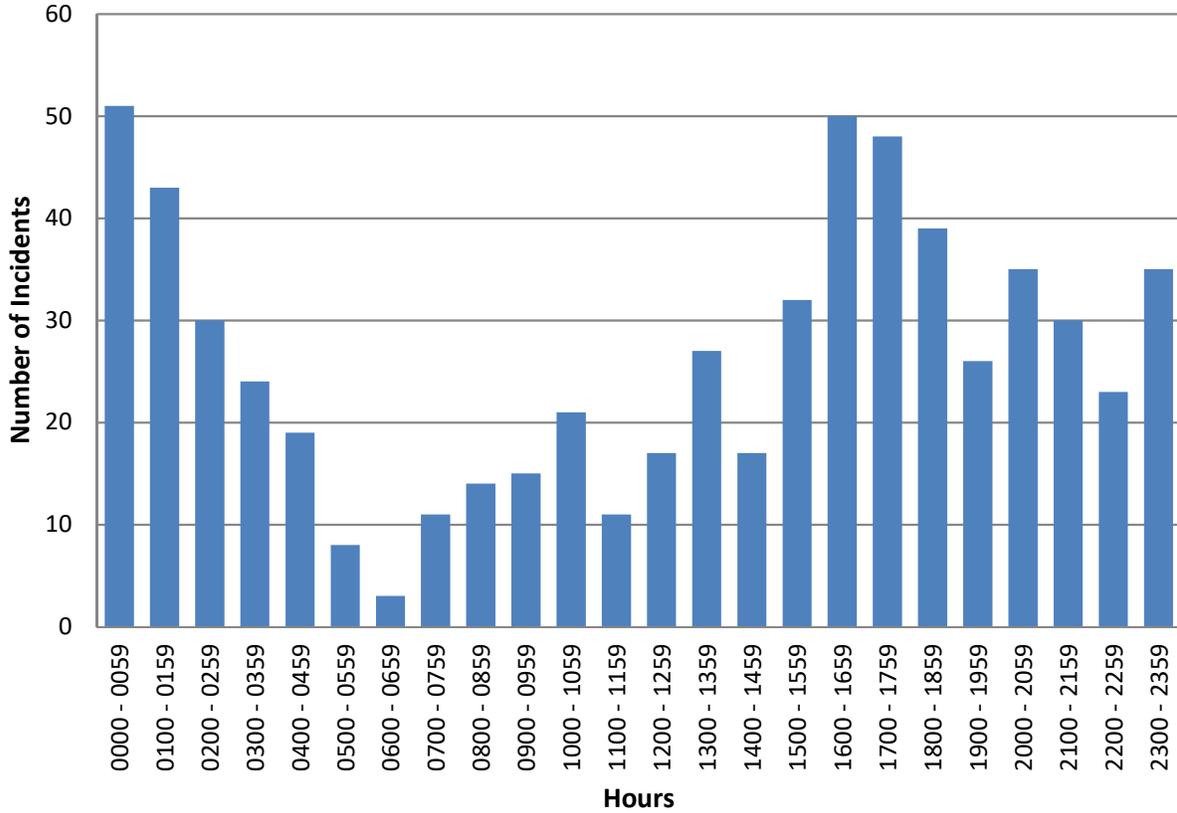


	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
■ Series 1	39	49	68	43	65	46	54	71	45	60	54	35

The month of August had the highest number of response to resistance related incidents occur (71), followed by March (68). December had the lowest amount with (35). For comparison, in 2021, April had the highest amount of response to resistance related incidents occur with (66), while November had the lowest amount with 31.

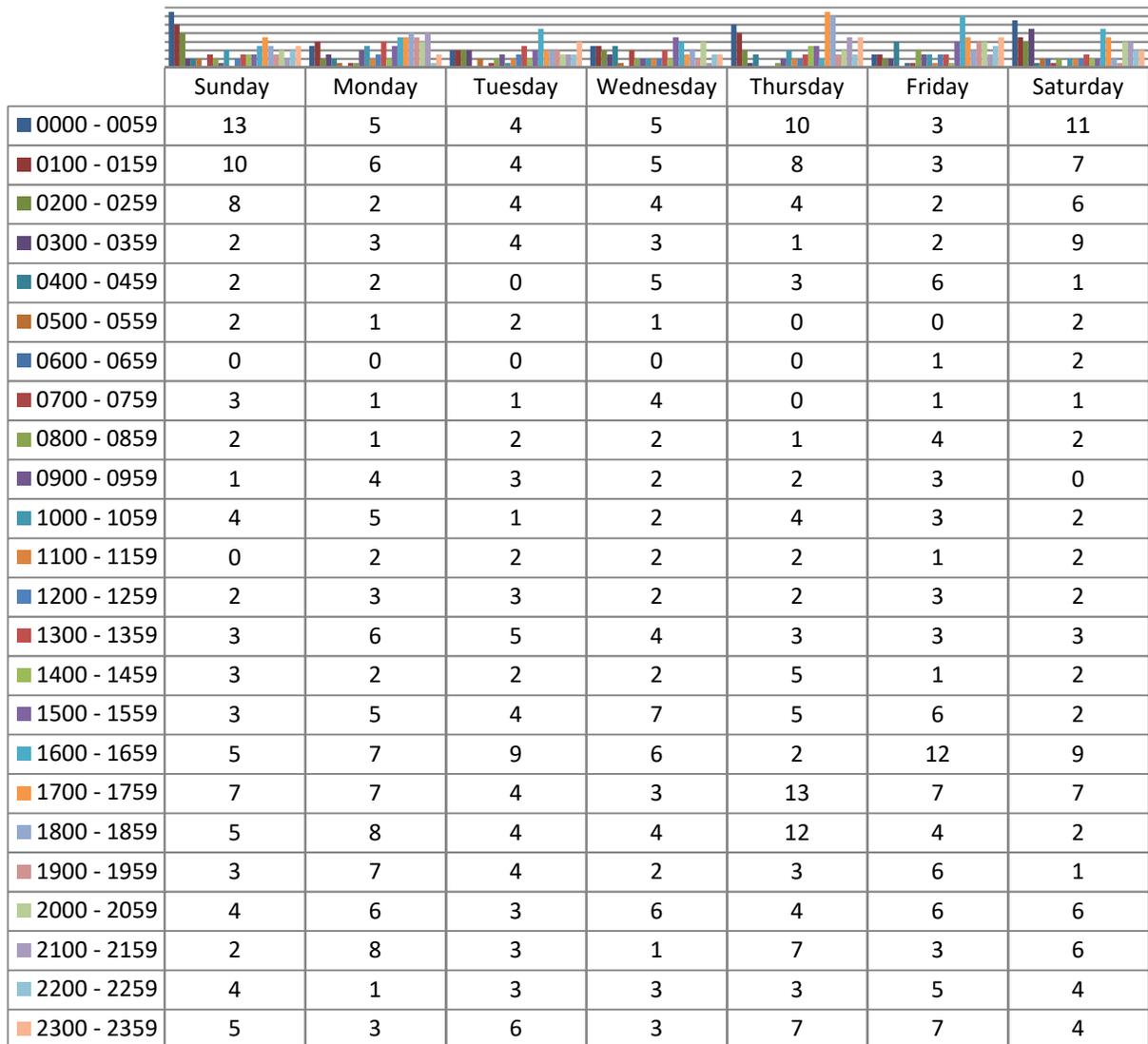
It is not completely unusual to see that March and August would have higher response to resistance related incidents as March is generally the time of the year in northwest Ohio where the weather begins to become more pleasant and people are more likely to be active outside (which could lead to a higher probability for criminal opportunity) and August is generally the hottest month of the year (which can lead to irritability and conflict). Data from the Toledo Police Criminal Intelligence Section that shows a combined 380 shooting incidents that occurred during the span of these two months, as well as a combined 911 incidences of city-wide tracked crime (Robbery, Burglary, Auto Theft, and Theft from a Motor Vehicle).

Number of Reponse to Resistance Incidents by Hour



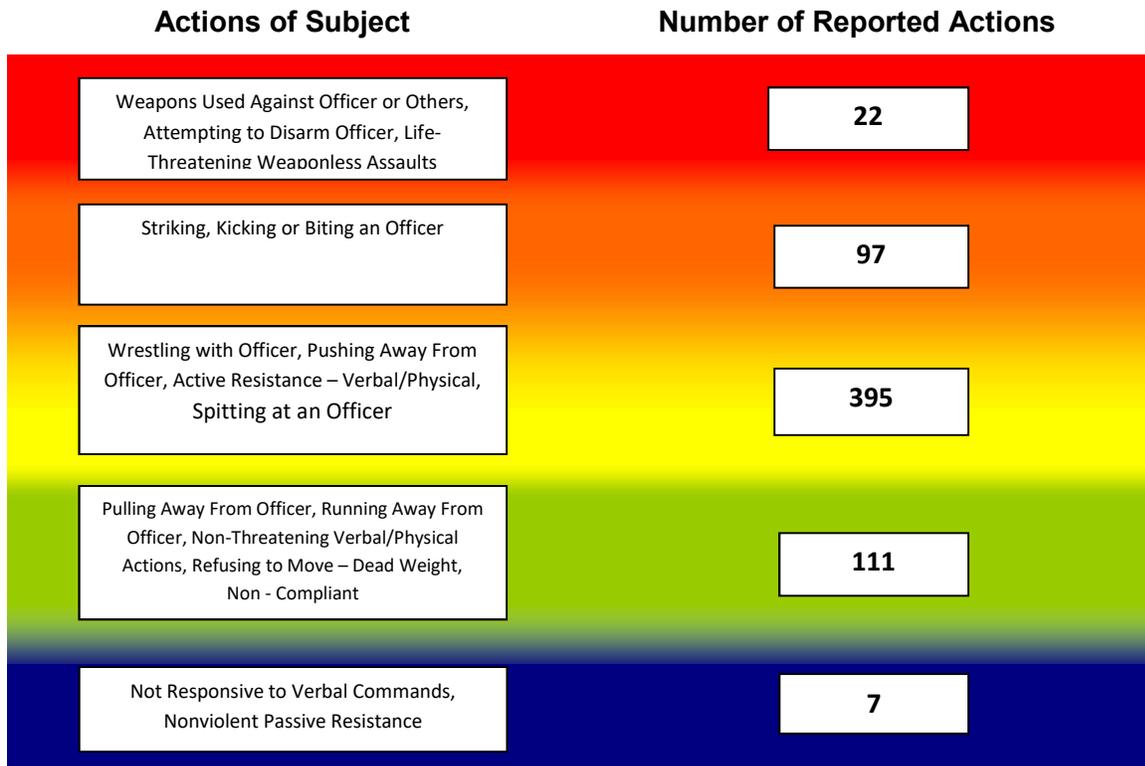
In 2022, 51 response to resistance related incidents occurred between 0000-0059 hours. This same time category was also the highest in 2021 with 51 as well. The lowest time category was 0600-0659 hours with 3 response to resistance related incidents. For comparison, 2021's lowest was also the 0600-0659 category with 4 incidents (25% decrease).

Response to Resistance Incidents by Day / Hour



Sunday between 0000-0059 hours and Thursday between 1700-1759 showed the most response to resistance related incidents for a day/hour combination. There were also several day/hour combinations that had zero response to resistance related incidents occur: Sunday 0600-0659 and 1100-1159, Monday 0600-0659, Tuesday 0400-0459 and 0600-0659, Wednesday 0600-0659, Thursday 0500-0559, 0600-0659 and 0700-0759, Friday 0500-0559, and Saturday 0900-0959.

2022 Response to Resistance Graphic Analysis - Subject's Actions



The 2022 Response to Resistance Graphic Analysis illustrates the different actions that subjects used to resist officers. As stated at the beginning of this report, there were a total of 629 incidents that required the use of force from officers. Of those 629 incidents, 18 incidents involved either a vicious or wounded animal, leaving a total of 611 incidents involving subjects. Of those 611 incidents, 17 incidents involved multiple subjects, equaling an additional 21 subjects on the reports, for a total of 632 subjects involved in a response to resistance related incident. Actions of the subjects in those 611 incidents are categorized above. These categories demonstrate the threat levels from the highest (red) to the lowest (blue). It is important to note that every incident involved numerous actions. Only the highest classified action by the subject from each incident was listed in the above chart. The subject's actions can range from not responding to an officer's verbal commands to using weapons against the officer. The majority of subject actions were categorized as follows:

- Wrestling with Officer
- Pushing Away from Officer
- Active Resistance – Verbal / Physical
- Spitting at an Officer.

In addition to those actions above, there were 97 cases where the subject's actions were categorized as "Striking, Kicking, or Biting an Officer" and in 22 cases the subject attempted to use "Weapons Used Against an Officer or Others", "Attempted to Disarm the Officer", or there was a "Life-Threatening Weaponless Assault" on the officer (this number is up 5% from 2021 when 21 incidents occurred). There were 60 response to resistance related incidents where the subject was armed with some type of weapon. This number is up significantly from 2021 which had 37 incidents. Most often the weapon was a gun (29) or an edged weapon (19), but the subject did not necessarily attempt to use that weapon against the

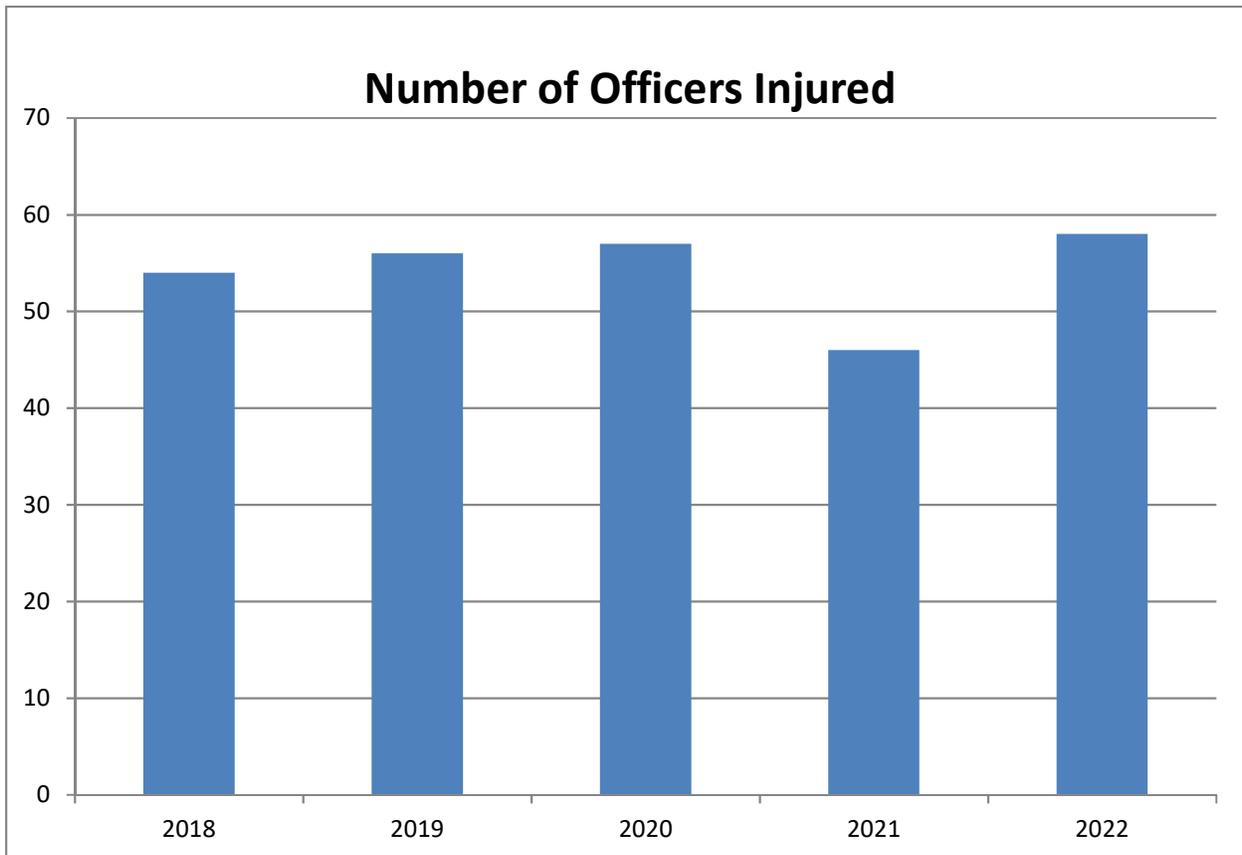
officer. The remaining incidents involved impact weapons (10), such as a brick, tire iron or pry bar and finally a Taser (2).

2022 Response to Resistance Graphic Analysis - Officer's Actions

Actions of Officers	Number of Reported Actions
Deadly/Lethal Options	3
Baton Striking Techniques, Soft-Impact 40MM Projectile	2
Weaponless Strikes, Punching or Kicking, Chemical Agents, TASER, Baton Restraints	134
Weaponless Strikes to Muscle Groups, Stun Techniques, Takedown Techniques, Hair/Head Control Techniques, Joint Manipulations, Pressure Points	1056
Balance Displacement, Escort Position, Assistance from Other Officers, Verbal or Physical Commands, Officer Presence, De-escalation	377

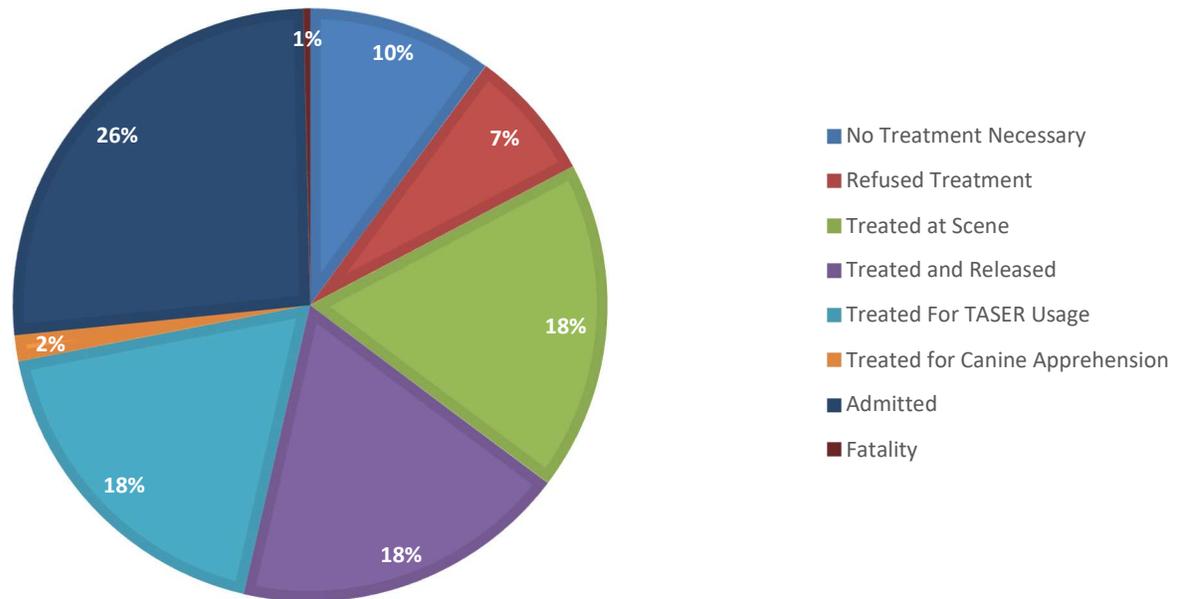
The above chart illustrates the different physical control techniques officers reported using in response to the subject's actions in the same 611 incidents. These response to resistance related incidents are categorized above, ranging from the highest (red) to lowest (blue) level of physical control. The officer's actions are usually numerous, starting with officer presence and escalating as needed. Data from the submitted response to resistance related incidents demonstrates that the majority of responses involved some type of physical contact by officers. Of those, officer actions from the "green" category were utilized most often. As previously stated, this chart only reflects the highest level of action that an officer performed on the subject. It is also important to note that more than one officer could potentially be involved in each incident that results in response to resistance. This explains why the officer actions graphic has a higher total number of actions compared to the subject actions graphic. Lastly, of the 632 subjects involved in response to resistance related incidents, 217 were suspected of using alcohol and/or drugs (34%).

Officer and Subject Injuries



In 2022, there were 58 officers who reported injuries as a result of a response to resistance related incident (up from 46 in 2021). This number is the highest amount of injured officers that we have observed in recent years and is also above the average of the past five years (54). Of the 58 officers that reported injuries, 18 were treated and released, 4 were treated at the scene, and 36 required no treatment.

NUMBER OF SUBJECTS INJURED



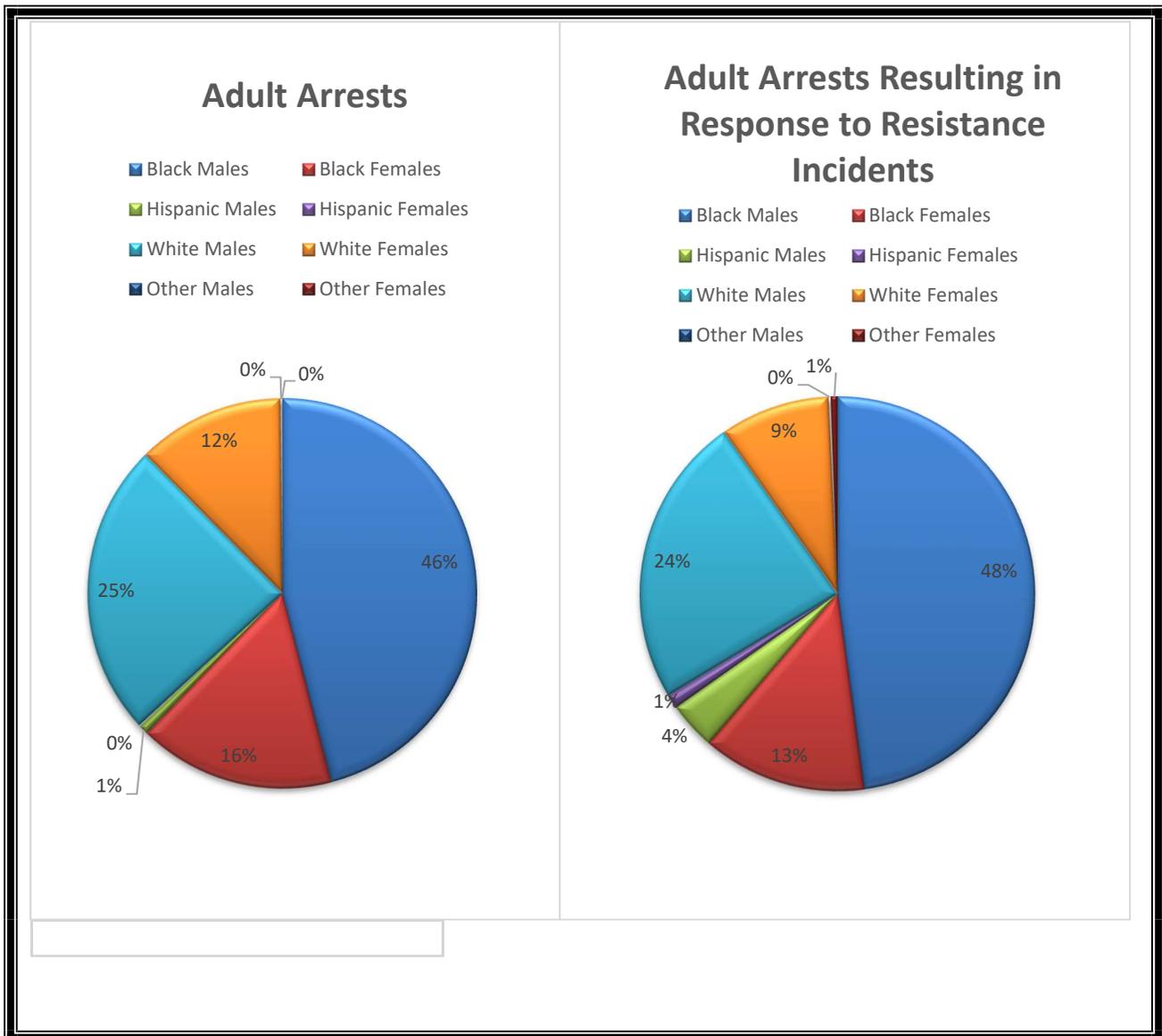
Of the 632 subjects involved in a response to resistance related incident, 123 subjects were injured during the incident (19%). Subjects who claimed to be injured totaled 91 or 15%. Subjects injured prior to the officer’s intervention is 81 or 13%. Subjects who sustained self-inflicted injuries totaled 31 or 5%. Self-inflicted injuries include suicide attempts, or ingesting drugs, injuries caused by an automobile accident, or injuries from a prior assault. Also included in the category of “Injured Prior to Officer Intervention” were those individuals hospitalized for psychiatric reasons.

Some of the injured did not require medical treatment, 28 individuals or 10%. A number of the subjects refused treatment, 20 or 7%. Another 50 subjects were treated at the scene by Toledo Fire and Rescue (18%). There were also another 51 subjects who were treated and released from a medical facility (18%). The number of subjects treated for Taser exposure tallied 51 or 18%. Four subjects received medical treatment for injuries sustained after a canine deployment (2%). A total of 73 subjects were admitted to a medical facility (26%). In the majority of these incidents, the subjects were admitted to the hospital for observational purposes only and often due to some non-injury related circumstance such as extreme intoxication or impairment from ingesting an illicit substance. There were two officer involved shootings in 2022, one that resulted in a fatality. These will be summarized later in this report.

It should be noted that some subjects can potentially account for more than one injury category, as in the case where a subject is injured prior to officer intervention and during the incident or where the subject is injured prior to officer intervention and the injury was self-inflicted. Likewise, some subjects can potentially account for more than one treatment category, as in the case where the officer documented that the subject was treated at the scene and then admitted to a medical facility This is evident in the difference between the number subjects injured or who claimed to be injured adding up to 332 and the number of treatment categories adding up to 278.

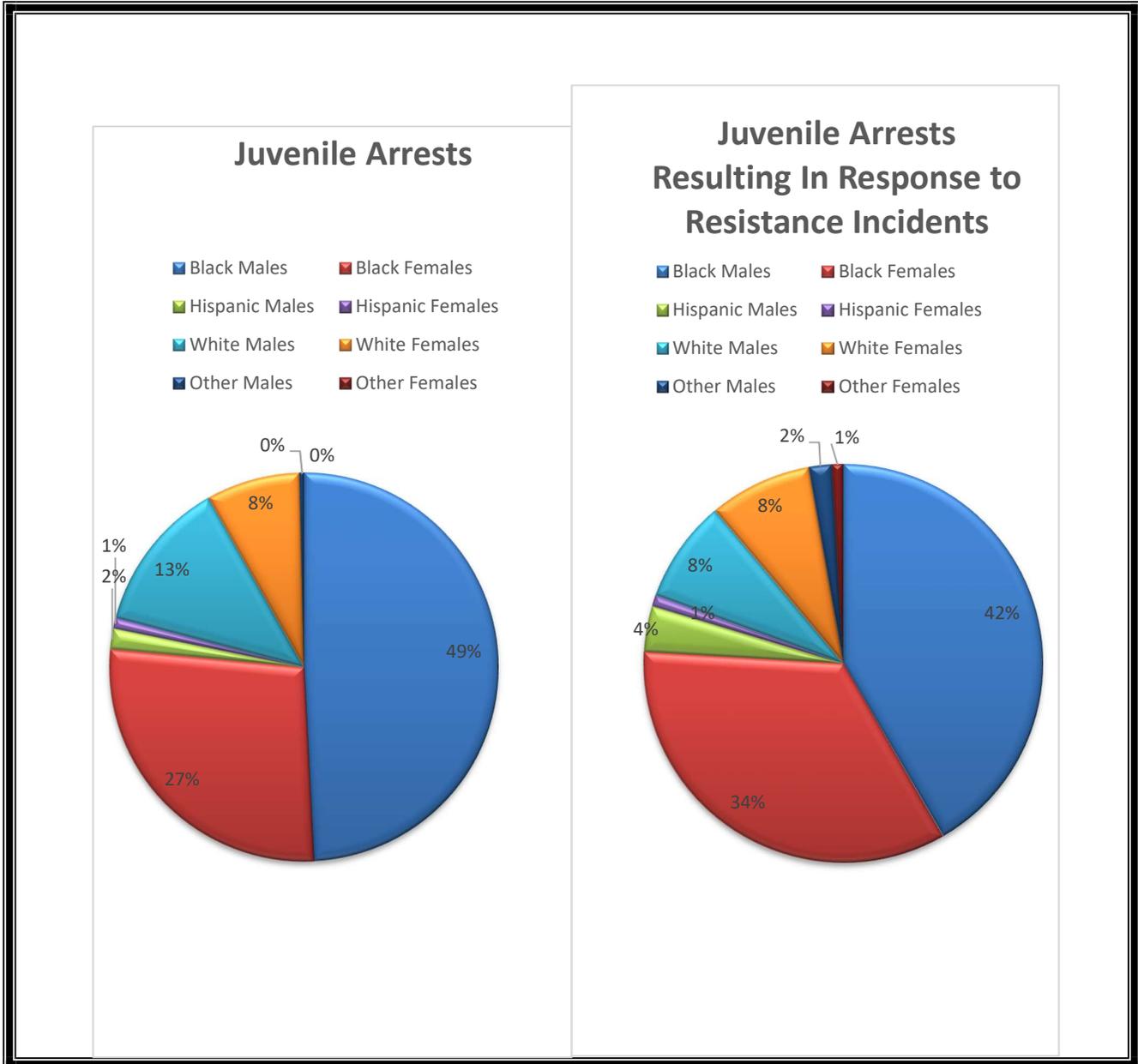
ARREST TOTALS ADULTS

There were 12,170 adults who were arrested in 2022 by a Toledo Police officer. This number is up approximately 6% from 2021 (11,503 arrests). Of those arrests, 535 required some sort of action by the police that resulted in the completion of a Response to Resistance report (for a total of 4% of all arrests). Those numbers are broken down below by race and gender. It should be noted that not all response to resistance related incidents end in arrest. Some incidents involve subjects who are admitted to a hospital due to various reasons as well as situations that involve subjects who had warrants issued in lieu of arrest at the time of the incident.



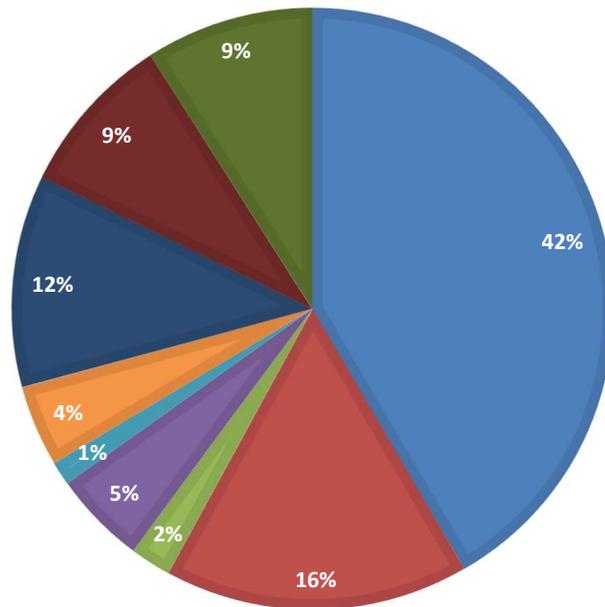
ARREST TOTALS JUVENILES

There were a total of 1,114 juveniles who were arrested by a Toledo Police officer in 2022. This number is up approximately 10% from 2021 (1,015 juveniles arrested). From those incidents, 108, or roughly 10% required some sort of action by the police that resulted in the completion of a Response to Resistance report. Those numbers are broken down below by race and gender. As previously explained, not all incidents end in the subject being charged with a crime.



CHARGES ASSOCIATED WITH RESPONSE TO RESISTANCE INCIDENTS

- Crimes Against the Public
- Crimes of Violence
- Weapons Charge
- Drug Related
- Theft
- Traffic Offense
- Other Felonies
- Other Misdemeanors
- Other



The above chart displays the crime category that each subject involved in a response to resistance related incident was charged with. Not all crimes are accounted for and some subjects had multiple charges. Crimes Against the Public were the highest with (42%), followed by Crimes of Violence with (16%). Theft (1%), Weapons Charges (2%), and Traffic Offenses (4%) each had the lowest number of incidents. The category, Other (9%), encompasses miscellaneous circumstances such as a subject having outstanding warrants, additional charges to the primary charge, that already falls into an existing category or the subject was charged by another agency. The fact, that the majority of response to resistance related incidents involving Crimes Against the Public and Crimes of Violence should not come as a surprise. Data provided by the Toledo Police Criminal Intelligence Section shows that 5,325 total tracked crimes occurred in 2022 (this includes Homicides, Shootings, Robberies, Burglaries, Auto Thefts, and Thefts from a Motor Vehicle). This is a 24% decrease from 2021 (6,978 total tracked crimes). Despite the decrease, it is logical to assume that officers were more likely to encounter subjects committing crimes that fall into these two categories, thus leading to a large portion of response to resistance related incidents stemming from these types of offenses.

2022 Review of Response to Resistance Incidents

Below is a summary of response to resistance related incidents from 2022 that involved officers using deadly force against a subject.

- **RB# 007535-22** – On February 28, 2022 at approximately 00:26 hours, Officer Michael Futrell responded to the area of 4602 S. Park Ln. on reports of gunshots heard. While in the area, Officer Futrell heard fireworks being shot off in the Heathergate Apartments. Officer Futrell pulled into the complex and observed an individual, Manuel Valero, shooting off fireworks from the tailgate of a pickup truck. Officer Futrell requested that Mr. Valero stop shooting off the fireworks. Mr. Valero inquired as to why, so Officer Futrell advised him of the law prohibiting it. Mr. Valero persisted to shoot off another firework. Officer Futrell exited his police vehicle and observed Mr. Valero smelled of intoxicants and was refusing to identify himself. Mr. Valero asked why he was being messed with and attempted to set off another firework. Officer Futrell took the firework from Mr. Valero's hand and discarded it to the side. Officer Futrell then asked Mr. Valero to step off the tailgate of the truck but he refused and began flicking a lighter. Officer Futrell called for an additional unit and again asked Mr. Valero to step off the tailgate of the truck but he again refused.

Mr. Valero then grabbed a knife that was by his right leg. Officer Futrell drew his firearm and Mr. Valero asked if Officer Futrell was going to shoot him. Mr. Valero was advised that he would be shot if he came at Officer Futrell with the knife. Mr. Valero then jumped off the tailgate and started approaching Officer Futrell with the knife in his right hand. Mr. Valero asked officer Futrell to shoot him while pointing at his head and torso. Mr. Valero then pressed the tip of the knife into his chest. Officer Futrell gave repeated commands for Mr. Valero to drop the knife but Mr. Valero did not comply and continued approaching Officer Futrell.

Officer Ian Hodge arrived on scene and began giving commands to Mr. Valero to drop the knife as well. Mr. Valero took off his sweatshirt, cracked his neck and again pressed the tip of the knife into his chest and commented that the officers were not going to stop him. Officer Hodge gave a warning arc with his Taser, but Mr. Valero continued walking toward the officers with the knife in hand. Officer Hodge then deployed his Taser probes at Mr. Valero which had no effect. Officer Hodge deployed a second set of Taser probes at Mr. Valero which still had no effect. Mr. Valero then cursed, while pulling an ineffective Taser probe out of his chest. Mr. Valero began walking quickly towards Officer Hodge with the knife still in hand and got to within approximately ten feet of Officer Hodge when Officer Futrell, fearing for the safety of Officer Hodge, fired two rounds from his handgun at Mr. Valero, striking him in the left arm and chest. Mr. Valero fell to the ground and dropped the knife.

Officers Futrell and Hodge called for medical assistance and began administering first aid to Mr. Valero, applying a seal to his chest and a tourniquet to his left arm. Medical personnel arrived on scene and transported Mr. Valero to the hospital where he received further treatment and ultimately recovered from his injuries.

After an internal review by the firearms review board, the officers' actions were determined to be within agency policy and it does not appear that a change in policy or training would have produced a different outcome. The incident was presented to the Lucas County Grand Jury and no indictment or criminal charges were filed.

- **RB# 047079-22** – On November 11, 2022 at approximately 03:15 hours, Sergeant Noonan of the Investigative Services Bureau had been searching for and located a stolen, matte silver, 2016 Dodge Charger at 624 Leach Ave. The vehicle was believed to be involved in a double homicide, hours earlier at 2721 Albion. The vehicle was determined to be occupied by a single black male, Prince Jones. Based on this information, Sergeant Noonan coordinated a tactical approach with other officers. Officers Smith and Gregus activated the overhead lights on their fully marked police vehicle, exited the vehicle and repeatedly ordered Mr. Jones to show his hands. Mr. Jones was non-compliant with the orders and then pointed a gun at his own head as additional units arrived.

A standoff ensued which lasted over thirty-three minutes. During this time, Officer Smith, a negotiator, attempted to build a rapport with Mr. Jones but was unsuccessful. During the standoff, officers repeatedly ordered Mr. Jones to put the gun down but he remained non-compliant. At a certain point, Mr. Jones exited the vehicle with the gun still in his hand, paced around the area and mumbled something about shooting multiple people and indicated that the police would have to shoot him. Mr. Jones made a phone call during this time and became agitated at the end of the call, slamming the cell phone onto the ground. Mr. Jones then raised his gun directly at officers as he leaned over and reached inside the vehicle. Shortly afterward, Mr. Jones sat in the driver's seat of the vehicle, and raised his gun at officers a second time. Officer Gregus then fired four rounds at Mr. Jones from his patrol rifle, then paused to assess the situation. There was no change in Mr. Jones' behavior which prompted Officer Gregus and now Officer Cox to each fire an additional round from their patrol rifles. Mr. Jones dropped the gun and fell to the ground.

A group of officers advanced on Mr. Jones and began performing CPR after Sergeant Pennington removed the gun from the driver's seat of the vehicle in order to render the scene safe. Medical personnel responded and continued life-saving efforts on Mr. Jones who was transported to the hospital where he later succumbed to his injuries.

After an internal review by the firearms review board, the officers' actions were determined to be within agency policy and it does not appear that a change in policy or training would have produced a different outcome. The incident was presented to the Lucas County Grand Jury and no indictment or criminal charges were filed.

Unnecessary Use of Physical Control Techniques

In 2022, there were six occurrences where a complaint was filed with the Internal Affairs Section against an officer (or officers) for unnecessary use of physical control techniques. This number increased by four

from 2021. However the total from 2021 only accounted for complaints filed by citizens. The total for 2022 accounts for 1 complaint that originated from a citizen and 5 complaints that originated administratively from supervisory review of the incidents.

The first incident, initiated administratively, involved the use of force against a subject who was resisting arrest, stemming from criminal trespass and obstructing official business charges. After a thorough investigation of the allegation, the complaint was found to be sustained and the involved officer received a suspension.

The second incident, initiated by a citizen, involved the use of force against a subject who was resisting arrest, stemming from criminal trespass and obstructing official business and had an outstanding warrant for his arrest. After a thorough investigation of the allegation, the complaint was found to be unfounded.

The third incident, initiated administratively, involved the use of force against a subject who was resisting arrest, stemming from a vehicle pursuit that resulted in a third party vehicle accident and multiple firearms being recovered from the fleeing vehicle. After a thorough investigation of the allegation, the complaint was found to be exonerated.

The fourth incident, initiated administratively, involved the use of force against a subject who was resisting arrest, stemming from a weapons call at a large block party at 03:50 hours. After a thorough investigation of the allegation, the complaint was found to be exonerated.

The fifth incident, initiated administratively, involved the use of force against a subject who was resisting arrest, stemming from a barricade incident where suicidal threats and threats to shoot police resulted in lengthy negotiations and subsequent forced entry to the location. After a thorough investigation of the allegation, the complaint was found to be non-sustained.

The sixth incident, initiated administratively, involved the use of force against a subject who was resisting arrest, stemming from assisting a neighboring agency with a vehicle and foot pursuit. After a thorough investigation of the allegation, the complaint was found to be sustained and the involved officer received a suspension.

The meaning of the finding is listed below:

- **SUSTAINED** – The investigation established sufficient evidence to clearly show that the wrongful act alleged in the complaint did occur.
- **SUSTAINED NO PENALTY** – The investigation established sufficient evidence to clearly show that the act alleged in the complaint did occur. However, the chief of police, at his/her sole discretion based on mitigating circumstances, has decided not to issue discipline.
- **NON-SUSTAINED** – The investigation was unable to find sufficient evidence to prove or disprove the allegation of a wrongful act made in the complaint.
- **EXONERATED** – The act described in the complaint did occur however, the investigation revealed the act was lawful and in accordance with established department policy and procedures.
- **UNFOUNDED** – The investigation proved conclusively that the alleged act did not occur and/or the accused officer did not commit the act or there is no credible evidence to support the complaint.

Conclusions

Police officers regularly encounter individuals at their worst and often during times of great stress and conflict. The emotions of a subject can be extremely elevated, they may have mental or psychological disabilities, be under the influence of alcohol and drugs or a combination of all these factors. Regardless of the reason, circumstances such as these can impair judgement and decision making, resulting in poor choices being made or making poor choices out of desperation. This is not to say that every subject encountered by a police officer who is distraught or impaired will physically resist but the potential is there and it does happen even when the individual appears normal and exhibits no outward signs to indicate that they will resist. Officers are constantly faced with entering a situation, sometimes with little or no information and often have little or no time to assess that situation. Officers are called on to make split second decisions, all while taking into account the safety of the subject, the community and themselves. There are built in disadvantages to officers when dealing with a subject that chooses to resist. First, the officer's response is reactionary to the actions of the subject. Second, the subject, unlike the officer has no rules or guidelines to follow. They can use whatever means or method they see fit to accomplish their goal. Despite the difficult circumstances and disadvantages that officers deal with, after analysis of the previously presented data, one factor remains clear and consistent. Toledo Police officers are by and large administering response to resistance techniques appropriately, based on each situation. When considering the "Subject vs. Officer" actions, this data is presented with the purpose of determining as closely as possible, how an officer responds to a subject's actions. As was previously discussed, each incident is broken down into the highest action level the subject displayed, compared to the highest action level the officer displayed (the total amount of officer actions will always be higher since multiple officers could have been involved in each incident).

When you compare the overall numbers (as displayed in the Response to Resistance Graphic Analysis for each group), one can see that Toledo Police officers are generally responding with less force than they are encountering, based on the subjects actions. A way to determine this is by observing that in 2022, the highest level of physical actions for subjects (371), comes from the "yellow" level. Included in these actions are the following: Wrestling with an officer, pushing away from an officer, active resistance (both verbal and physical), and spitting at an officer.

On the surface, it would be a safe assumption to assume that the highest level of response to the subject's physical actions would also be "yellow" for officers. What is remarkable however, is that the officer's highest level of response to these actions (1056), came from the "green" level (one level below yellow). Simply put, it appears that even though officers are justified to enter into the same level that the subject is in, they are predominately engaging the subject with a lower level of force.

A reason for this can be due to the way Toledo Police officers are trained (discussed further in the recommendations section) and how our Response to Resistance policy directs officer actions. Department Manual policy 103.2 - *Response to Resistance* states that "At times, an officer may be justified in moving to a higher or lower response than recommended on the continuum. Just as officers must be prepared to respond to rising levels of action(s) by the subject, they must likewise be prepared to promptly de-escalate their response when appropriate. The Response to Resistance Continuum is not a rigid, inflexible guide. It provides for ranges of reasonable officer responses, and allows for the unique circumstances of each incident. The decision to move to a higher or lower level on the continuum shall be based on the totality of the circumstances."

Finally, it is interesting to note that 91% of officer's actions came from the "blue" and "green" levels (the two lowest levels) while 81% of the subject's actions came from the "yellow", "orange" and "red" levels (the three highest levels). Based on the information presented above, it is evident that Toledo Police officers are doing an exceptional job of assessing the level of resistance that is presented to them and applying an appropriate level of response to effect the arrest.

Another point that is worth mentioning is that data began being tracked in April of 2021. With the implementation of the Benchmark Analytics Information System, data is now being collected that tracks if an officer perceives that a subject is experiencing "suspected mental health issues." The department's previous reporting system did not record this information. As stated previously, in 2022 there were 611 response to resistance related incidents involving 632 subjects. Of those incidents, 130 subjects were suspected to have mental health issues (21%). That is a significant number and it is crucial that Toledo Police officers are continually prepared to deal with individuals experiencing a mental health crisis.

The Toledo Police Department has taken the appropriate steps to ensure that its officers are capable of handling these types of encounters appropriately. CALEA standard 41.2.7 - *Mental Health Issues* requires there to be "documented entry level training of agency personnel" as well as "documented annual refresher training." The entry level training is accomplished in the Toledo Police Academy when the academy trainees go through their initial training. Sworn personnel also received their annual mental health training during 2022 in-service training.

In addition to training mentioned above, 189 officers on the department are also trained as members of the Crisis Intervention Team (CIT). CIT is a group of officers who have received specialized training in dealing with mentally ill individuals. Once their training is complete, they are available to respond to incidents involving the mentally ill. This is a crucial component of the department since these specially trained officers are well equipped to handle situations that may not be criminal or unlawful in nature, but do pose a risk to the community if not addressed. It is highly recommended that the department continue to follow the guidelines established by CALEA while also continuing to bolster its Crisis Intervention Team. By doing so, the department is putting its officers in a good position to safely and effectively deal with individuals experiencing a mental health crisis.

The Toledo Police Department has a number of policies and procedures in place to assist officers who deal with mentally ill individuals. These policies have been an excellent guide for officers, giving them direction on such topics as recognizing characteristics of mental illness, approaching and interacting with people who have mental illness, hospitalization of people with mental illness, and transporting people with mental illness, to name a few.

Recommendations

It is recommended that the department focus on and continue to prioritize four specific areas that directly relate to and influence response to resistance instances. The first area is training. Providing officers with timely, updated, worthwhile and innovative training is a must and improves an officer's proficiency no matter the task. A well trained officer is better equipped and more successful when implementing what he or she has learned. The department provides yearly training on the use of force policy, lethal weapons,

taser, mental illness and agency wellness. Biennial training is provided for ethics, subject control and less than lethal weapons. Each of these areas encompass overlapping elements across a wide spectrum of techniques ranging from verbal communication and de-escalation to lethal force.

The second specific area is supervision. Proper, continuous and competent supervision actually begins with the patrol officers themselves. Being aware of one's own strengths and weaknesses and those of your immediate peers allows for self-reflection, critique and improvement in an instant, rather than when reviewed later by a supervisor. The task of supervision then moves to the sergeant, the first line supervisor and eventually up the chain of command. Thorough review of response to resistance related incidents by ascending levels of reviewers provides for a check and balance effect. It also enables the opportunity to look at each incident from various perspectives. Feedback can then be provided to acknowledge and reward the proper handling of a situation, provide an opportunity for further training or clarification or to address a potential problem. This practice is being accomplished in that, of the six complaints involving unnecessary use physical control techniques, five of them were initiated internally as a result of supervisory review, versus only one that was initiated by a citizen. Regardless of the origin of the complaint, appropriate action was taken when deemed necessary. While this practice is being accomplished, it needs to continue as it is essential to maintaining effective policing and building community respect and trust.

The third specific area is the department's First Sign system, previously referred to as the Early Intervention System. This system is a component of Benchmark Analytics and has the ability to track numerous specific data points relating to each individual officer's actions or behaviors. It then identifies and flags potentially negative patterns and trends before they become a larger problematic issue. This allows the department to take proactive steps to develop a plan and course of action that actively involves the officer and various supervisors to get the officer back on track.

The fourth specific area is agency wellness. The Toledo Police Department provides the opportunity for all sworn and civilian personnel of the Toledo Police Department to receive emotional and tangible support at a time when personal or professional difficulties may interfere with work, family, or daily life. Stress associated with the law enforcement profession may impact the health, well-being and job performance of all involved individuals. In order to help department personnel deal with such stressors, the department created the Wellness Unit in October of 2021. The Wellness Unit promotes mental, physical and emotional wellness of sworn members of the Toledo Police Department. This is accomplished by encouraging officers to engage in positive physical and emotional practices that will lead to increased job satisfaction and productivity. The program is dedicated solely to the well-being of TPD personnel. The Wellness Unit provides department personnel with professional, objective and non-judgmental resources. Through the Wellness Unit, both the Critical Incident Stress Management (CISM) Team and a Peer Support Team are coordinated and administered. Through privileged confidentiality, these teams are available to assist employees and their families with individual and family support for both critical incidents and daily stressors. As the Wellness Unit continues to evolve and expand, it affords officers a greater opportunity to utilize resources that are offered to achieve the goal of overall agency wellness. An example of this is the fitness incentive tiered (FIT) program which began in 2022 and rewards officers for maintaining physical fitness.

While the decision of a subject to resist an officer cannot be controlled by the officer, continuing to focus, prioritize and enhance these four areas will benefit the department and should prove beneficial when considering response to resistance incidents. The goal is to reduce the overall number of incidents themselves, the level of force required by the officer, and to reduce the number and severity of injuries to the subjects and officers alike.