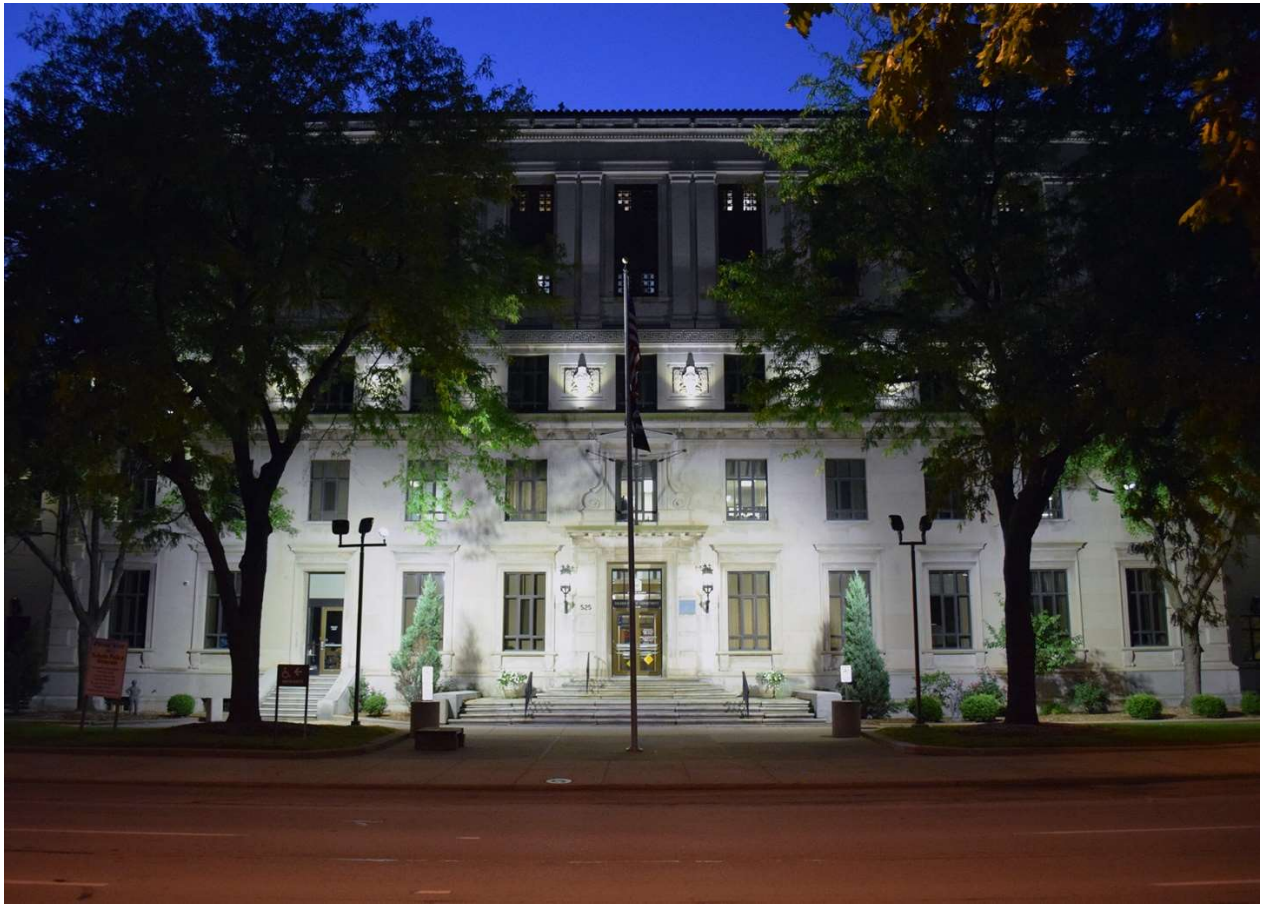


# **TOLEDO POLICE DEPARTMENT**




## **Annual Response to Resistance Analysis Report 2021**


May 31, 2022

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Subject: Response to Resistance Analysis – 2021

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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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## **2021 Response to Resistance Overview**

The year 2021 involved 612 incidents that required the use of force from officers. This number is a 9% decrease from 2020 (675 incidents). In 2021, the Toledo Police Department responded to 169,724 total incidents. This total amount is up significantly from 2020 (117,926 incidents for a 44% increase). A logical explanation for the large increase in the total number of incidents would be due to the department's initial response to the COVID-19 pandemic. In 2020, a number of calls for service such as past offense property crimes, non-injury accidents, and certain calls where the suspect was no longer on scene were forwarded to the Telephone Reporting Unit (TRU), thus not allowing for officer-citizen interaction in these types of incidents. In 2021, normal police response to these incidents began to resume. It should also be noted that response to resistance related incidents accounted for .36% of the total incidents. This number is down from what was observed in 2020 (.57%).

In 2021, data was gathered utilizing a combination of two data collection systems: Administrative Investigations Management (AIM) and Benchmark Analytics Information System. AIM was the previous system that the Toledo Police Department used to collect data from response to resistance related incidents. Beginning on April 12<sup>th</sup>, 2021, the department transitioned to Benchmark Analytics to collect this type of data. Prior to this, the department had been using Benchmark Analytics since October of 2020 to collect data from vehicle pursuits. The transition to Benchmark Analytics allows for enhanced tracking of each response to resistance related incident while also assisting with the analysis of the data. Due to this transition, data that was used for this report comes from a combination of both systems.

Regarding the use of less-lethal options, the department saw an increase in the use of some of these options from 2020 to 2021. More specifically, TASER usage increased from 49 incidents in 2020 to 61 incidents in 2021 (24% increase). TASERS were utilized in only 10% of all response to resistance related incidents. Of the incidents where a TASER was utilized in 2021, there were three documented incidents where the subject was completely missed, leaving 58 subjects who had a TASER applied to them in 2021.

Continuing with the discussion of less-lethal options, the use of chemical agents remained the same from 2020 to 2021. There were 13 incidents in 2021, compared to 13 incidents in 2020. A significant change was observed regarding the amount of officers who deployed chemical agents during these incidents. In 2020, the total number of officers who utilized chemical agents during these incidents was 47. Of the 47 officers, four utilized aerosol chemical agents, 11 utilized hand-held gas canisters, and the remaining 32 involved the use of projectile chemical agents fired from department issued pepper ball guns. The vast majority of the chemical agents deployed in 2020 occurred during the civil unrest incident on May 30<sup>th</sup>. In 2021, this number decreased dramatically with only 13 total officers utilizing chemical agents with a breakdown of four officers deploying aerosol chemical agents and nine officers deploying projectile chemical agents from their pepper ball guns.

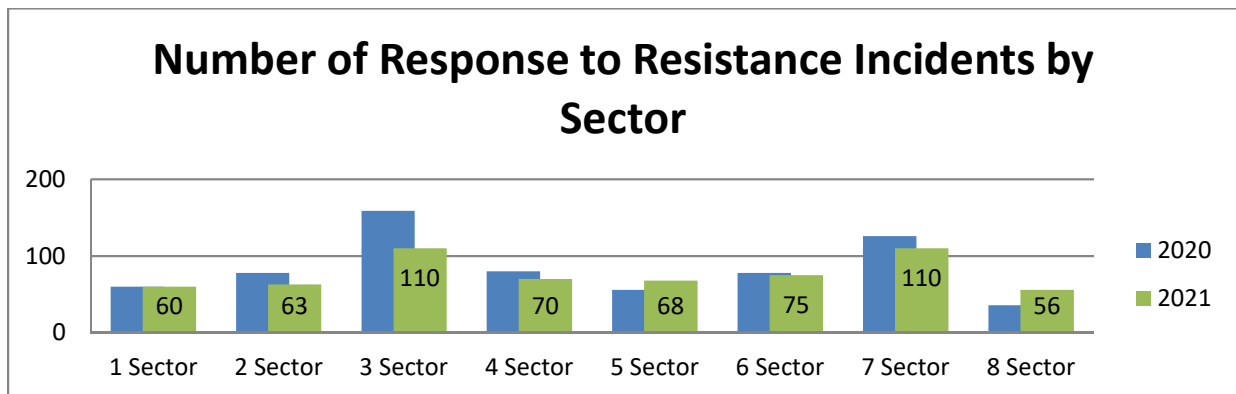
The Canine Section responded to 4,433 calls for service and deployed their canines a total of 1,670 times in 2021 compared to 5,412 calls for service and 1,650 deployments in 2020 (an 18% reduction in calls for service as well as a 1% increase in deployments). A canine can be deployed for numerous reasons including, but not limited to, building searches, odor work, community relations deployment, warrant services, tracking, burglaries and explosive sweeps. From the deployments in 2021, there were 30 apprehensions in which six resulted in injuries to the subject as compared to 2020 where there were 32 apprehensions which resulted in five subjects sustaining injuries. As you can see, the number of deployments and subject injuries have remained quite similar from 2020 to 2021.

The department saw a decrease in the total number of officers injured. There were 46 officers injured in 2021 compared to 57 in 2020. Tragically, there was one fatality that occurred in 2021 when Officer Brandon Stalker was killed in the line of duty on January 18<sup>th</sup>.

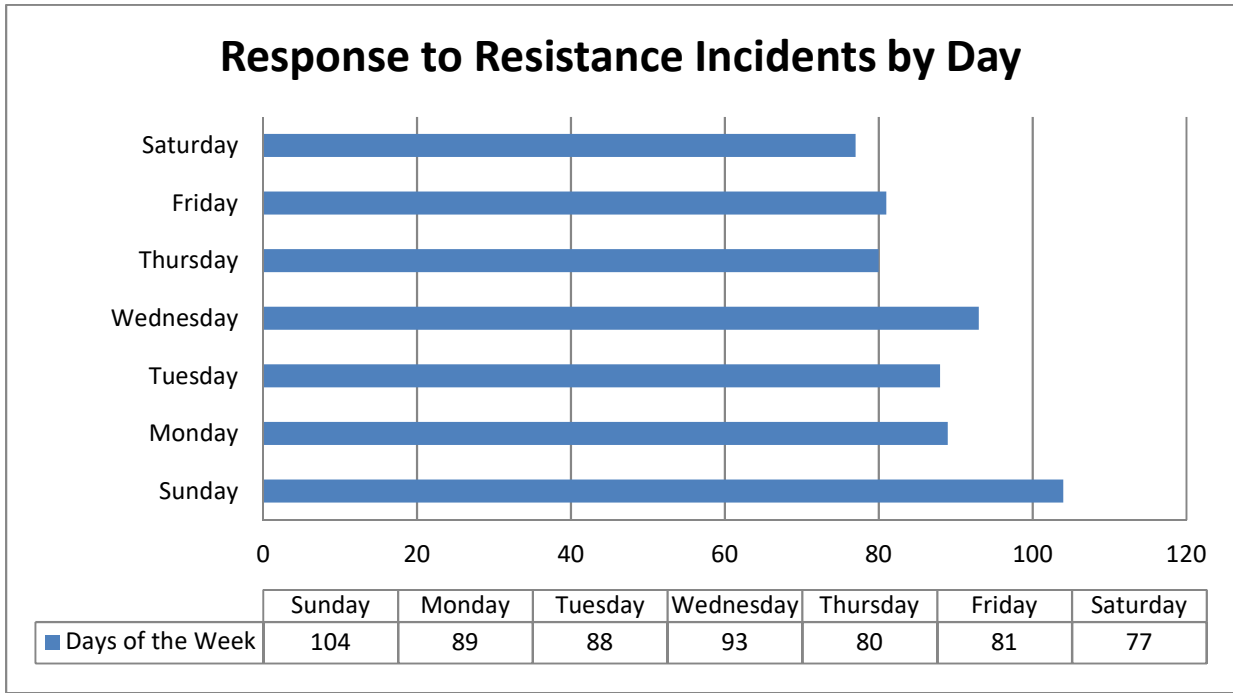
Lastly, in 2021 there were four incidents where officers used deadly force on a human (the same number that occurred in 2020). These incidents will be reviewed later in this report. Out of the four occurrences, two of the subjects were fatally wounded while the other two sustained non-life threatening injuries. It is important to note that in 2021, no warning shots were fired by a Toledo Police officer.

### **Where Response to Resistance Incidents are Occurring**

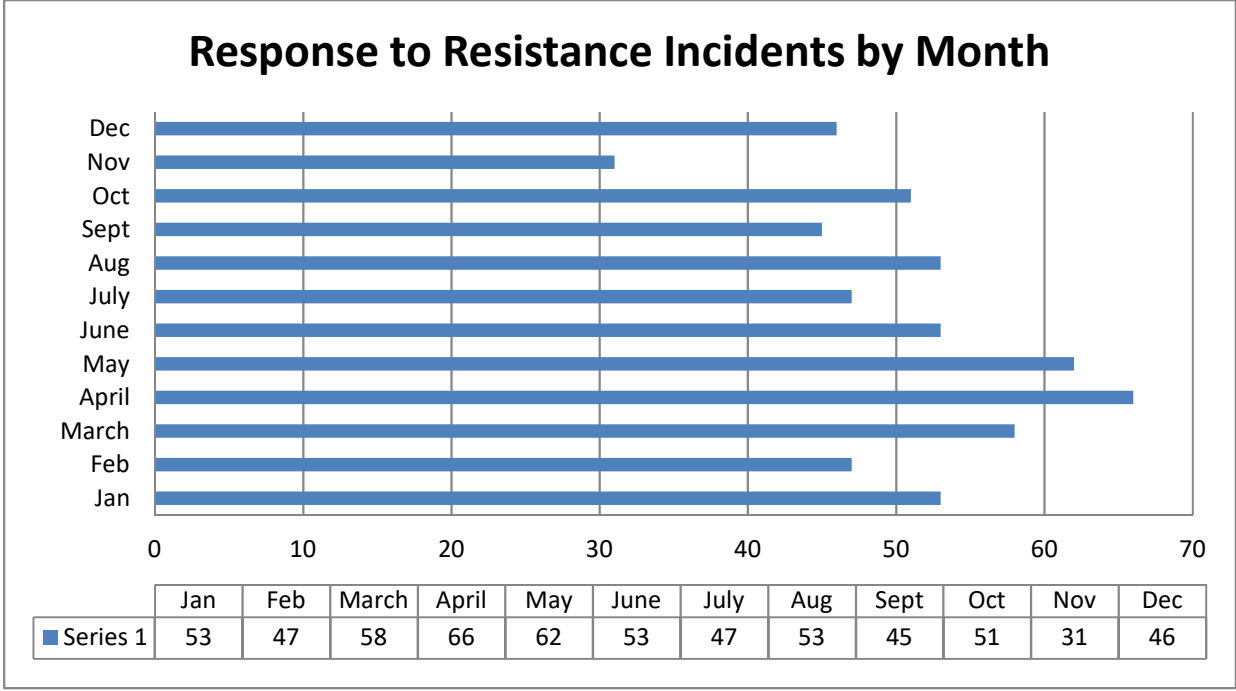
The following graph is a breakdown of those incidents by sector for years 2020 and 2021. Sectors 3 and 7 were tied with the highest total (110 response to resistance related incidents), followed by sector 6 with 75. The sectors with the lowest totals were sector 8 with 56 and sector 1 with 60. Both sector 3 and sector 7 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**

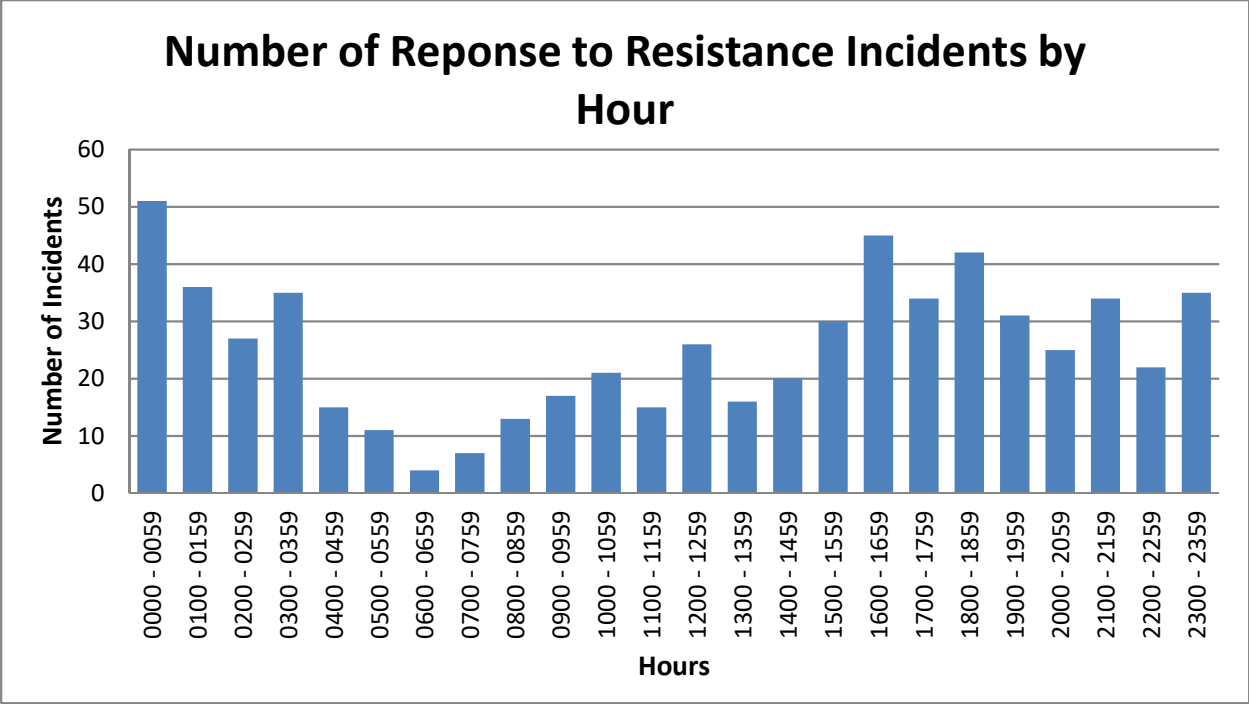


Response to Resistance related incidents had the highest occurrence on Sundays (104), followed by Wednesday with 93 incidents. In comparison, 2020 showed Saturdays to have the highest number of response to resistance related incidents (107).



The month of April had the highest number of response to resistance related incidents occur (66), followed by May (62). November had the lowest amount with 31. For comparison, in 2020, May had the highest amount of response to resistance related incidents occur with 87 (largely due to the civil unrest that occurred on May 30<sup>th</sup> 2020) while June and July were tied for the lowest amount with 40 each.

It is not completely uncommon to see that April and May would have higher response to resistance related incidents as it 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). This is supported by data from the Toledo Police Criminal Intelligence Section that shows a combined 230 shooting incidents that occurred during the span of these two months, as well as a combined 284 incidences of city-wide tracked crime (Robbery, Burglary, Auto Theft, and Theft from a Motor Vehicle).



In 2021, 51 response to resistance related incidents occurred between 0000-0059 hours. This same time category was also the highest in 2020 with 64 (20% decrease). The lowest time category was 0600-0659 hours with four response to resistance related incidents. For comparison, 2020's lowest was also the 0600-0659 category with seven incidents (43% decrease).

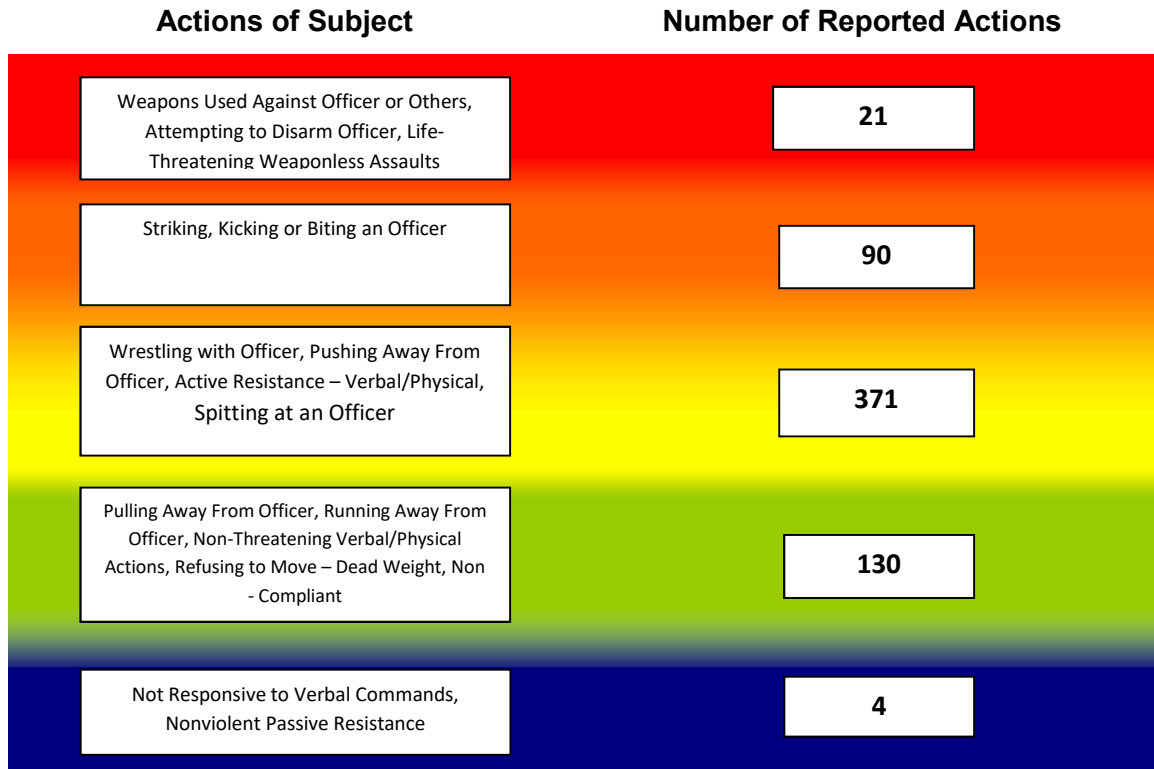
## Response to Resistance Incidents by Day / Hour

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
0000 - 0059	10	9	3	14	3	7	5
0100 - 0159	6	7	3	2	8	5	5
0200 - 0259	10	2	2	1	3	5	4
0300 - 0359	5	4	2	7	3	5	9
0400 - 0459	6	0	1	3	2	1	2
0500 - 0559	1	1	1	5	1	0	2
0600 - 0659	0	1	0	1	1	0	1
0700 - 0759	2	1	1	2	0	1	0
0800 - 0859	4	2	0	1	2	3	1
0900 - 0959	3	2	6	1	0	1	4
1000 - 1059	3	4	3	1	3	4	3
1100 - 1159	4	2	1	3	1	3	1
1200 - 1259	3	7	2	2	5	3	4
1300 - 1359	1	4	4	0	2	3	2
1400 - 1459	2	1	2	5	5	3	2
1500 - 1559	5	8	3	6	3	5	0
1600 - 1659	11	2	12	10	5	1	4
1700 - 1759	3	5	9	5	3	5	4
1800 - 1859	6	6	10	6	6	4	4
1900 - 1959	4	5	5	6	5	2	4
2000 - 2059	3	8	3	3	3	3	2
2100 - 2159	2	3	5	4	6	8	6
2200 - 2259	3	2	2	3	4	4	4
2300 - 2359	7	3	8	2	6	5	4

Wednesday between 0000-0059 hours 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, Monday 0400-0459, Tuesday 0600-0659 and 0800-0859, Wednesday 1300-1359, Thursday 0700-0759 and 0900-0959, Friday 0500-0559 and 0600-0659, and Saturday 0700-0759 as well as 1500-1559.



## 2021 Response to Resistance Graphic Analysis - Subject's Actions



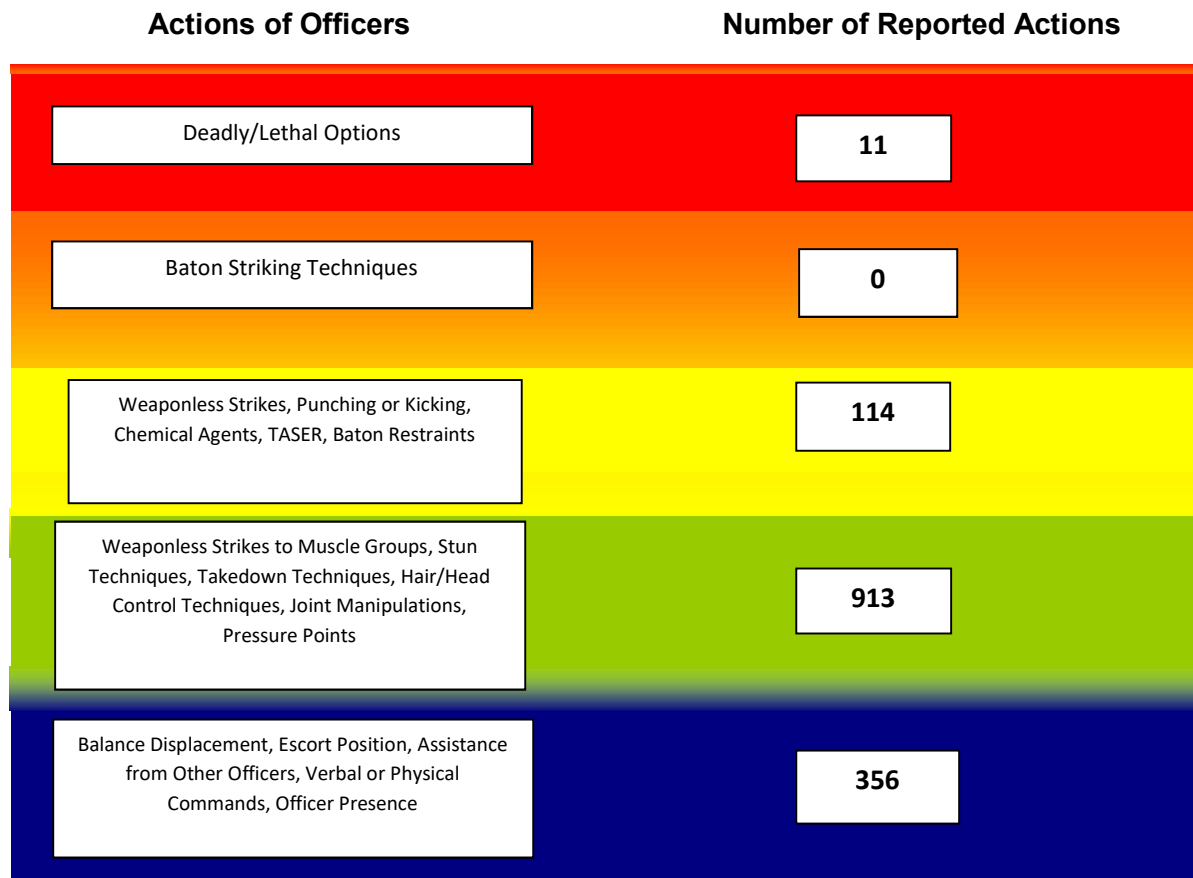
The 2021 Response to Resistance Graphic Analysis illustrates the different actions that subjects used to resist officers. There were a total of 606 incidents where a subject used some type of force to resist. The remaining incidents involved either vicious or wounded animals. It should be noted that of the 606 incidents, 10 incidents involved an additional subject on the report, for a total of 616 subjects involved in a response to resistance related incident. Actions of the subjects in those 606 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 90 cases where the subject's actions were categorized as "Striking, Kicking, or Biting an Officer" and in 21 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 a drastic 133% from 2020 when nine incidents occurred). There were 37 response to resistance related incidents where the subject was armed with some type of weapon, most often a knife (8) or a gun (25), but did not necessarily attempt to use that

weapon against the officer. It should be noted that the remaining incidents involved weapons classified as “impact weapons” (4).

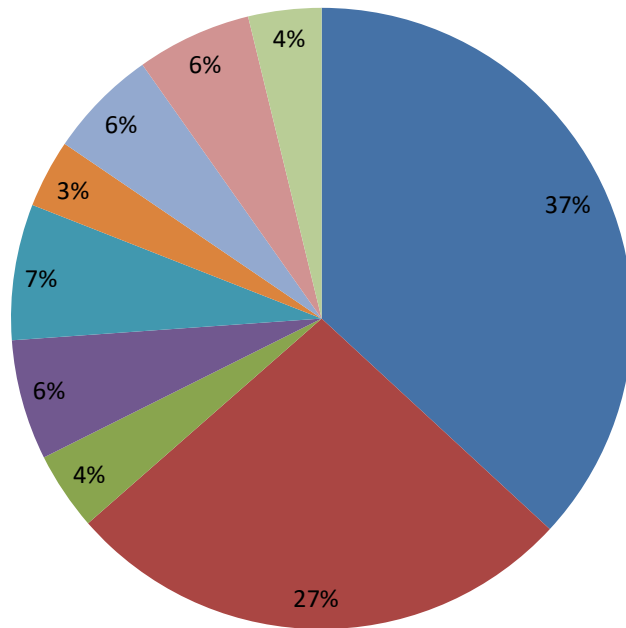
### **2021 Response to Resistance Graphic Analysis - Officer's Actions**



The above chart illustrates the different physical control techniques officers reported using in response to the subject’s actions in the same 606 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 verbal commands 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 616 subjects involved in response to resistance related incidents, 210 were suspected of using alcohol and/or drugs (34%).

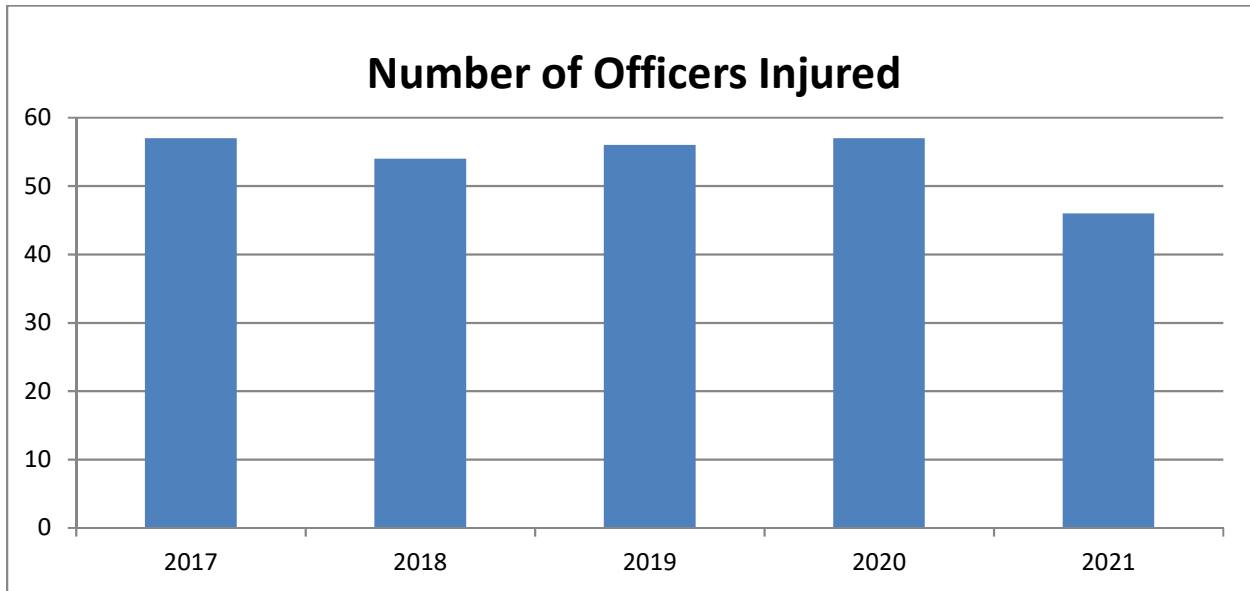
## Charges Associated with Response to Resistance Incidents

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



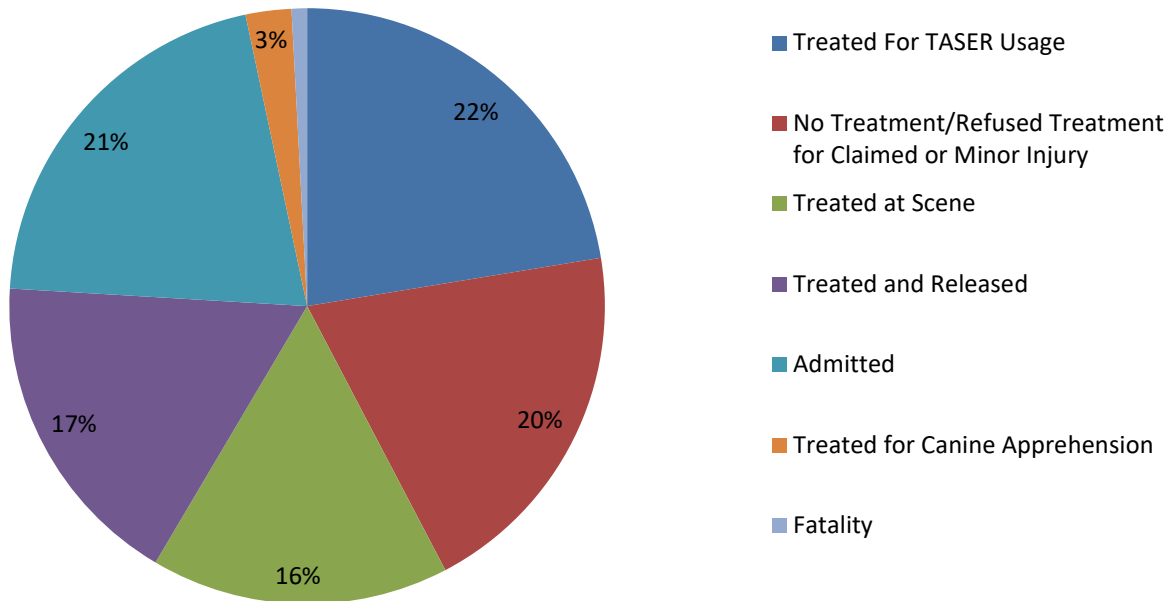
The above chart displays the crime category that each subject involved in a response to resistance related incident was charged with. Not all crimes are accounted for and some subjects had multiple charges. Crimes Against the Public were the highest with 37%, followed by Crimes of Violence with 27%. Theft (3%), Weapons Charges (4%), and Drug Related Charges (4%) each had the lowest number of incidents. The fact that the majority of response to resistance related incidents involved 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 6,978 total tracked crimes occurred in 2021 (this includes Homicides, Shootings, Robberies, Burglaries, Auto Thefts, and Thefts from a Motor Vehicle). This is a 4% increase from 2020 (6,731 total tracked crimes). Based on this increase, 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.

## **Officer and Subject Injuries**



In 2021, there were 46 officers who reported injuries as a result of a response to resistance related incident (down from 57 in 2020). This number is the lowest amount of injured officers that we have observed in recent years and is also below the average of the past five years (59). Of the 46 officers that reported injuries, 14 were treated and released, five were treated at the scene, and 26 required no treatment. The most tragic of all incidents occurred when Officer Brandon Stalker was killed in the line of duty on January 18<sup>th</sup>, 2021 and is discussed later in this report.

## Number of Subjects Injured

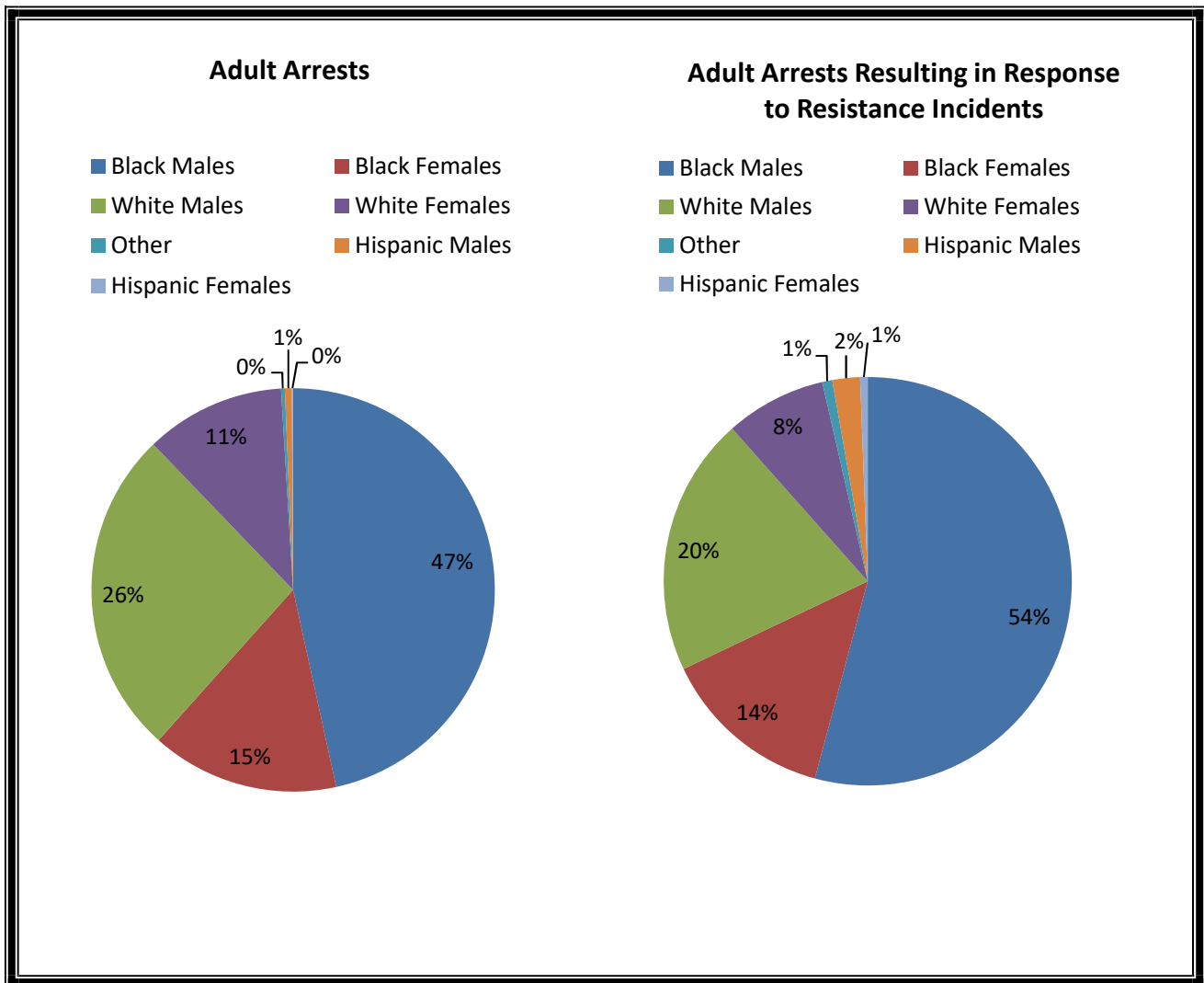


Out of the 616 subjects involved in a response to resistance related incident, 220 subjects were injured or claimed to be injured (36%). 79 of those injuries occurred prior to the officer’s intervention (36%). These injuries include self-inflicted injuries (such as suicide attempts or ingesting drugs), injuries caused by an automobile accident, or injuries from a prior assault or fight. Also included in the category of “Injured Prior to Officer Intervention” were those individuals hospitalized for psychiatric reasons.

Forty-eight of the subjects injured (20%) did not require medical treatment or refused treatment. Another 39 subjects were treated at the scene by Toledo Fire and Rescue (16%). There were also another 42 subjects who received medical treatment but were treated and released (17%). Three percent of subjects received medical treatment for minor injuries sustained after a canine deployment. Fifty-four subjects were treated for Taser exposure (22%). Fifty subjects were admitted to the hospital for their injuries (21%). In the majority of these incidents, the subjects were admitted to the hospital for observational purposes only. There were two fatalities in 2021 that will be summarized later in this report. It should be noted that some subjects can potentially account for more than one treatment option. For example, an officer could document on their response to resistance report that a subject was “treated at the scene” and also “admitted” depending on the circumstances. For the sake of accuracy, these types of situations are accounted for, thus leading to a slightly higher amount of “treatment options” compared to “total subject injuries” (241 to 220).

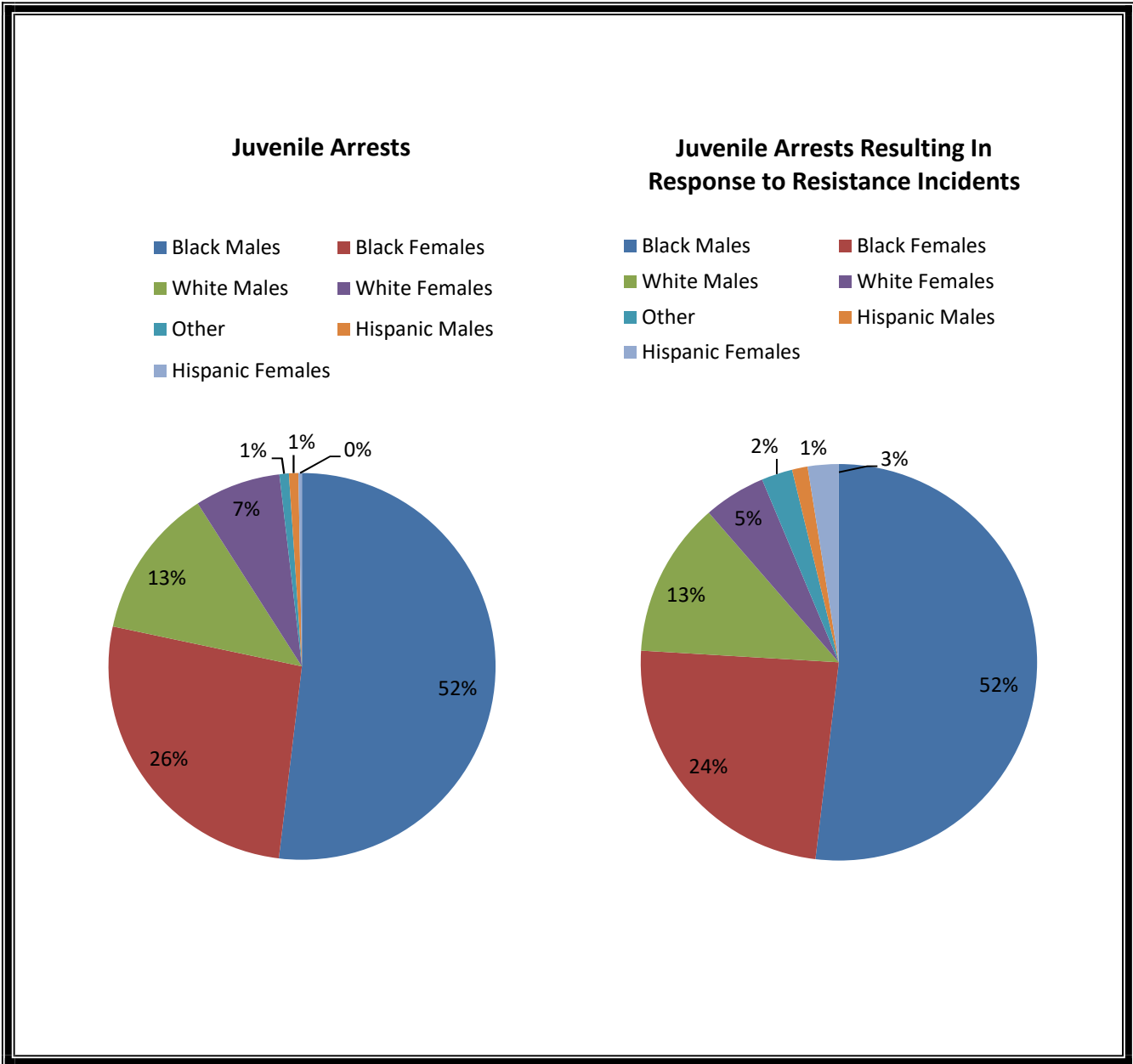
## ARREST TOTALS ADULTS

There were 11,503 adults who were arrested in 2021 by a Toledo Police officer. This number is up approximately 6% from 2020 (10,893 arrests). Of those arrests, 502 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 1,015 juveniles who were charged by a Toledo Police officer in 2021. This number is down approximately 5% from 2020 (1,065 juveniles charged). From those incidents, 79, or roughly 8% 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.



## **2021 Review of Response to Resistance Incidents**

Below is a summary of response to resistance related incidents from 2021 that involved officers using deadly force against a subject.

- **RB#000157-21** – On January 2<sup>nd</sup>, 2021 at approximately 0826 hours, multiple 911 calls were placed regarding a male subject screaming in the parking lot of 6020 Secor. Three one-person police units were dispatched to the location to check the subject's safety. Upon arrival, the subject appeared at the entrance of the apartment building with a firearm in his hand prompting the officer's on-scene to take cover behind vehicles in the parking lot. The officers attempted to de-escalate the situation as the subject shouted obscenities while also pointing the firearm at them as well. As this continued, the subject pointed his firearm in the direction of one of the officers and began shooting, striking a police vehicle. At this time, Officer Ron Wilcox fired his department issued handgun multiple times at the subject.

After this exchange of gunfire, the subject exited out of the building's rear, ultimately re-appearing at the eastern end of the apartment complex, firearm still in hand. The subject began firing his weapon for a second time, prompting Officer Wilcox to once again discharge his firearm at the subject. After this sequence, the subject dropped his firearm and began walking southbound towards the other end of the complex. At this point officers began to give the subject verbal commands to place himself on the ground. These commands were not followed and due to this, an officer on scene deployed his TASER in an attempt to subdue the subject. This action proved to be unsuccessful and a second taser deployment was attempted, this time causing the subject to fall to the ground. While on the ground, a struggle between the subject and officers on scene continued, with the officers eventually gaining control of the subject and placing him in handcuffs.

The subject was found to have been struck by multiple rounds of gunfire and officers on scene began providing medical aid until the arrival of Toledo Fire and Rescue. The subject was then transported to a local hospital where he survived his injuries. It was later determined that the subject had sustained six gunshot wounds. Three gunshots came from Officer Wilcox, while the additional three rounds were self-inflicted and struck the subject's foot. The subject was charged with two counts of Felonious Assault on a Peace Officer. The firearm he possessed was found to be a 9mm Taurus pistol with a 17 round magazine. Nine rounds remained in the pistol including one round that was caught in the slide of the firearm resulting in a weapon malfunction.

After review, the officer's 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.

- **RB#002370-21** – On January 18<sup>th</sup>, 2021 at approximately 1535 hours, detectives from the Toledo Police Gang Task Force section observed a subject who was wanted for the arson and vandalism



of Our Lady, Queen of the Most Holy Rosary Cathedral earlier in the day. The subject was seen outside of 2234 Fulton. As the subject was approached by detectives, he was observed to be in possession of a firearm and quickly fled inside the location. As the situation progressed, additional Toledo Police officers were called to the location and were stationed along the perimeter for both scene protection and crowd control.

One of the numerous officers on scene was Officer Brandon Stalker, who was positioned alongside several other officers, all utilizing a marked police vehicle as cover, approximately 100 feet from the location. As the situation continued, Toledo Police Critical Incident Negotiators were summoned to the scene, along with members of the SWAT section. Negotiations with the subject lasted for approximately two hours. During this time frame, the subject made nonsensical statements to negotiators and could be overheard by officers on scene stating that he would not be taken into custody. As the subject remained barricaded inside the house, the decision was made to utilize chemical agents. SWAT deployed the chemical agents inside the house in an attempt to have the subject exit the location and surrender.

At approximately 1822 hours, the subject emerged from the location with a firearm in both hands and began firing shots at the officers in numerous directions. One of these rounds struck Officer Stalker in his head. Five additional rounds struck the SWAT Armored Personnel Carrier (APC). Officers on scene immediately observed that Officer Stalker had been shot and instantly began rendering aid to him. Officers were able to quickly place Officer Stalker in a police vehicle and transported him to Mercy St. Vincent's hospital where their medical staff worked tirelessly to save him. Tragically, Officer Stalker ultimately died from his injuries.

Within moments of the subject firing at officers, five SWAT officers (Officer David Marsh, Officer Adam Knaggs, Officer Gregory Linkous, Officer Benjiman Kiser, and Officer Brian Jackson), who were tactically positioned near the location, fired multiple rounds from their department issued rifles, striking the subject. The subject was transported to a local hospital where he was pronounced deceased.

It was later determined that the subject fired a total of nine rounds from both firearms (a 9mm Taurus pistol and a 9mm Ruger pistol). The subject was struck eight times by the officers' rounds.

After review, the officer's 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.

- **RB#013945-21** – On April 15th, 2021 at approximately 2048 hours, a 911 call was placed regarding a domestic dispute occurring at 2029 Nevada. Officers arrived on scene at approximately 2103 hours and spoke with the 911 caller as well as the caller's adult daughter. The daughter (who was the subject's girlfriend) advised that the subject had been acting very aggressive and had been threatening her. Officers then began searching for the subject who

both the caller and her daughter believed was hiding somewhere inside the location. As the officers were searching the location, they eventually found the subject hiding inside the garage. The subject was observed to be pointing a firearm at his own face and was quickly given multiple orders by the officers to drop the firearm. The subject did not follow these orders and turned his firearm towards the officers. Officer Jimmie Bennett observed this act and discharged his department issued handgun once, striking the subject who then dropped his weapon.

Medical aid was summoned to the scene and the subject was transported to a local hospital where he survived his injuries. It was later determined that the firearm the subject possessed was not loaded (Lorcin L380). The subject was ultimately charged with one count of Domestic Violence and one count of Assault.

After review, the officer's 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.

- **RB#027942-21** – On July 19th, 2021 at approximately 0055 hours, Monroe County (MI) notified Toledo Police Communications that Michigan law enforcement agencies were in a vehicle pursuit with a subject who was alleged to have fired at least one gunshot at a location within Monroe, MI. At approximately 0059 hours, the pursuit entered into Toledo via I-75 south. A Toledo Police unit was able to enter the pursuit around 0101 hours and remained in the pursuit until the subject crashed his vehicle near Virginia and Scottwood. The subject then exited his vehicle and began walking down Scottwood towards Bancroft while holding a firearm to his own head. As this event continued to unfold, the Toledo Fire and Rescue Department and the Toledo Police Critical Incident Negotiator Team were summoned and responded to the scene.

The subject eventually led officers to the parking lot of 2839 Monroe, where officers continued to try and de-escalate the situation. Sergeant Joseph Okos was on scene and was operating as the critical incident negotiator. Sergeant Okos attempted de-escalation techniques with the subject for just over 18 minutes, as the subject continued to hold the firearm to his head. As negotiations continued, a trooper with Michigan State Police deployed a TASER at the subject in an attempt to incapacitate him (which was unsuccessful). As the situation continued, the subject began indicating both verbally and with hand motions that he was going to point his firearm at the officers. The subject began stating the phrase "tick-tock" while putting the firearm back to his own head. The subject then brought the firearm down into a shooting stance and began to raise it towards the officers. In response to this act, multiple officers from the Toledo Police Department as well as Michigan State Police discharged their firearms, striking the subject multiple times. The subject died from his injuries.

Three Toledo Police officers (Officer Robert Ebright, Officer Patrick Hohenberger, and Officer Noah Bauer) and Sergeant Okos discharged their department issued handgun multiple times at the suspect along with Officer John Morrison who fired two rounds from his department issued

shotgun. One Michigan State Police trooper fired multiple rounds from their department issued handgun while another trooper fired multiple rounds from their department issued rifle.

It appeared that the magazine in the firearm (Smith and Wesson M&P .40 Shield) that the subject was holding was struck by gunfire however, the firearm itself had one round in the chamber and at least three round were found underneath the suspect.

After review, the officer's 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.

### **Unnecessary Use of Physical Control Techniques**

In 2021, there were two occurrences where a citizen's complaint was filed with the Internal Affairs Section against an officer (or officers) for unnecessary use of physical control techniques. This number increased by one from 2020. The first incident involved a use of force against a subject who was resisting arrest, stemming from a menacing charge. After a thorough investigation of the allegation, the complaint was found non-sustained.

The second incident involved a total of three officers who were alleged to have used unnecessary force while arresting a subject who was suspected of being involved in a shooting, prior to their contact. After a thorough investigation of the allegation, the complaint was found non-sustained.

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.
- **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**

After analyzing the previously presented data, a few important points should be discussed. The first point is regarding “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 per 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 by in large responding with less force then they are encountering, based on the subjects actions. A way to determine this is by observing that in 2021, the highest level of physical actions for subjects 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 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 by in large 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 lowest and second lowest levels) while 79% of the subject’s actions came from the three highest levels (yellow, orange, and red). 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.

The final point that is worth mentioning is that a new piece of 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 so only partial data is available for 2021. Beginning April 12<sup>th</sup> 2021 until December 31<sup>st</sup> 2021, there were 436 response to resistance related incidents that were recorded in the Benchmark Analytics Information System. Of those incidents,

72 subjects were suspected to have mental health issues (17%). 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.

Fortunately, 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 2021 in-service training.

In addition to training mentioned above, 172 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.

Fortunately, the 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. In 2021, the department took steps to enhance their policies and procedures that deal with mentally ill individuals, specifically when dealing with subjects experiencing excited delirium.

In Department Manual Policy *103.2 - Response to Resistance*, a section on “Excited Delirium” was added. The manual states that “excited delirium is characterized by agitation, aggression, acute distress and in some cases, sudden death.” It goes on to list a number of signs to look for when dealing with these types of subject and it then provides guidelines on how to handle these incidents as safely as possible. By recognizing that these types of situation are becoming increasingly more prevalent, the Toledo Police Department is doing an excellent job in preparing its officers to handle these situations as safely and appropriately as possible.

## **Recommendations**

While analyzing the 2021 Response to Resistance data, one factor was abundantly clear: That Toledo Police officers are by in large administering response to resistance techniques appropriately, based on each situation. As previously mentioned, this statement is supported by the fact that when officers encounter subjects who choose to actively resist their arrest or the orders of officers, Toledo Police officers are consistently utilizing less force than the department's policy allows them to use to effect the arrest. This speaks to the fact that the Toledo Police Training Section does an exceptional job of training and preparing officers for these types of encounters upon graduating from the police academy. To ensure that officers continue to learn the most up to date and effective response to resistance techniques, it is recommended that officer training on response to resistance remains a top priority of the department, well after the officer's time in the academy, so that this trend can continue.

During last year's analysis, this same point was made regarding subject control training, defensive tactics, and de-escalation (all of which are key elements of a successful response to resistance based arrest). The department was able to respond by having all sworn officers complete eight hours of in-service training in 2021 involving less-lethal weapons, weaponless control techniques and Response to Resistance policy review.

To continue with the overall goal of strengthening officer's ability to respond to subject resistance appropriately, the department has turned to an innovative new form of training: Virtual Reality. A study from 2016 titled *Highly Realistic Scenario Based Training Simulates the Psychophysiology of Real World Use of Force Encounters: Implications for Improved Police Officer Performance*, discusses what type of training best prepares officers for "real-world critical incidents." The authors' goal was to determine which type of training best simulated "officer physiological stress responses to real world law enforcement use of force encounters." It was determined that "highly realistic scenario training was significantly correlated to the stress responses of active duty police officers" while stress responses during "classroom-based scenario trainings were minimal, and not significantly related to stress responses experienced during realistic training scenarios or activity duty emergency calls" (Anderson, Pitel, Weerasinghe, & Papazoglou 2016).

The goal of using Virtual Reality training would be to capture that level of "high stress response" that is discussed in the study, by immersing officers into a "highly realistic scenario" that is hard to replicate by just using classroom based training. By utilizing this type of scenario based training, officers will get to further improve their skills when dealing with subject encounters that could potentially turn into response to resistance situations.

The next recommendation will be for the department to continue to prioritize officer wellness. In a study titled *Critical Challenges of Police Officer Wellness*, the authors discuss the importance of training as it relates to the fact that "stress management and wellness promotion have been found to significantly improve officers' performance in the line of duty and overall health." The authors view wellness as a "perishable skill" and one that requires "ongoing practice, updated training, and numerous outside resources (psychological services, post trauma intervention, peer support, and chaplaincy)."

The study goes on to show that overall officer wellness plays a “significant role in helping officers maintain stability in their personal and professional lives while capably serving their communities” (McQuerrey, Blumberg, & Papazoglou 2019). What this means is that officers who prioritize their physical and mental wellness will be more likely to serve their community effectively and to the best of their abilities, including being able to appropriately respond to situations that call for response to resistance.

Fortunately for our department, a Wellness unit was formed in 2021 that incorporates many of the resources mentioned in the above study. In 2022, all sworn members of the department will attend an eight hour block of Wellness and Mental Health training. This training, coupled with resources such as the Peer Support team, Critical Incident Stress Management team and other Wellness unit initiatives, will help to keep officers physically and mentally prepared for their assignments.

## **Citations**

Anderson, J.P., Pitel, M., Weerasinghe, A., & Papazoglou, K. (2016). Highly realistic scenario based training simulates the psychophysiology of real world use of force encounters: Implications for improved police officer performance. *Journal of Law Enforcement*, 5(4). Retrieved from <http://www.ighcs.info/index.php/l/article/view/461>

Tuttle, B. M., Blumberg, D. M., & Papazoglou, K. (2019). Critical challenges to police officer wellness. In *Oxford Research Encyclopedia of Criminology and Criminal Justice*.