

February 7, 2018

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Subject: Use of Force Analysis 2017

Police officers are often forced to make split-second decisions in life-or-death situations, not just for themselves but for suspects and innocent bystanders alike. In general, police officers respond many times to a certain type of incident on a daily basis but each incident can have many different layers to it. This is where situational awareness becomes essential. Police officers must be trained to judge not only when a situation requires the use of force but the amount of force that is necessary to control that situation. This is a daunting task, but also a critical one, in the sense that the ultimate goal of reducing the number of violent incidents that occur between police officers and citizens can be reached by using good tactics and adhering to the principle of only using the minimal amount of force needed to affect an arrest.

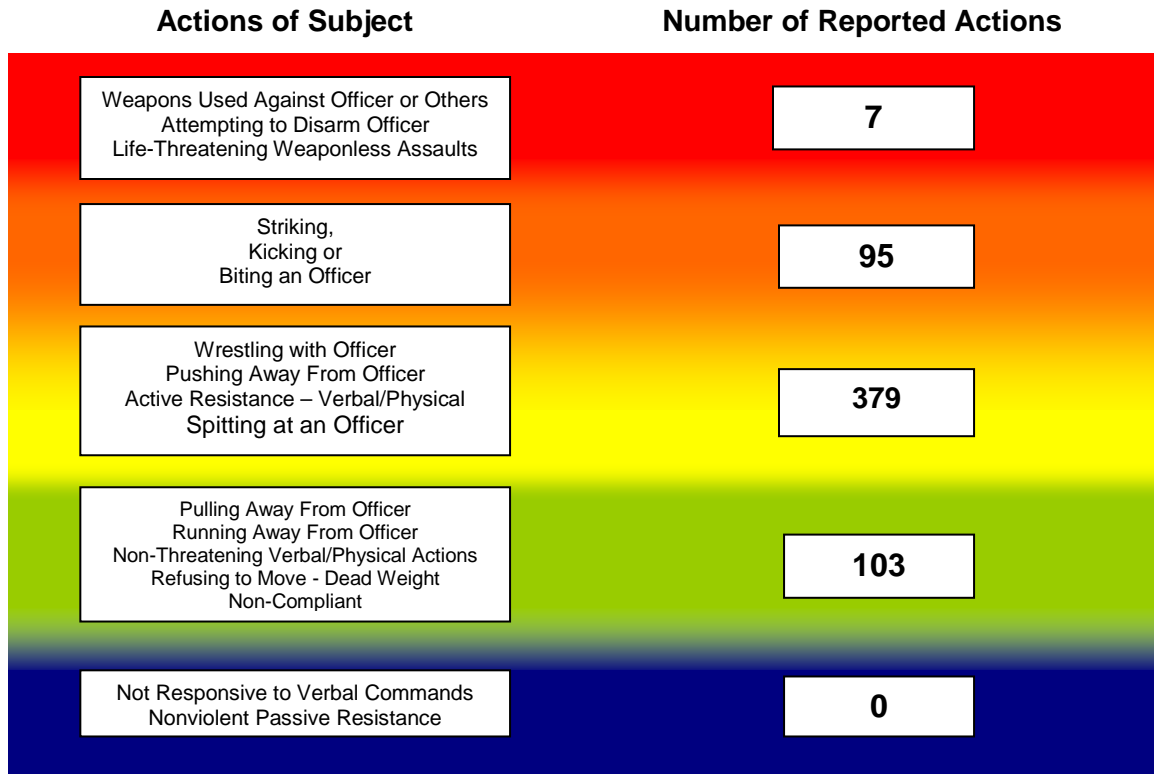
Toledo Police officers are permitted to use only physical control techniques that are objectively reasonable, in light of the facts and circumstances confronting them, to accomplish lawful objectives. The Toledo Police Department and its members follow the guidelines set forth by the United States Supreme Court rulings in *Graham v. Conner* and *Tennessee v. Garner*.

The following is a review of the Annual Action-Response Analysis, which is a standard required by CALEA. It must be documented each and every time an officer uses physical control techniques to take a subject into custody, to contain a situation, to affect an arrest that is beyond the mere taking control of a subject or to protect persons or property. This analysis thoroughly reviews all related documents to make sure that officers are responding with the proper use of physical control techniques. The analysis is necessary to help identify policy changes that may be needed, identify knowledge and application deficiencies, and direct training development. This analysis is also used to track action-response trends that might be occurring and to help find ways to enhance safety for both the officer and the public.

Notable Points for 2017

- In 2017, there were 633 incidents that involved an action-response from officers, compared with 677 incidents in 2016.
- The Toledo Police Department responded to 262,018 total incidents in 2017, making Action-Response incidents less than 0.24% of the total incidents. The total incident count includes self-initiated activity, such as traffic stops and subject stops, but it does not include a breakdown of officer-to-citizen contacts which would be much larger.
- TASER usage increased from 58 incidents in 2016 to 63 incidents in 2017. Seven usages were documented as a warning or missed the subject entirely and one was on a vicious dog, leaving a total of 55 subjects who were tasered in 2017.
- The use of chemical agents decreased from 28 incidents in 2016 to 15 incidents in 2017. Of the 15 incidents, five were aerosol chemical agents and ten were projectile canister agents fired from the department's pepperball guns.
- The canine unit responded to 10,215 calls for service and deployed their canines a total of 2,836 times in 2017. 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 those deployments, there were 90 apprehensions in which eight resulted in minor injuries to the subject.
- The number of officers injured decreased from 73 in 2016, to 57 officers injured in 2017.
- In 2017, 40 incidents occurred where officers used deadly/lethal options; all except three incidents involved the dispatch of either vicious or wounded animals. This number is up from 30 in 2016. The incidents where officers did use deadly force against a subject will be reviewed later in this analysis. It is important to note that in 2017 no warning shots were fired by a Toledo Police Officer.

2017 Action-Response Graphic Analysis (Subject's Actions)

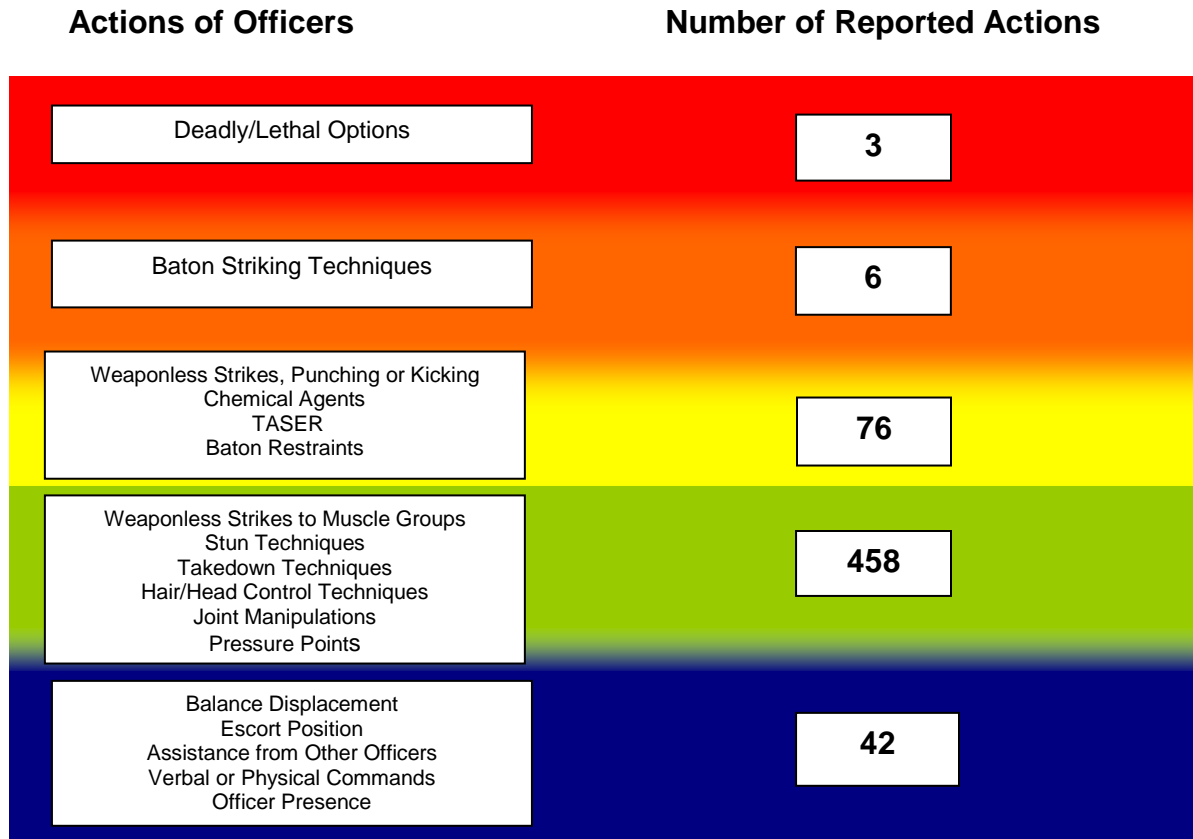


The 2017 Action-Response Graphic Analysis illustrates the different actions that subjects used to resist officers. There were a total of 584 incidents where a subject used some type of force to resist. This number was derived by taking the total number of reported action-response incidents and deducting the following incidents from the total amount: incidents that involved the euthanization of injured or vicious animals and incidents in which a pepperball gun was deployed into a crowd and no injuries or arrests occurred. Actions of the subject are categorized above. These categories demonstrate the threat levels from the highest to the lowest. It is important to note that every incident involved numerous actions. Only the highest classified action by the subject 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:

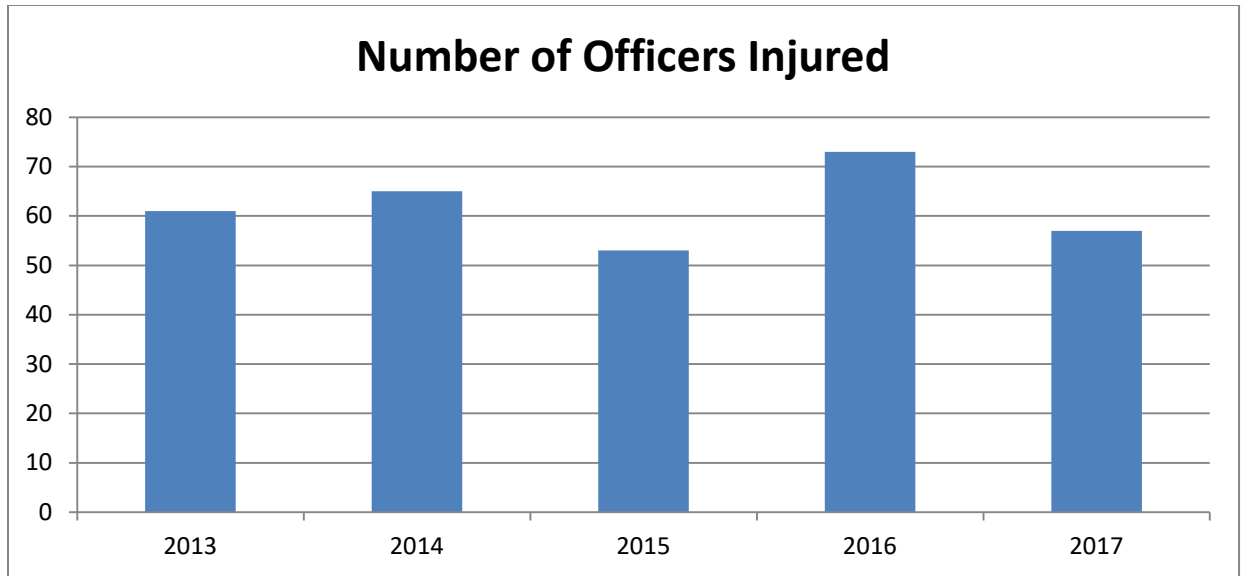
- Wrestling with Officer
- Pushing Away From Officer
- Active Resistance – Verbal / Physical
- Spitting at an Officer.

In addition to those actions above, there were 95 cases where the subject's actions were categorized as "Striking, Kicking, or Biting an Officer" and another seven times that the subject attempted to use "Weapons Against the Officer or Others", "Attempted to Disarm the Officer", or there was a "Life-Threatening Weaponless Assault" on the officer. There were an additional 35 Action-Response incidents where the subject was armed with some type of weapon, most often a knife or a gun, but did not necessarily attempt to use that weapon against the officer.

2017 Action-Response 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 584 incidents. These action-responses are categorized above, ranging from the highest to lowest level of physical control. The officer's actions are usually numerous, starting with verbal commands and escalating as needed. Data from the submitted action-response incidents demonstrates that the majority of responses involved some type of physical contact by officers. Of those, "Joint Manipulation, Stun Techniques and Takedown Techniques" were utilized most often by officers. As previously stated, this chart only reflects the highest level of action that an officer performed on the subject.

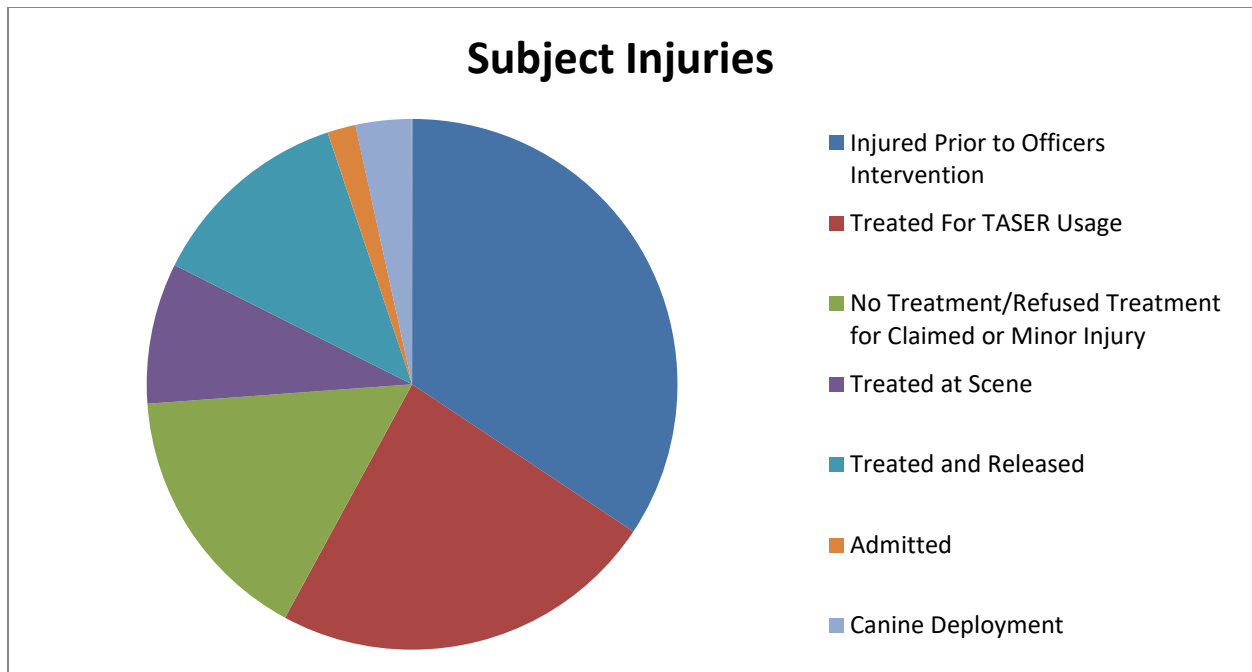


In 2017, there were 57 officers who reported injuries, as a result of an action-response incident. That number is 16 less than occurred in 2016 and is the second-lowest total in the past five years. Of the 57 reported injuries to officers, 14 were treated and released, 12 were treated at the scene, and 31 required no treatment. The most serious injuries sustained by officers in 2017 are highlighted below.

The most serious injury that was inflicted on a Toledo Police officer was during the execution of a search warrant. The officer was standing about 30 yards away when SWAT officers knocked on the door and attempted entry into the home. It was at that time that the subject inside the home fired several shots through the door striking the officer in the face. The investigation is still ongoing and the officer endured major reconstructive surgery. There was no Action-Response form completed for this incident because the subject was taken into custody without incident. Therefore this incident is not included in the total above that listed the number of injured officers.

Another example of an officer sustaining a serious injury can be found in:

2017-AR-00405 – Officers responded to a call of two suspicious males parked in a parking lot believed to be doing drugs. When officers arrived they approached the vehicle and could immediately smell marijuana. The officers asked both subjects to exit the vehicle in order to conduct a search. The marijuana was found and identification was collected from both subjects who then returned to their vehicle. The officers conducted a records check and it was at that time that they determined one of the subjects had given them false information in regards to their identification. The officers approached the vehicle again and asked the subject to exit the vehicle. As he was exiting the vehicle he began pulling away from the officers. One of the officers attempted a takedown maneuver and the subject started swinging his fist and elbows striking the officer, causing a tear to his pectoral muscles. The subject was eventually taken into custody without injury after a brief chase. The officer was treated and released for his injuries but was off work/light duty for several months after the violent encounter with the subject.



Out of the 584 action-response incidents reported, 233 subjects were injured or claimed to be injured. Thirty-four percent of those injuries occurred prior to the officer’s intervention. 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 Officers Intervention”, was anyone who was hospitalized for psychiatric reasons.

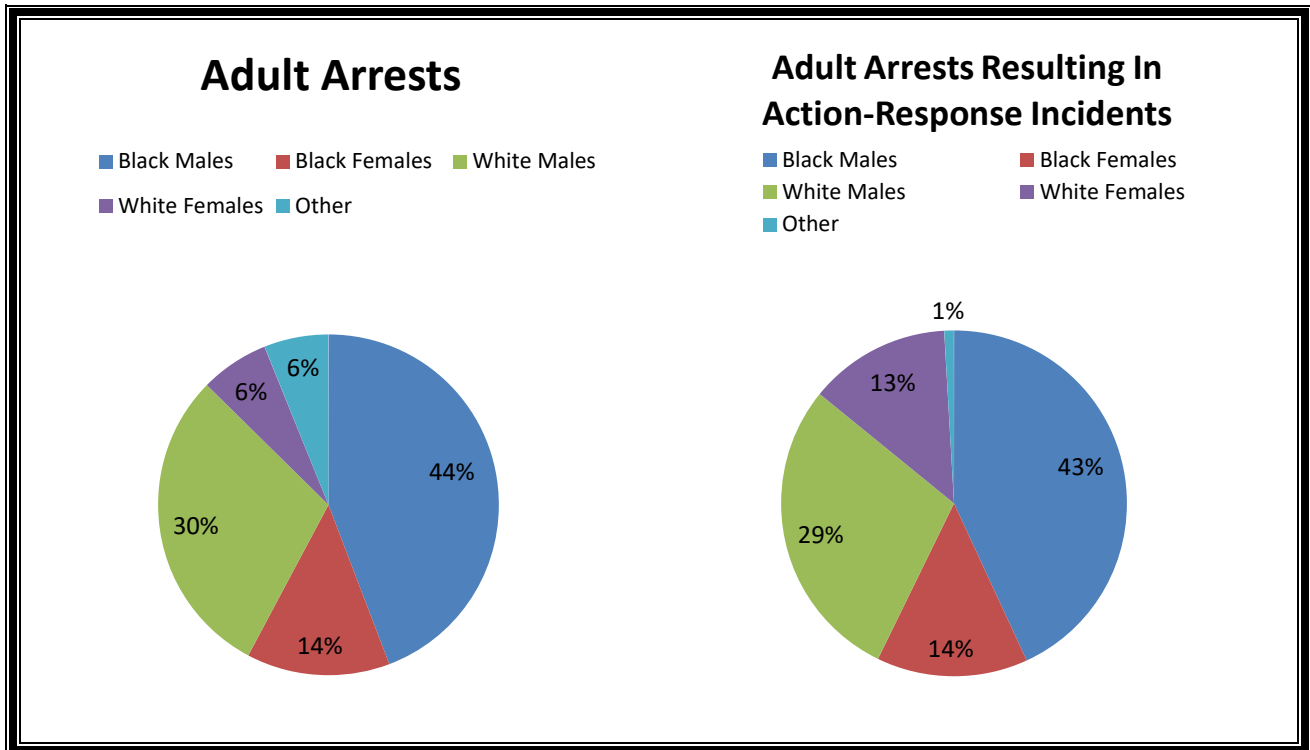
In 2017, there were 55 people who were treated and released from the hospital for TASER usage. The Toledo Police Department mandates a subject be cleared by personnel in a medical facility, after being exposed to a TASER.

Sixteen percent of the subjects injured did not require medical treatment. Another 12% received medical treatment but were treated and released. Of those receiving medical treatment, 3% of the incidents were the result of canine deployments and the subjects sustained some type of minor injury. Less than 2% of subjects were admitted to the hospital for their injuries. In the majority of these incidents the subjects were admitted to the hospital for observational purposes only.

ARREST TOTALS

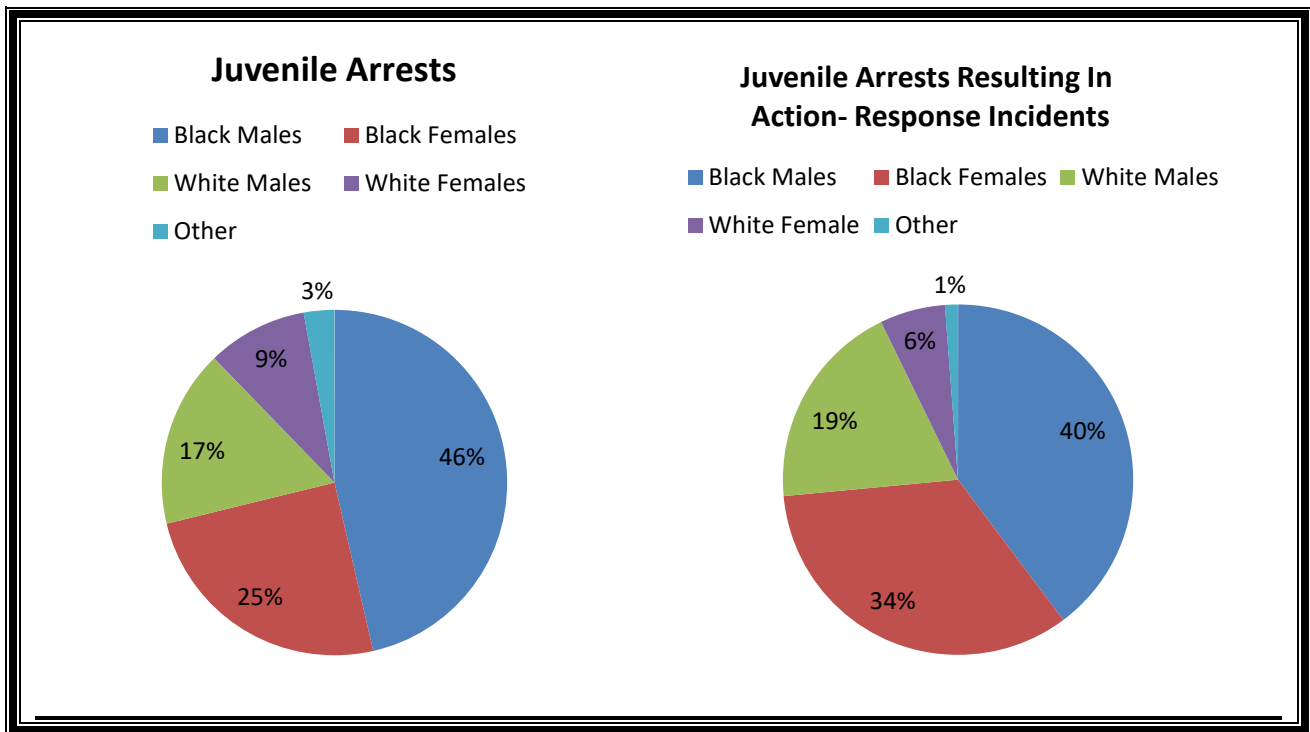
ADULTS

There were 19,833 adults who were arrested in 2017 by a Toledo Police officer. From those arrests, 507, or 2.6% required some sort of action by the police that resulted in the completion of an Action-Response form. Those numbers are broken down below by race and gender.



JUVENILES

There were a total of 1291 juveniles who were charged by a Toledo Police officer in 2017. From those incidents, 77, or roughly 6% required some sort of action by the police that resulted in the completion of an Action-Response form. Those numbers are broken down below by race and gender.



2017 Incident Review of Action-Response Reports

- 2017-AR-00115 – Officers were dispatched to a call of a man doing drugs in the driveway. The 9-1-1 call came from both the wife and the mother of the man out of concern for his safety. When the first officer arrived he witnessed the subject standing in the driveway next to a van. When the subject saw the officer he abruptly began reaching into the vehicle. The officer advised the subject to show his hands. The subject refused and began cursing at the officer. At this point, the subject had jumped into the driver seat and continued to reach toward the center console. Fearing that the subject was reaching for a weapon, the officer fired his Taser, but with no effect. The officer attempted to remove the subject from the van but the subject grabbed the officer by the neck and attempted to choke him. The officer delivered a drive stun with the Taser in an attempt to release the chokehold. The drive stun was successful but the subject continued to be combative. At one point during the confrontation, the subject had grabbed the officers Taser and attempted to use it on him. The officer was able to knock the Taser out of the subject's hands. Another officer arrived on scene to help the officer but the subject was still out of control. It took a total of six officers to finally get the subject under control enough to affect an arrest. The subject was transported to the hospital and cleared for the Taser stun and treated for suspected drug use and minor injuries. The officer also received injuries to his hand but no treatment was necessary.

After review, all 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.

- 2017-AR-00430 – Officers were dispatched to a woman who was being assaulted and yelling for help. When they arrived, the officers were confronted by the female victim and then shortly thereafter by the suspect. The suspect entered the living room from the kitchen holding a knife in his hand. The suspect was advancing at the officer in an aggressive manner. The officer gave the suspect multiple warnings to drop the knife as he retreated to the front door. The suspect ignored the officer's commands and continued advancing, the officer then fired a single shot, defending himself and any other persons that were present in the home. The suspect was shot in the thigh and was pronounced dead at the scene.

After review, all 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.

- 2017-AR-00630 – Detectives from the department's Special Intelligence Group were conducting surveillance in relation to recent gun violence. The detectives were in the parking lot of the Monroe Carryout when they were fired upon. The officers returned fire, striking two of the three suspects who were treated for non-life-threatening injuries. The investigation is ongoing.

After review, all 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.

Unnecessary Use of Physical Control Techniques

In 2017, there were four occurrences where citizens filed complaints with the Internal Affairs Section against officers for unnecessary use of physical control techniques. This number is down from nine in 2016. After a thorough investigation of each allegation, it was determined that one case was unfounded, one was exonerated, and one was sustained. The case that was sustained is reviewed below. One investigation remains open and will be included in next year's analysis. There were also two cases in 2016 that were under investigation prior to the completion of the analysis and both of those cases were non-sustained. The meanings of the findings are 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.

2017-MIN-07679 – An officer from the Gang Unit observed two known gang members while on patrol. The subjects were on bicycles near an intersection when the officer attempted to stop them. The subjects did not comply and fled the scene. As the officer gave chase one of the subjects jumped off of his bike and fled on foot. The officer who was pursuing in his vehicle observed a gun in the subject's waistband. The officer then struck the subject with the vehicle. The subject landed on the ground but immediately got back up and continued to flee on foot. After a brief chase, the subject was apprehended and the gun was recovered.

After review, the officer's actions were determined to not be within agency policy. The officer was reprimanded for his actions and ordered to review the department policies that were violated.

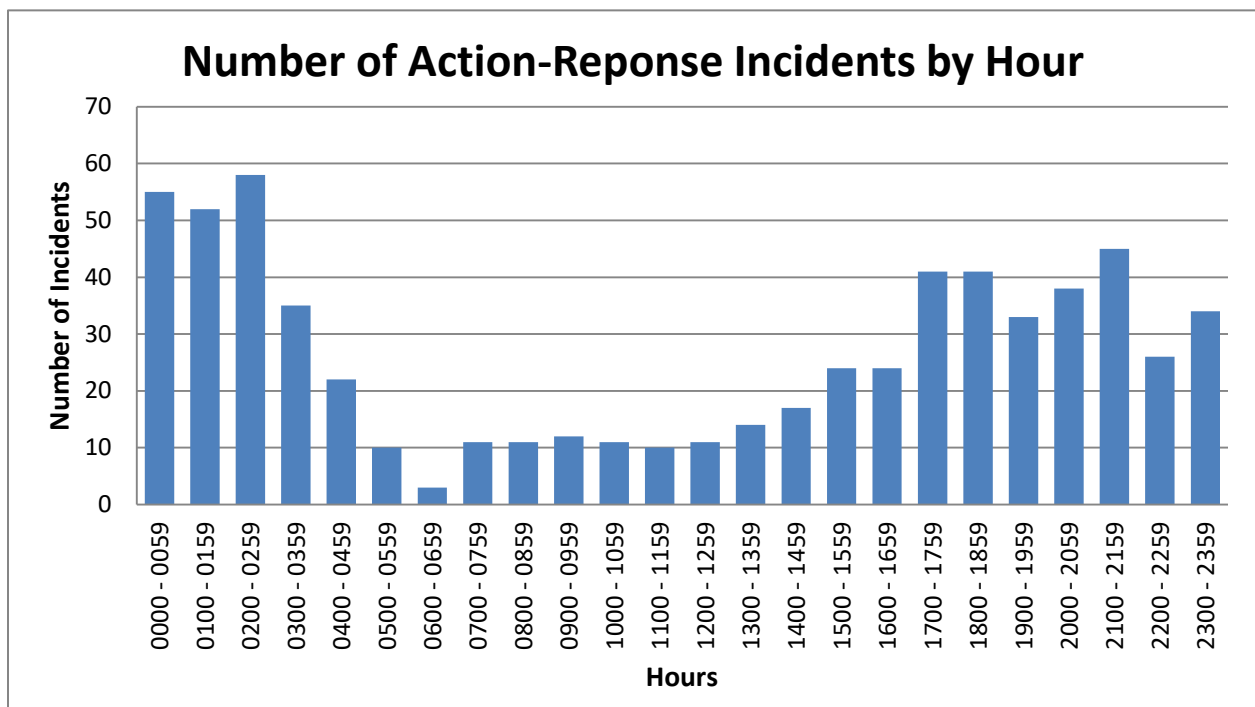
Conclusions

The Toledo Police Department appears to be headed in the right direction in regard to action-response incidents. The department has now seen five consecutive years of decreases in the number of action-response incidents. Also, the number of citizens that filed complaints with the Internal Affairs Section for unnecessary use of physical control techniques was down more than 50% from the previous year. All of the data indicates that officers are responding to the defiant actions of a subject with an appropriate amount of force.

Officer injuries as they relate to action-response incidents were down almost 22% from last year. Injuries sustained by the subject were consistent with previous years, with the majority of injuries being minor in nature. Also remaining consistent with last year is the fact that officers respond to subjects with a lesser degree of physical control than the policy allows.

Last year the Toledo Police Department started tracking repeat offenders. For purposes of this analysis, a repeat offender is any subject who has had multiple interactions with police that resulted in the completion of an Action-Response form. From this data it was determined that 60 of the 249 subjects were repeat offenders, a little over 24%.

The department also began collecting data on the suspected use of alcohol or drugs by the subject. A full year of data was collected and it was determined that 237 of the 584 subjects were suspected of using alcohol/drugs or a combination thereof, a total of 41%. It was also determined that out of the 237 subjects suspected of using alcohol/drugs, 111 of them were injured or claimed to be injured. Also, when you look at the Action-Response incidents by hour, the hour from 0200 to 0259 had the highest number of Action-Response forms completed. This could also further support the use of alcohol or drugs as a key factor since these hours are when most drinking establishments close.



Recommendations

Training should remain the Toledo Police Department's number one focus as it relates to action-response incidents. The training should also remain scenario-based and should focus on dealing with individuals in crisis. Last year the Ohio Peace Officers Training Academy introduced Toledo Police Department members to an action-response training simulator and it appears to be an effective way to enhance officer training and to assist officers in making split-second decisions. It is recommended that the department look further into this type of training to assist officers.

Violent encounters with subjects who have substance abuse/mental illness issues present a large problem not only for the Toledo Police Department but for law enforcement in general. Another recommendation would be to improve the tracking of action-response incidents that involve persons who are experiencing a mental health crisis. The Toledo Police Department trains all of its officers in crisis intervention which is a great tool in general, but particularly good when it comes to dealing with a person in crisis. In order to determine the components of crisis intervention training that are effective in dealing with subjects as it relates to action-response incidents, it is necessary to first identify those incidents and then to take a in-depth look into each individual event.