

April 30, 2021

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Subject: Action - Response Analysis 2020

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 Action-Response analysis, the Toledo Police Department strives to reduce the number of violent incidents that occur between police officers and citizens.

The annual Action-Response Analysis is a requirement of the Commission on Accreditation for Law Enforcement Agencies (CALEA). This report is a review of incidents of force because 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.

## **2020 Action-Response Overview**

The year 2020 involved 675 incidents that required the use of force from officers. This number is an almost 4% decrease from 2019 (703 incidents). The decrease in action-response incidents does not come as a surprise since the total number of incidents that officers responded to also decreased from 2019 to 2020. The total number of incidents includes self-initiated activity, such as traffic and suspect stops, as well as calls for service. In 2020, the Toledo Police Department responded to 117,926 total incidents. This total amount is down significantly from 2019 (223,916 incidents for a 47% decrease). A logical explanation for the reduction in the total number of incidents would be the COVID-19 pandemic. Because of this, 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). That being said, action-response related incidents accounted for .57% of the total incidents. This number is up slightly from what was observed in 2019 (.31%).

Regarding the use of less-lethal options, the department saw an increase in the use of these options from 2019 to 2020. More specifically, TASER usage increased from 44 incidents in 2019 to 49 incidents in 2020 (11% increase). TASERS were utilized in only 7% of all action response incidents. Of the incidents where a TASER was utilized in 2020, there were six documented incidents where the subject was completely missed, leaving 43 subjects who were actually tased in 2020.

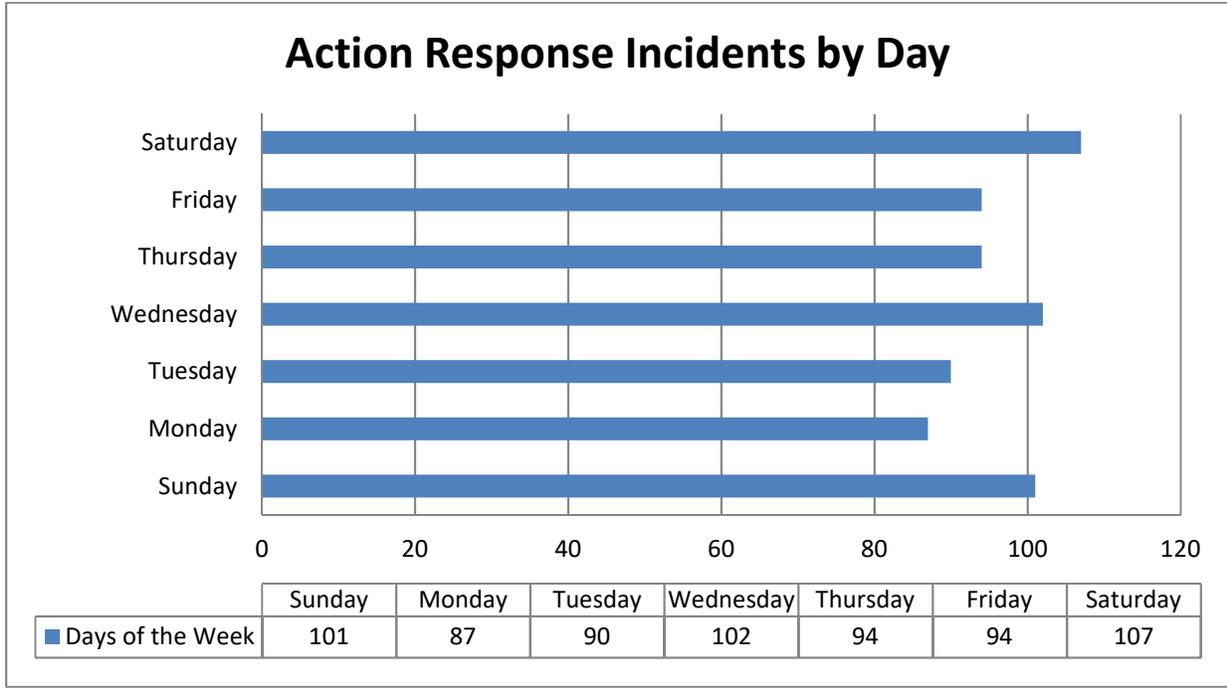
Continuing with the discussion of less-lethal options, the use of chemical agents also increased from 2019 to 2020. There were 13 incidents in 2020, compared to nine incidents in 2019 (44% increase). The total number of officers who utilized chemical agents during these incidents was 47. Of the 47 officers, 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>.

The Canine Section responded to 5,412 calls for service and deployed their canines a total of 1,650 times in 2020 compared to 8,204 calls for service and 2,740 deployments in 2019. 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 2020, there were 32 apprehensions in which five resulted in minor injuries to the subject as compared to 2019 where there were 64 apprehensions which resulted in 10 minor injuries to subjects.

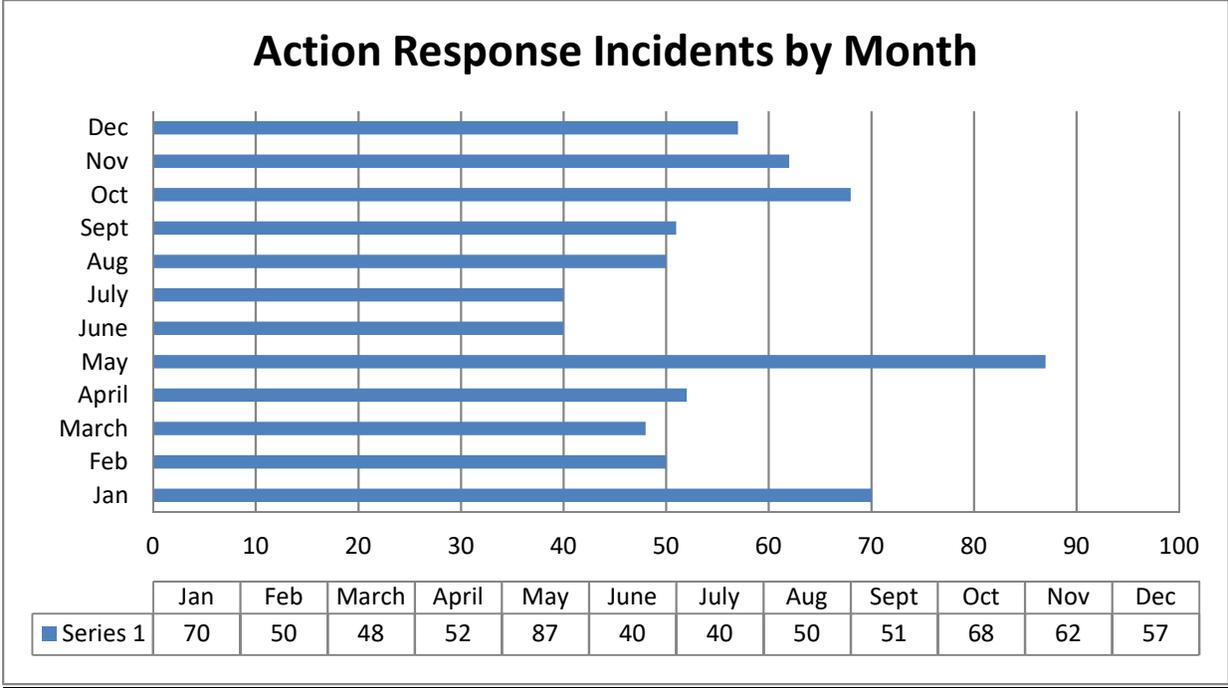
For the second year in a row, the department saw an increase in the number of officers injured. There were 57 officers injured in 2020 compared to 56 in 2019. Tragically, there was one fatality that occurred in 2020 when Officer Anthony Dia was killed in the line of duty on July 4<sup>th</sup>.

Lastly, in 2020 there were 28 incidents where officers used deadly force. Twenty-four of the incidents involved either vicious or wounded animals; this number is down from 43 in 2019. In the remaining four incidents, officers did use deadly force against a human subject. Those incidents will be reviewed later in this report. It is important to note that in 2020 no warning shots were fired by a Toledo Police officer.

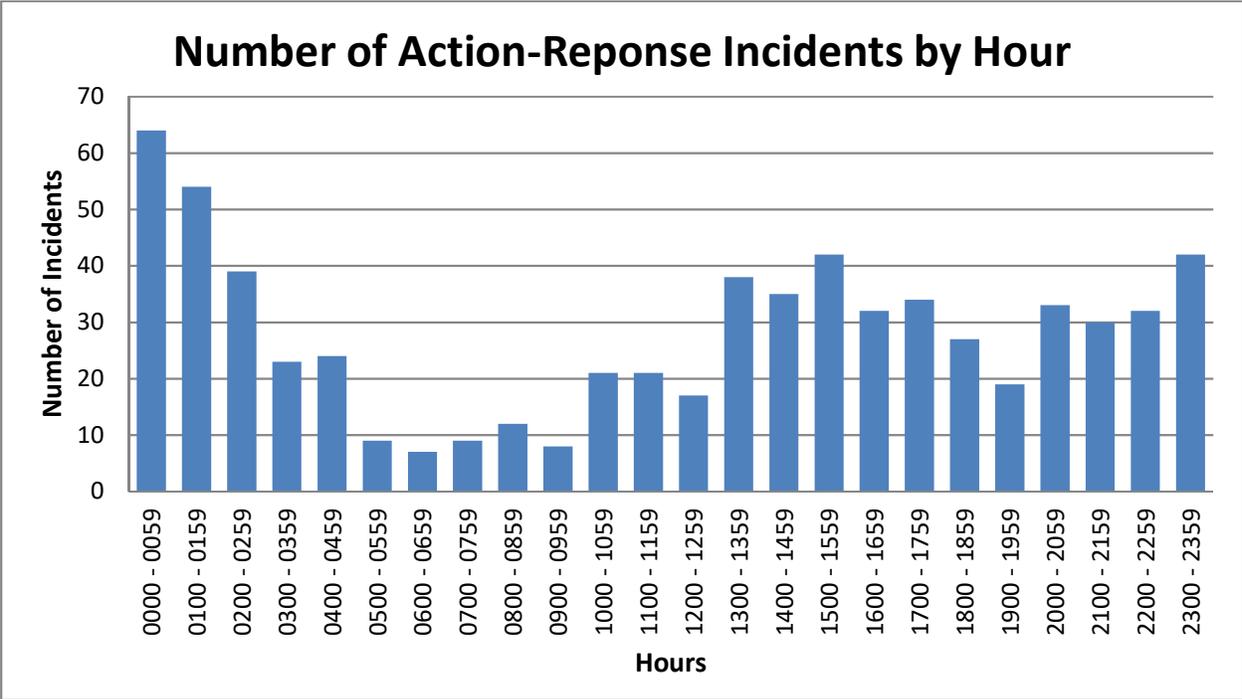
**When Action Response Incidents are Occurring**



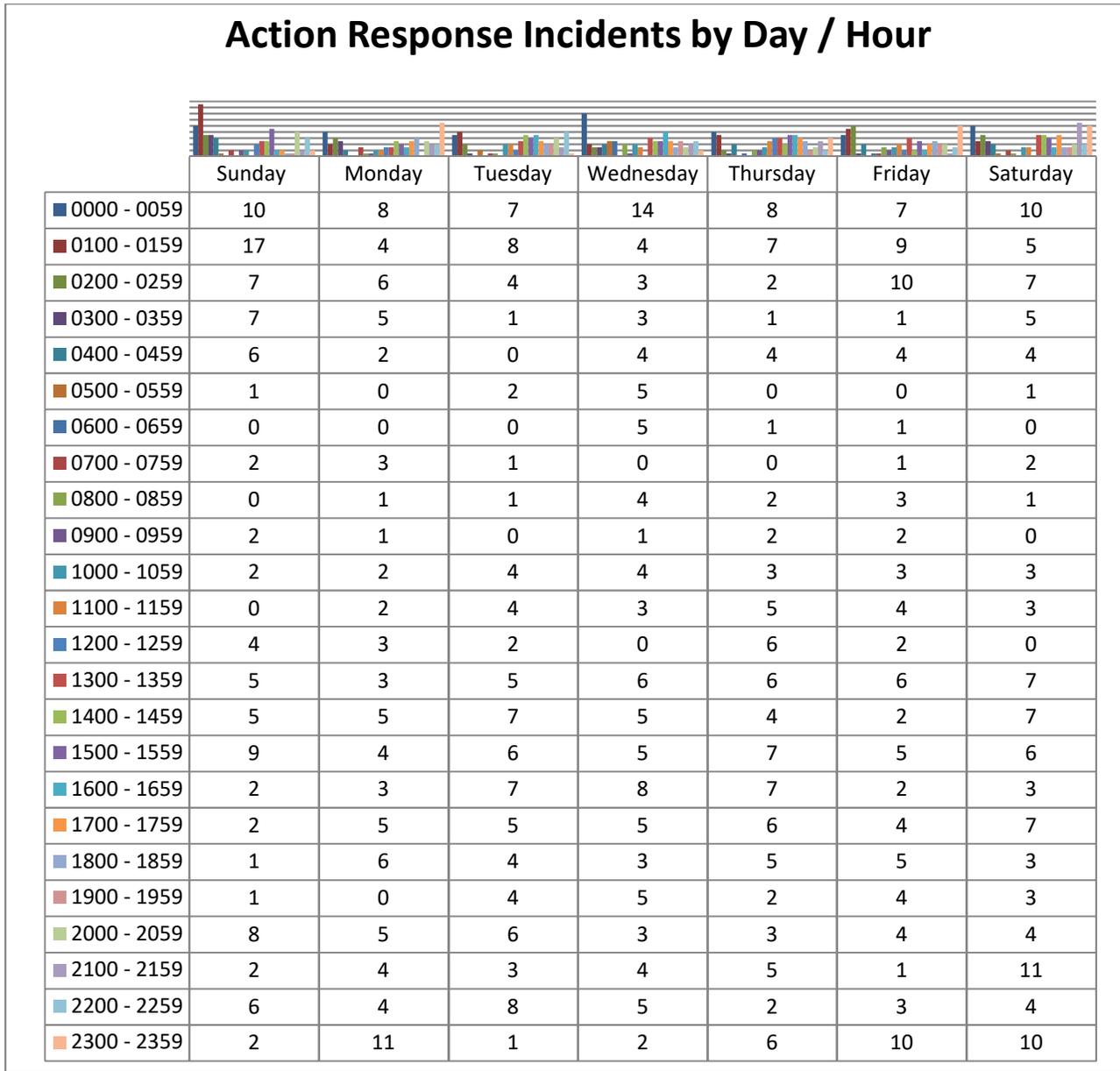
Action-response incidents had the highest occurrence on Saturdays (107), followed by Wednesdays with 102 incidents. 2019 also showed Saturdays to have the highest number of action-response incidents.



The month of May had the highest number of action-response incidents occur (87), followed by January (70). June and July were tied for the lowest amount with 40. A theory as to why May is an outlier compared to the other months could be the fact that a significant amount of action-response reports were completed on May 30<sup>th</sup> (44 in total) due to the civil unrest that occurred.

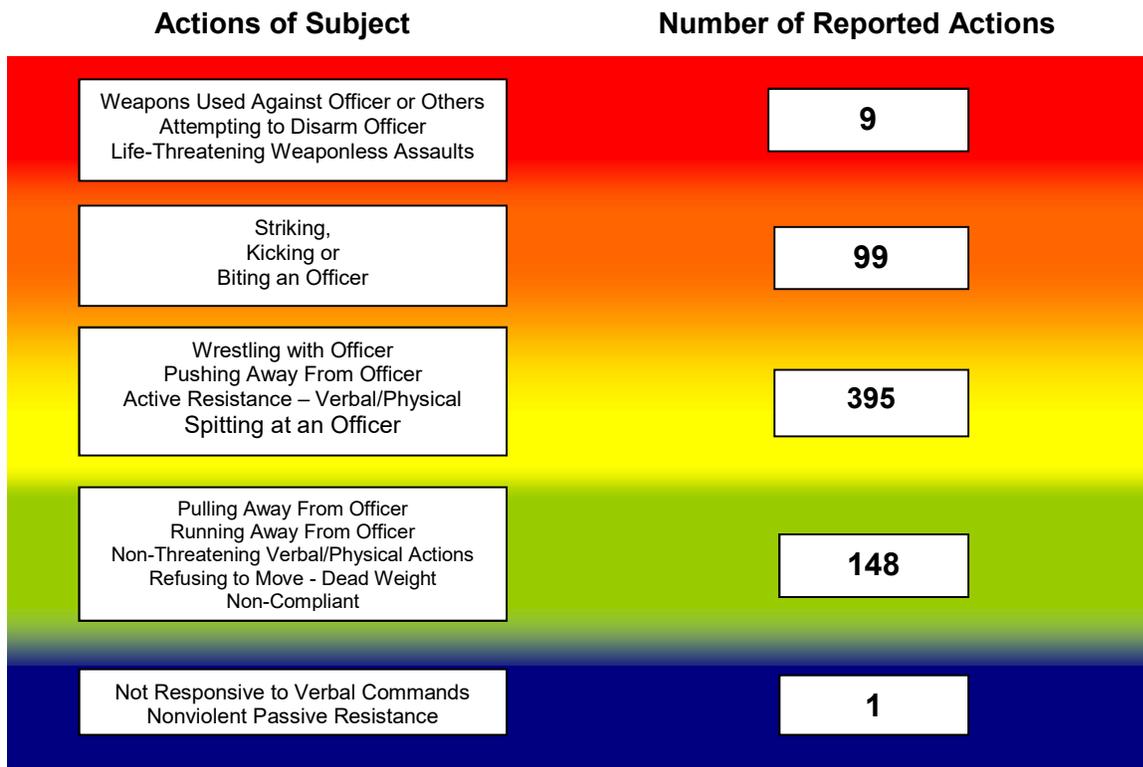


In 2020, 64 action-response related incidents occurred between 0000-0059 hours. This is slightly different compared to 2019 where 0100-0159 hours had the highest occurrence of action-response related incidents.



Sunday between 0100-0159 hours showed the most action response related incident for a day/hour combination.

## **2020 Action-Response Graphic Analysis - Subject's Actions**

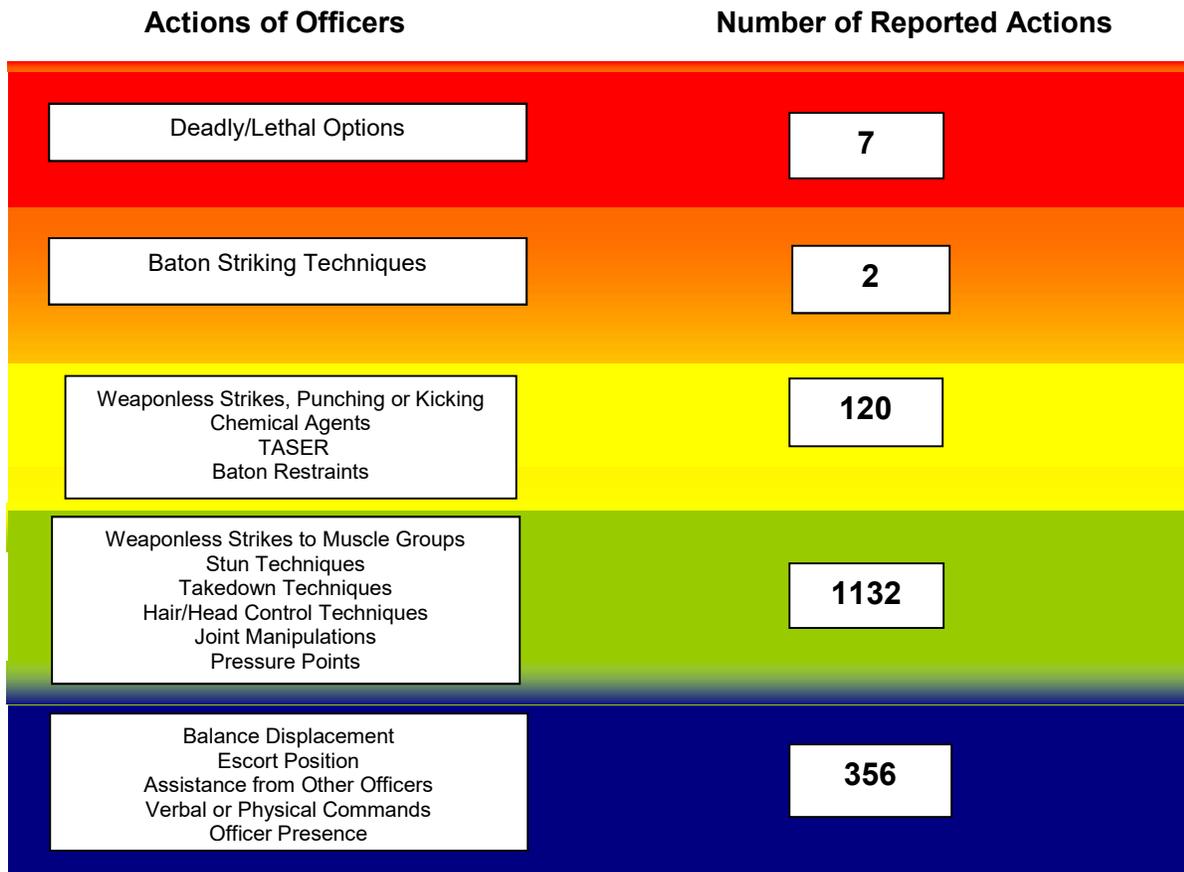


The 2020 Action-Response Graphic Analysis illustrates the different actions that subjects used to resist officers. There were a total of 652 incidents where a subject used some type of force to resist. The remaining 23 incidents involved either vicious or wounded animals. Actions of the subject in those 652 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 99 cases where the subject's actions were categorized as "Striking, Kicking, or Biting an Officer" and in nine 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. There were 55 action-response incidents where the subject was armed with some type of weapon, most often a knife (16) or a gun (31), but did not necessarily attempt to use that weapon against the officer.

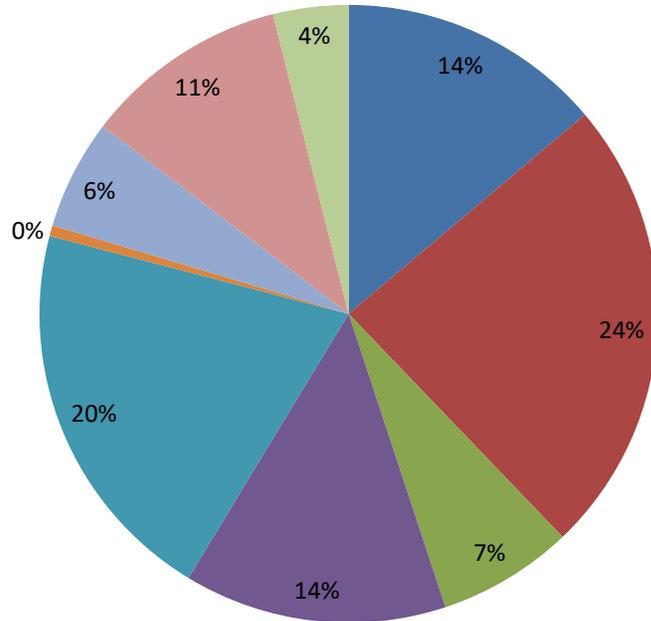
## 2020 Action-Response Graphic Analysis - Officer's Actions



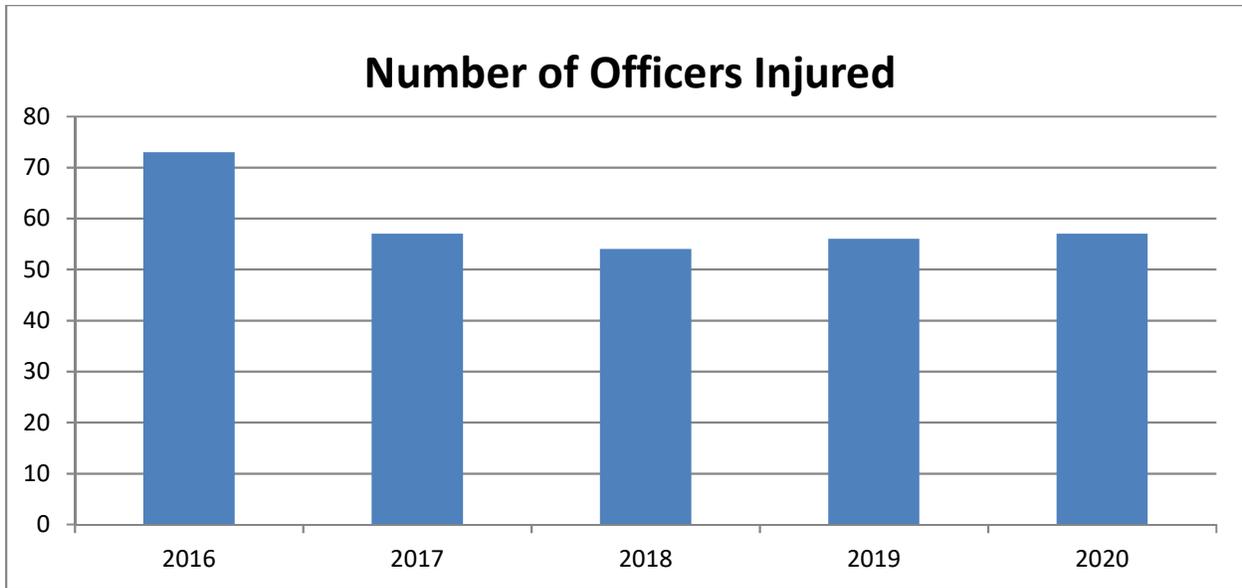
The above chart illustrates the different physical control techniques officers reported using in response to the subject's actions in the same 652 incidents. These action-responses are categorized above, ranging from the highest (red) to lowest (blue) level of physical control. The officer's actions are usually numerous, starting with verbal commands and escalating as needed. Data from the submitted action-response incidents demonstrates that the majority of responses involved some type of physical contact by officers. Of those, "Joint Manipulation, Takedown Techniques, and Hair/Head Control 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. It is also important to note that more than one officer could potentially be involved in each incident that results in an action-response. This explains why the officer actions graphic has a higher total number of actions compared to the subject actions graphic. Lastly, in 292 of the 652 action-response incidents or 45% percent, the subjects were suspected of using alcohol and/or drugs.

## Charges Associated with Action-Response Incidents

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

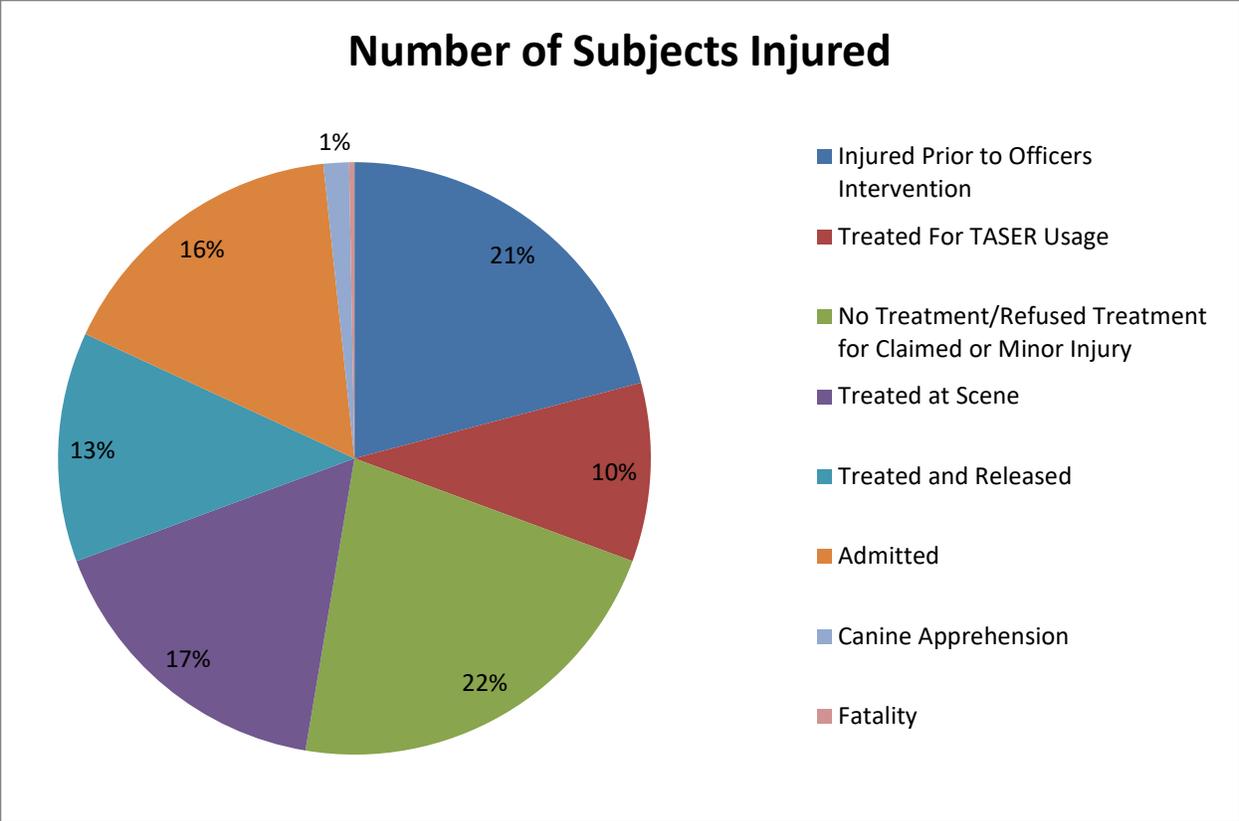


The above chart displays the crime category that each subject involved in an action-response related incident was charged with. Not all crimes are accounted for and some subjects had multiple charges. "Crimes of Violence" were the highest with 24%, followed by "Other Misdemeanors" with 20%. "Theft" had the lowest number of incidents with less than 1% followed by "Weapons Charges" with 4%.



In 2020, there were 57 officers who reported injuries, as a result of an action-response related incident. That number is one more than occurred in 2019 and is slightly below the average of the past five years (59). Of the 57 officers that reported injuries, 19 were treated and released, five were treated at the scene, 31 required no treatment and one was admitted to the hospital. The most serious of all incidents occurred when Officer Anthony Dia was killed in the line of duty and is discussed below:

**2020-AR-00414** – On July 4<sup>th</sup>, 2020, Officer Anthony Dia responded to the parking lot of 1035 W. Alexis (Home Depot) for a call regarding an intoxicated individual causing a disturbance. Several individuals in the parking lot pointed out the suspect to Officer Dia. Upon seeing Officer Dia, the suspect began walking away, toward the garden center. Officer Dia ordered the suspect to stop and began pursuing the suspect. The suspect continued to ignore Officer Dia’s verbal commands and rounded the corner of a tall floral display. Upon Officer Dia rounding the corner of the floral display, the suspect was standing at the back corner with a pistol in his hand and immediately pointed it at Officer Dia, firing one round and striking Officer Dia in the side of his chest, just missing his body armor. Officer Dia was able to quickly return fire at the suspect. The suspect fled to a nearby wooded area where he was later located and found to have committed suicide. Within moments, responding officers arrived on scene to render aid to Officer Dia and transported him to a local hospital where he ultimately succumbed to his wounds.



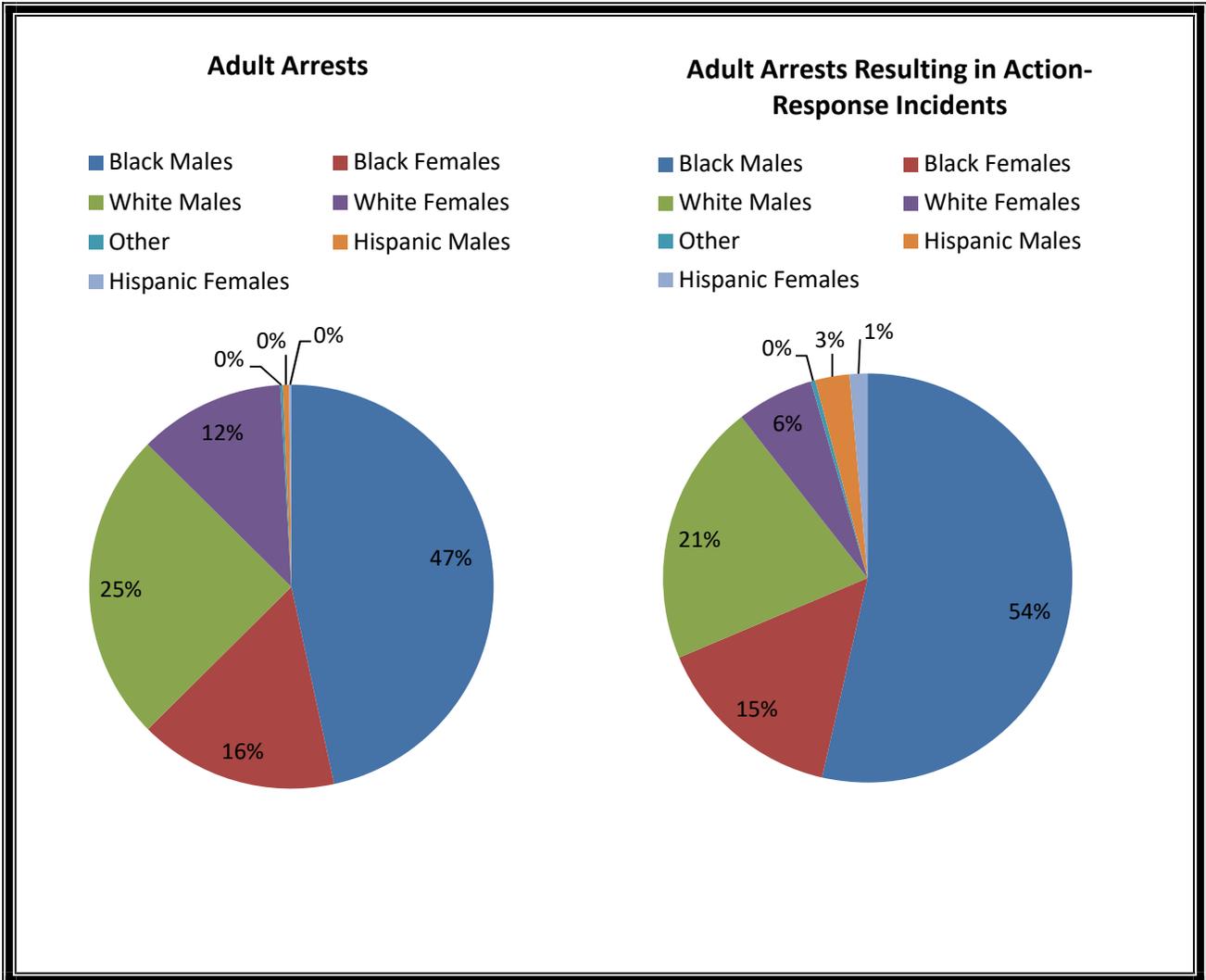
Out of the 652 action-response incidents reported, 359 subjects were injured or claimed to be injured. 75 of those injuries occurred prior to the officer’s intervention (21%). These injuries include self-inflicted injuries, such as suicide attempts or ingesting drugs, injuries caused by an automobile 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.

Seventy-nine of the subjects injured (22%) did not require medical treatment. Another 60 subjects were treated at the scene by Toledo Fire and Rescue (17%). There were also another 45 subjects who received medical treatment but were treated and released (13%). One percent of subjects received medical treatment from minor injuries sustained after a canine deployment. Fifty-nine subjects were admitted to the hospital for their injuries (16%). In the majority of these incidents, the subjects were admitted to the hospital for observational purposes only. There was one fatality in 2020 and it will be summarized later in this report.

It was previously determined that 292 of the 652 subjects were suspected of using alcohol/drugs or a combination thereof. Thirty-two percent of the action-response incidents where subjects were injured or claimed to be injured were also suspected of using alcohol and/or drugs (114 subjects in total).

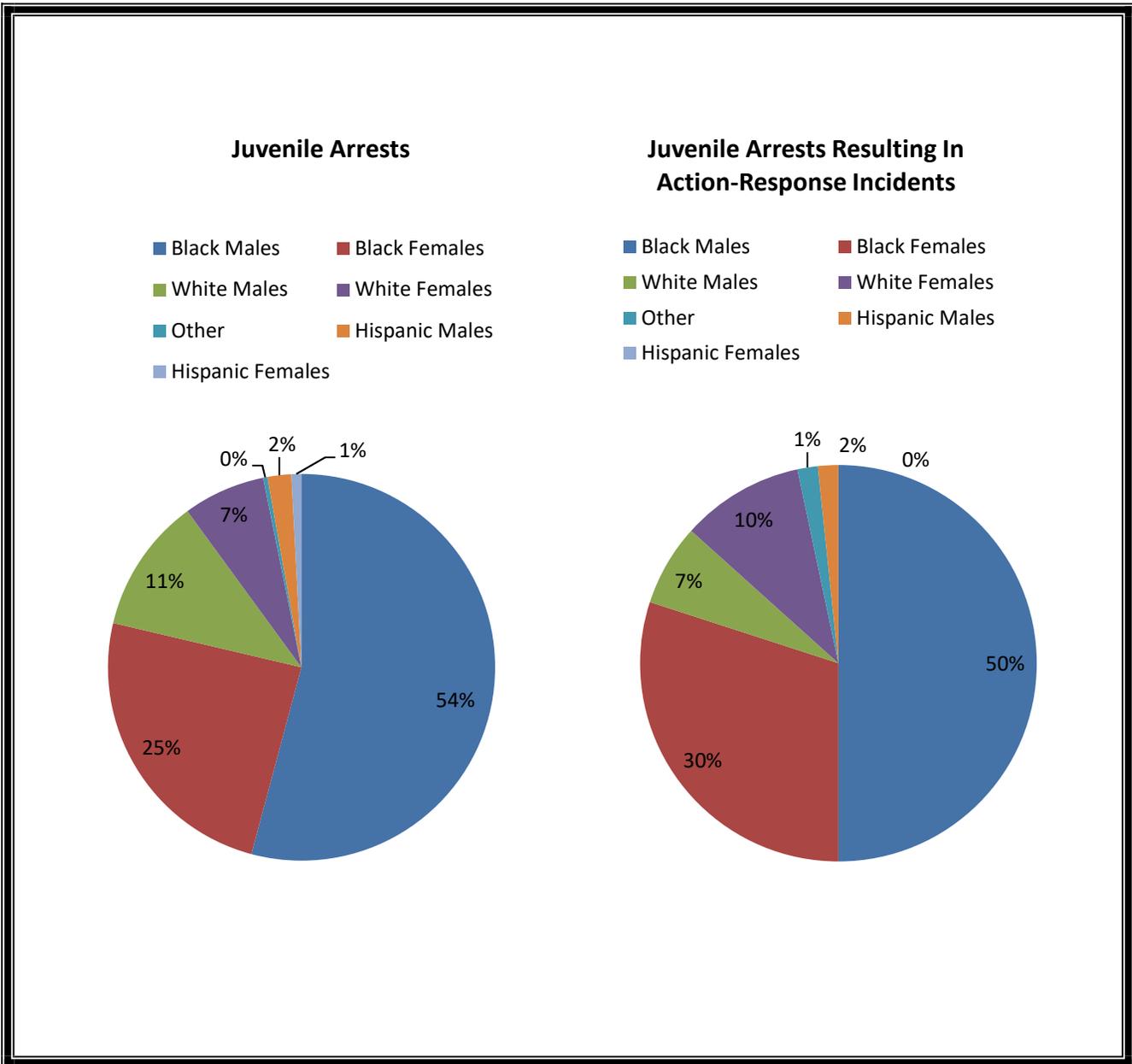
## ARREST TOTALS ADULTS

There were 10,893 adults who were arrested in 2020 by a Toledo Police officer. This number is down 40% from 2019 (18,272 arrests). Of those arrests, 558 required some sort of action by the police that resulted in the completion of an Action-Response form (for a total of 5% of all arrests). Those numbers are broken down below by race and gender.



## ARREST TOTALS JUVENILES

There were a total of 1,065 juveniles who were charged by a Toledo Police officer in 2020. This number is down 26% from 2019 (1,440 juveniles charged). From those incidents, 60, or roughly 5% 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.



## **2020 Incident Review of Action-Response Reports**

Below is a summary of action-response related incidents from 2020 that involved officers using deadly force against a subject.

- 2020-AR-00412 – On March 11<sup>th</sup>, 2020, Officer Bradley Knapp responded to the Speedway gas station at Dorr and N. Reynolds on a call of an armed robbery. While enroute, an update was received that the suspect had fled the store on foot and crossed N. Reynolds, running towards the Dollar General building. Officer Knapp drove to that location and observed the suspect on the side of the building. Officer Knapp could see at this point that the suspect had a pistol in his hand. Officer Knapp exited his vehicle and began verbally commanding the suspect to drop his weapon. The suspect did not comply with these commands and began raising the pistol in the direction of Officer Knapp. At this time, Officer Knapp fired multiple rounds from his department issued handgun, striking the suspect in the leg. The suspect was transported to a local hospital and survived his injuries. The suspect was charged with Aggravated Robbery.

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.

- 2020-AR-00413 – On April 7<sup>th</sup>, 2020, Gang Unit Detective Zachary Cairl and his partner responded to a large disorder call at a known gang location in the area of Norwood and Waite. Upon arrival, Detective Cairl and his partner observed two males flee from the group in question. Detective Cairl and his partner gave chase and Detective Cairl followed one of the suspects into a backyard. While searching for the suspect, Detective Cairl observed a male subject with a rifle. The subject pointed the rifle at Detective Cairl and Detective Cairl fired multiple rounds at the subject from his department issued handgun. The subject fled and it did not appear that he was struck. A magazine from a rifle was recovered on scene.

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.

- 2020-AR-00675 – On December 5<sup>th</sup>, 2020, Officer Michael Benninghoff, Officer William Clark, Officer Brandon Burton, and Officer Grant Parton responded to 630 Leach for a domestic violence call. Prior to their arrival, a female victim had placed an emergency call to 911, crying and whispering to the operator while stating that she was involved in a domestic situation with her child's father and that she had locked herself in the bathroom. The victim further advised that the suspect was intoxicated, had caused injury to her head, and continued to threaten her. As the four above officers arrived on scene, they began hearing the suspect yelling at the victim as they knocked on the door. As the officers instructed the suspect to open the door, they continued to hear the suspect make homicidal and suicidal statements. Fearing for the victim's safety, the officers forced entry into the location and announced themselves as police officers. The suspect began making suicidal statements as he came down the stairs, ultimately holding a firearm and pointing it at the officers. All four officers fired multiple rounds from their department issued handguns at the suspect, striking him. The suspect was pronounced deceased on scene.

After review, all of 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.

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

In 2020, there was one occurrence where a citizen's complaint was filed with the Internal Affairs Section against an officer for unnecessary use of physical control techniques. This number remains the same from 2019. The incident involved an improper deployment of a chemical agent (pepper ball). There were no reported injuries sustained by the subject as a result of this incident. After a thorough investigation of the allegation, the complaint was found sustained and the officer was issued a verbal reprimand. 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. First, it appears that the total number of injuries to both officers and subjects remains consistent with previous years. As mentioned prior, officer injuries increased from 56 in 2019 to 57 in 2020. The number of suspects who sustained injuries remained exactly the same as 2019 (359). That being said, a slight difference was noticed in the severity of subject injuries in 2020 compared to the previous year. In 2019, the majority of incidents involving subject injury required some form of on-scene treatment. When comparing this to 2020, the vast majority of subject injuries were either injuries that were sustained prior to officer intervention, injuries that required no treatment, or instances where the subject refused treatment for claimed or minor injuries. Another important point that is worth mentioning is that the data supports the fact that officers are consistently responding to the subject's actions with a lesser degree of physical control than the department policy allows.

An interesting piece of data was discovered that showed that 26% of subjects involved in action-response incidents were repeat offenders. This number is slightly down from 2019 (32%). 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. This statistic is quite significant and it is important to note that over one-fourth of the encounters that officers had with subjects who resisted arrest involved subjects who had a history of forceful resistance towards the police. This illustrates the fact that some subjects, no matter who they encounter, will react confrontationally towards police.

## **Recommendations**

After analyzing all applicable data involving action-responses in 2020, it is evident that our officers are doing an exceptional job of handling subjects who choose to actively resist their arrest. Overall, the data supports the fact that when officers are met with resistance by the subject, they are consistently utilizing less force than the department's policy allows them to use. That being said, to further ensure that our officers are performing their sworn duties in the most efficient and safe way possible, it is crucial that officers continue receiving the most up to date training regarding subject control, defensive tactics and de-escalation. To that point, it is just as important that officers also continue to receive regular training in dealing with individuals suffering from mental illness.

The year 2020 provided members of the Toledo Police Department with countless instances of tragedy. The COVID-19 pandemic forced officers to have to deal with another element of stress and risk to their already dangerous job. While this alone could have been enough stress to negatively impact anyone, our officers continued to encounter more grief and tragedy as the year continued. The department was tremendously devastated by the line of duty death of Officer Anthony Dia. Also, in 2020, the department had to contend with the unexpected losses of Sergeant John Palmer and Officer Kevin Dumas. Then on January 18<sup>th</sup>, 2021, the department was again faced with another unspeakable tragedy, the line of duty death of Officer Brandon Stalker.

The combination of these tragedies mentioned above undoubtedly took a toll on each member of the department. Furthermore, increased stress was also added to a number of individual officers who were faced with life threatening situations and had to utilize deadly force on the armed subjects they encountered. The reason that these incidents are being highlighted is due to the fact that our officers are in desperate need of the appropriate resources to combat any stress and psychological trauma that they are facing. We as a department are fortunate to have a number of resources currently in place to deal with these circumstances but there is always room for improvement. It would be within the department's best interest to explore any available training that could assist with enhancing officer resiliency. Furthermore, an emphasis should be placed on overall officer wellness. The World Health Organization (WHO) defines wellness as "A state of complete physical, mental and social well-being." At the time of this report, a new "Employee Wellness Program" is in the early stages of development. By providing the necessary resources to address the three previously mentioned areas of wellness, the department will be ensuring that its officers remain prepared to handle job related stressors while also continuing to provide exceptional service to the citizens of Toledo.

Lastly, it is worth mentioning that the department will be transitioning to a new reporting system for Action-Response related incidents. In 2021, the department is expected to begin utilizing the "Benchmark Analytics Information System." This system will allow for enhanced tracking of each action-response related incident while also assisting with the analysis of data. This system will also aid in streamlining the current supervisory review process, making the process more efficient. The implementation of Benchmark Analytics should continue to assist with ensuring officer accountability and adherence to department policy as it relates to action-response incidents.