

April 28, 2020

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Support and Administrative Services Division

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Subject: Action- Response Analysis 2019

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.

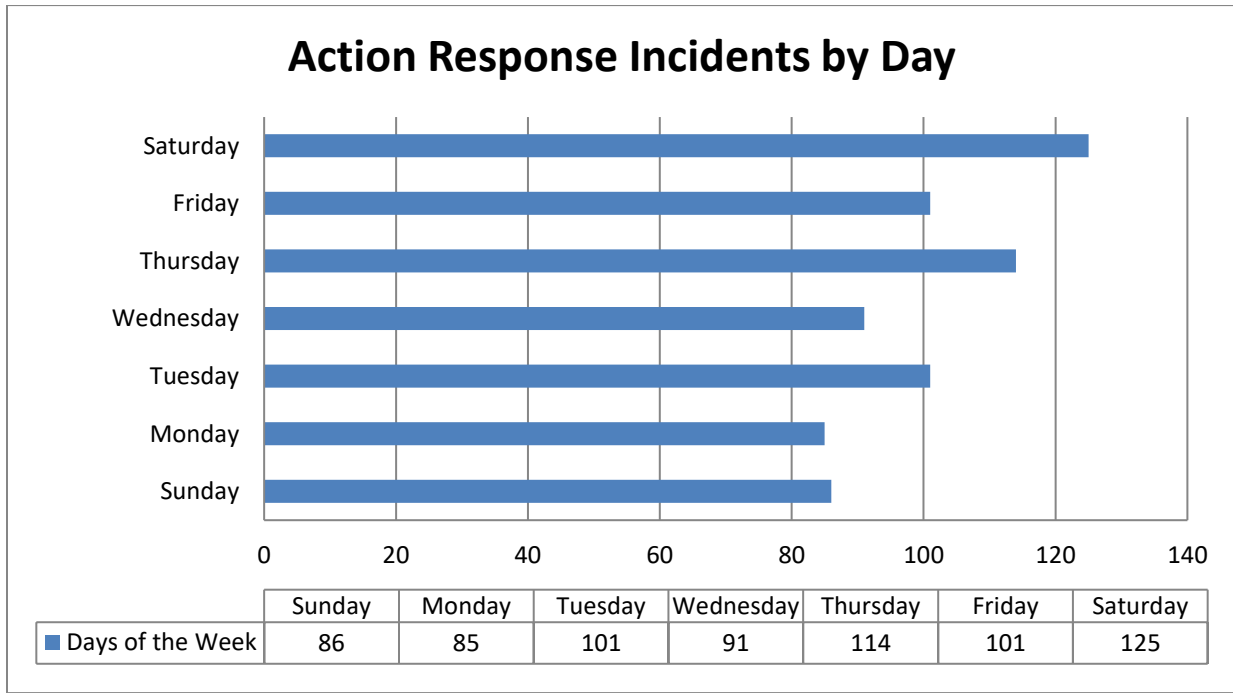
Notable Points for 2019

- In 2019, there were 703 incidents that involved an action-response from officers, compared with 695 incidents in 2018.
- The Toledo Police Department responded to 223,916 total incidents in 2019, making action-response incidents slightly higher than .31% of the total incidents. The total amount of calls that the department responded to is down from 237,888 in 2018. 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.

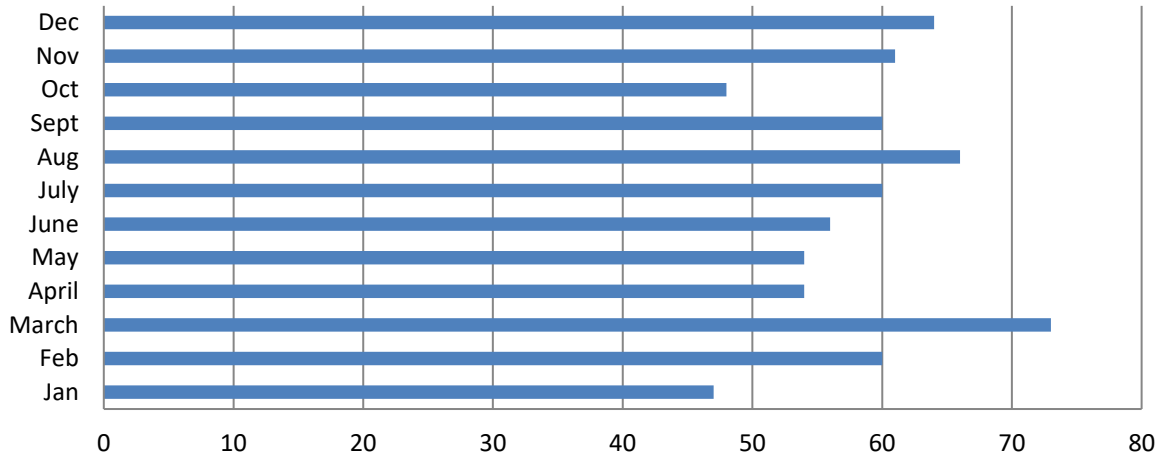
- TASER usage increased from 42 incidents in 2018 to 44 incidents in 2019. In one documented incident the subject was completely missed, leaving a total of 43 subjects who were TASERED in 2019.
- The use of chemical agents decreased from 12 incidents in 2018 to 9 incidents in 2019. Of the 9 incidents, 2 involved the use of aerosol chemical agents and the remaining 7 incidents involved projectile canister agents fired from department issued pepper ball guns.
- The canine unit responded to 8,204 calls for service and deployed their canines a total of 2,740 times in 2019 compared to 9,027 calls for service and 2,656 deployments in 2018. 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, in 2019 there were 64 apprehensions in which 10 resulted in minor injuries to the subject as compared to last year where there were 63 apprehensions which resulted in 13 minor injuries to subjects.
- The number of officers injured increased from 54 in 2018, to 56 officers injured in 2019.
- In 2019, 43 incidents occurred where officers used deadly/lethal options; all of the incidents involved either vicious or wounded animals; this number is down from 74 in 2018.
- In 2019 no subject sustained deadly/lethal force by any member of the Toledo Police Department. It is important to note that in 2019 no warning shots were fired by a Toledo Police officer.

When Action Response Incidents are Occurring



Action-response incidents had the highest occurrence of 125 on Saturdays, followed by Thursdays with 114 incidents.

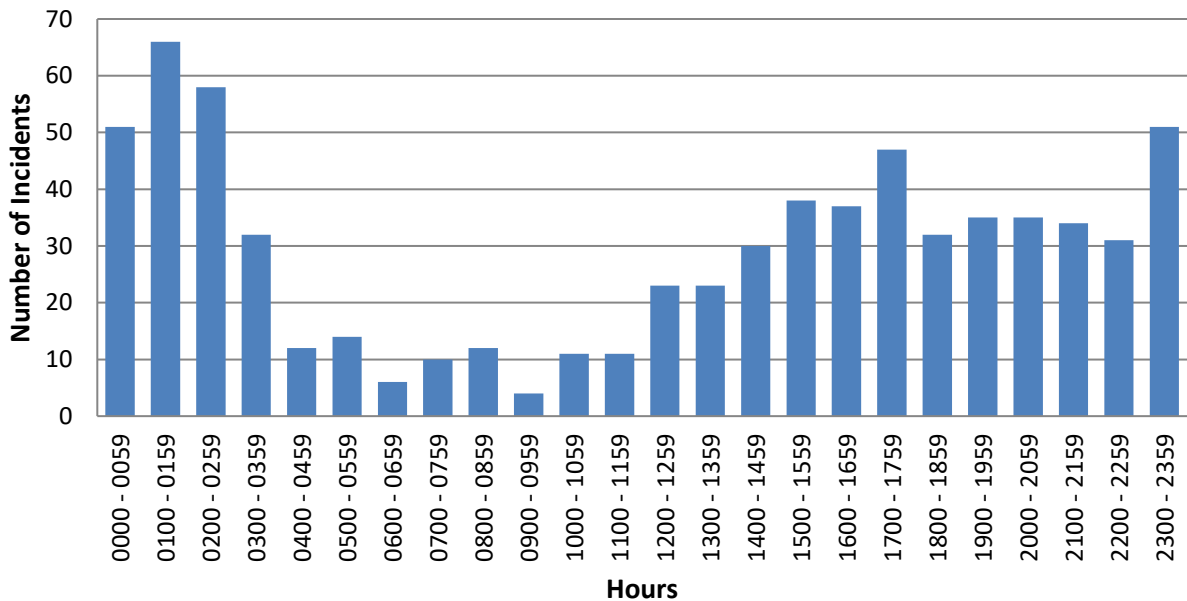
Action Response Incidents by Month



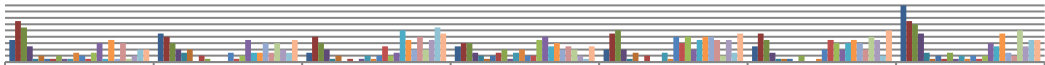
	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Series 1	47	60	73	54	54	56	60	66	60	48	61	64

The month of March had the highest amount of action-response incidents occur with 73, followed by August with 66. January had the least amount with 47.

Number of Action-Response Incidents by Hour



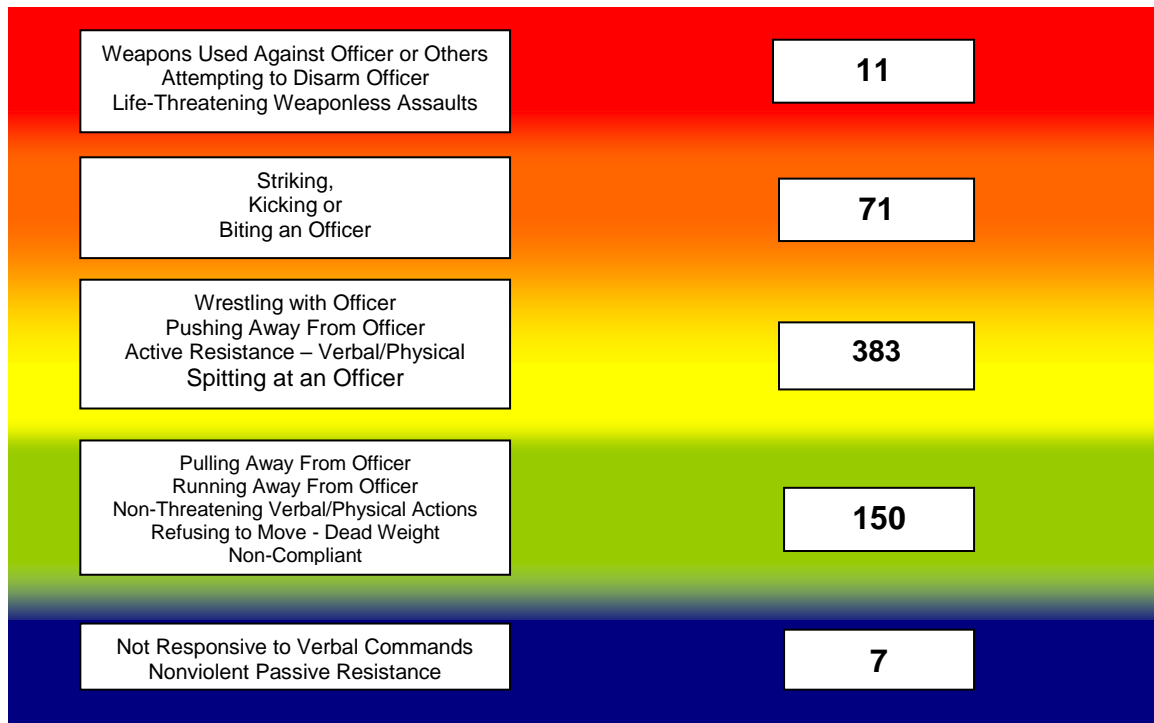
Action Response Incidents by Day / Hour



	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
0000 - 0059	7	9	3	5	4	5	18
0100 - 0159	13	8	8	6	9	9	13
0200 - 0259	11	6	6	6	10	7	12
0300 - 0359	5	4	4	3	4	3	9
0400 - 0459	1	3	1	2	1	1	3
0500 - 0559	2	4	2	1	3	1	1
0600 - 0659	1	0	0	2	0	1	2
0700 - 0759	1	2	1	3	2	0	1
0800 - 0859	2	1	0	4	0	2	3
0900 - 0959	1	0	1	1	0	0	1
1000 - 1059	1	0	2	3	3	0	2
1100 - 1159	3	0	1	4	1	1	1
1200 - 1259	2	3	2	2	8	4	2
1300 - 1359	1	1	5	2	6	7	1
1400 - 1459	3	2	2	7	8	6	2
1500 - 1559	6	7	3	8	4	4	6
1600 - 1659	1	3	10	5	7	6	5
1700 - 1759	7	3	7	6	8	7	9
1800 - 1859	1	6	4	4	8	6	3
1900 - 1959	6	3	8	5	7	4	2
2000 - 2059	1	6	4	4	2	8	10
2100 - 2159	2	4	7	2	7	7	5
2200 - 2259	4	3	11	1	3	2	7
2300 - 2359	4	7	9	5	9	10	7

Most incidents continue to occur in the early morning hours on Saturday and Sunday between 0000-0259.

2019 Action-Response Graphic Analysis- Subject's Actions
Actions of Subject **Number of Reported Actions**

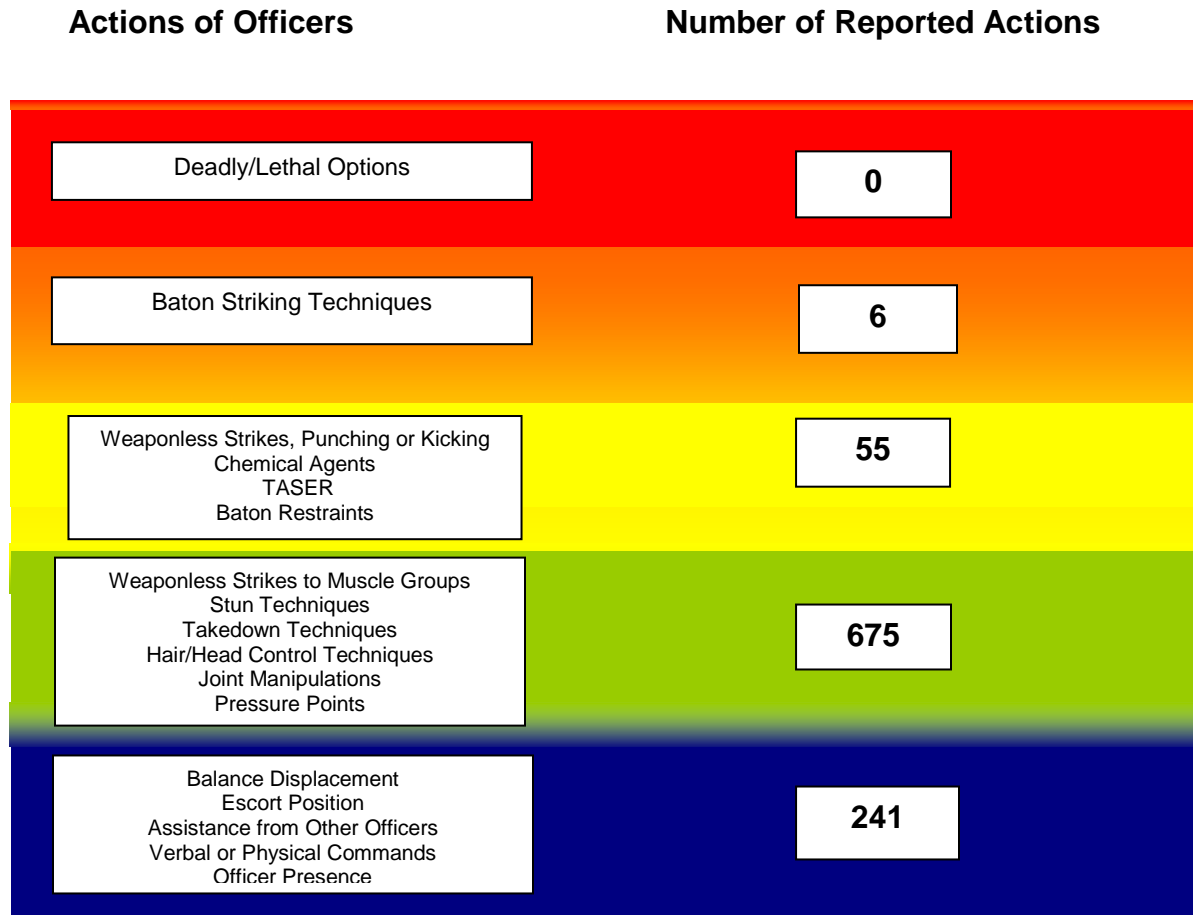


The 2019 Action-Response Graphic Analysis illustrates the different actions that subjects used to resist officers. There were a total of 622 incidents where a subject used some type of force to resist. Actions of the subject are categorized above. These categories demonstrate the threat levels from the 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 71 cases where the subject's actions were categorized as "Striking, Kicking, or Biting an Officer" and in 11 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 36 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.

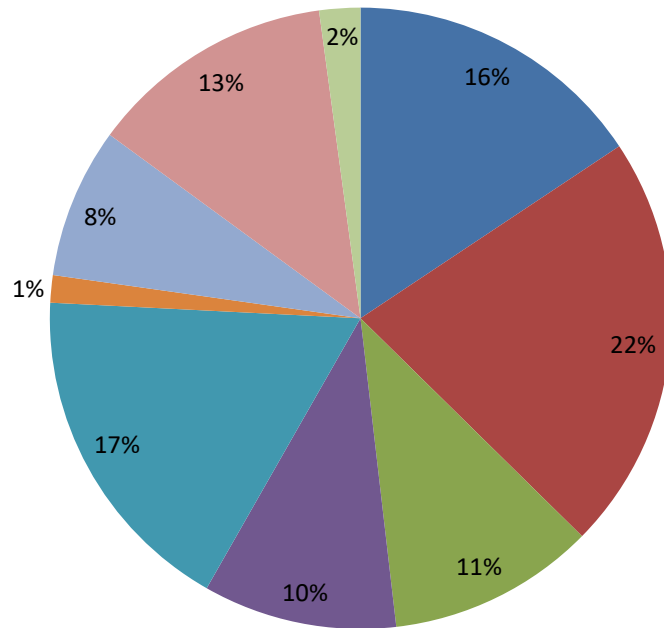
2019 Action-Response Graphic Analysis- Officer's Actions



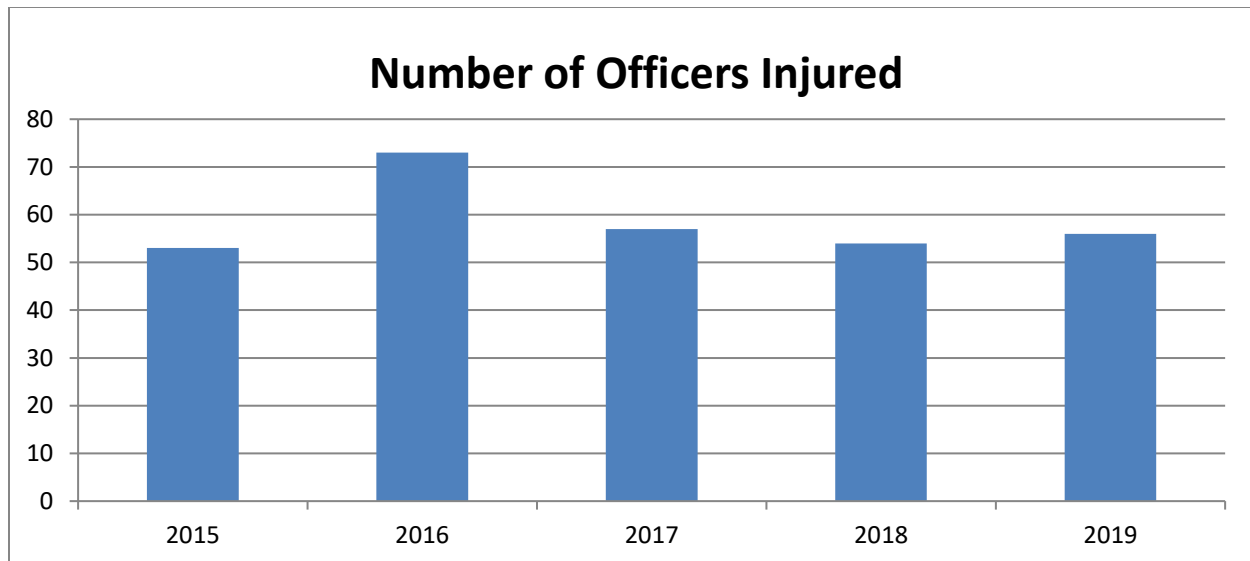
The above chart illustrates the different physical control techniques officers reported using in response to the subject's actions in the same 622 incidents. These action-responses are categorized above, ranging from the highest to lowest level of physical control. The officer's actions are usually numerous, 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. It should also be noted, that in 116 of the 622 action-response incidents or 19% 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



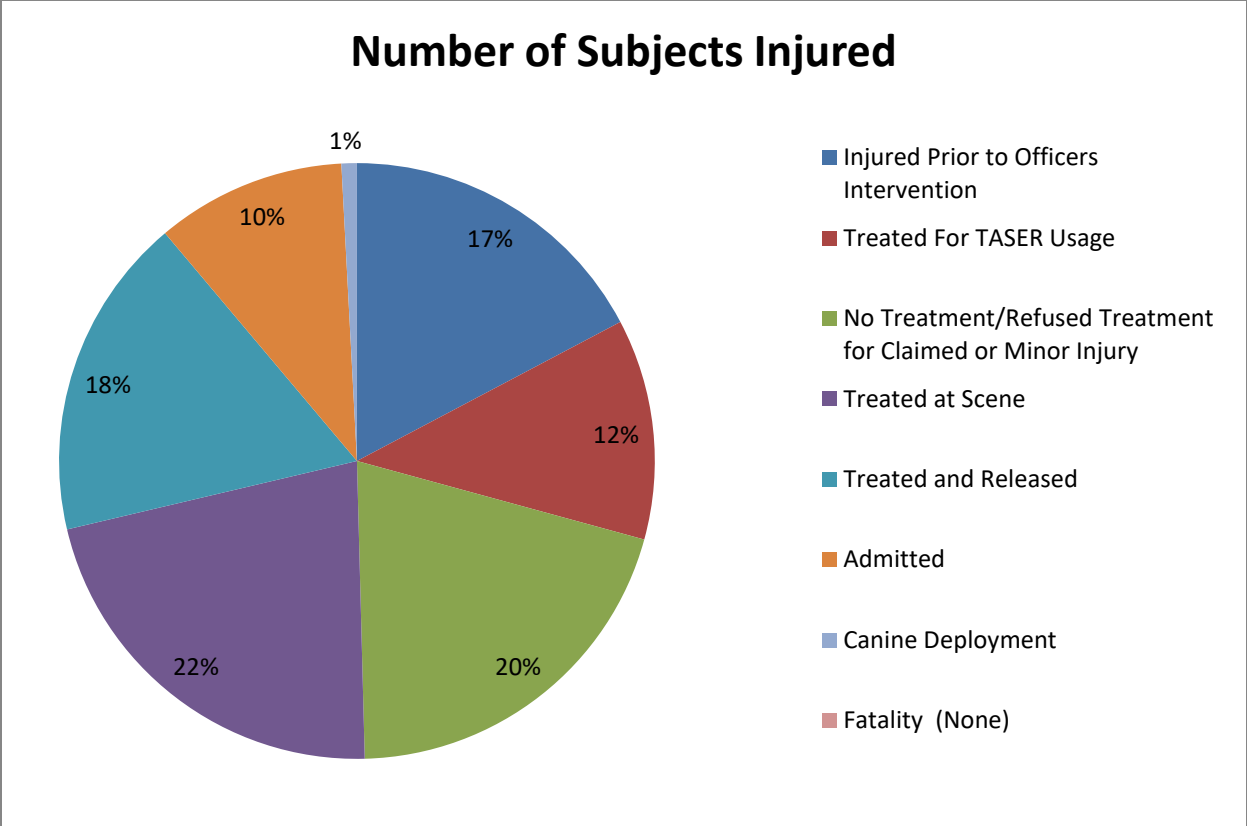
The above chart displays the majority of crimes that subjects who were involved in an action-response incident were charged with. Not all crimes are accounted for and some subjects had multiple charges. "Crimes of Violence" were the highest with 22% followed by "Other Misdemeanors" with 17%. "Theft" had the lowest number of incidents with less than 1% followed by "Weapons Charges" with 2%.



In 2019, there were 56 officers who reported injuries, as a result of an action-response incident. That number is 2 more than occurred in 2018 and is slightly below the average of the past five years. Of the 56 officers that reported injuries, 14 were treated and released, 3 were treated at the scene, 38 required no treatment and 1 was admitted to the hospital. The most serious injuries sustained by officers in 2019 are highlighted below:

2019-AR-00559- Officers were dispatched to a domestic situation. The subject was intoxicated and had made verbal threats to harm the victim. The officers approached the subject to place him under arrest when the subject retreated into the residence and began physically resisting by pushing and pulling away. The subject was able to use a piece of furniture and the wall as leverage to defeat the officers' actions. The subject continued to resist by ignoring the officers' verbal commands to comply. The subject's pet entered the room creating another threat to the officers on scene. Officers struggled to gain control as the subject resisted with dead weight and his hands tucked under his body. The officers were finally able to take the subject into custody by using subject control techniques. The arresting officer reported feeling pain in his shoulder and upper arm. Both the officer and subject were treated on scene and the officer was transported to the hospital where he was treated for a torn bicep.

2019-AR-00089- Officers were in the area of a call of shots fired. The officers observed two individuals in the immediate area and initiated a suspect stop. As the officers approached the subjects they fled on foot. One of the two subjects immediately complied with the officer's verbal commands and was placed under arrest. Subject#2 failed to comply with the officer #2's verbal commands and continued to evade him as he reached into his right pocket. Officer#2 gave chase and ultimately was able to utilize a takedown technique on subject#2. Both subject#2 and officer#2 fell to the ground. Officer#2 sustained a large cut to his head as he fell on the pavement. Subject#2 continued to clutch an object in his right hand as officer#2 utilized his body weight and pressure points to hold down the subject#2 until back-up arrived. Both subjects were found to have loaded handguns on their persons. Officer#2 was treated on scene for large cuts to his head and hands which were sustained in the altercation.



Out of the 622 action-response incidents reported, 359 subjects were injured or claimed to be injured. Seventeen 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 Officer Intervention”, were those individuals hospitalized for psychiatric reasons.

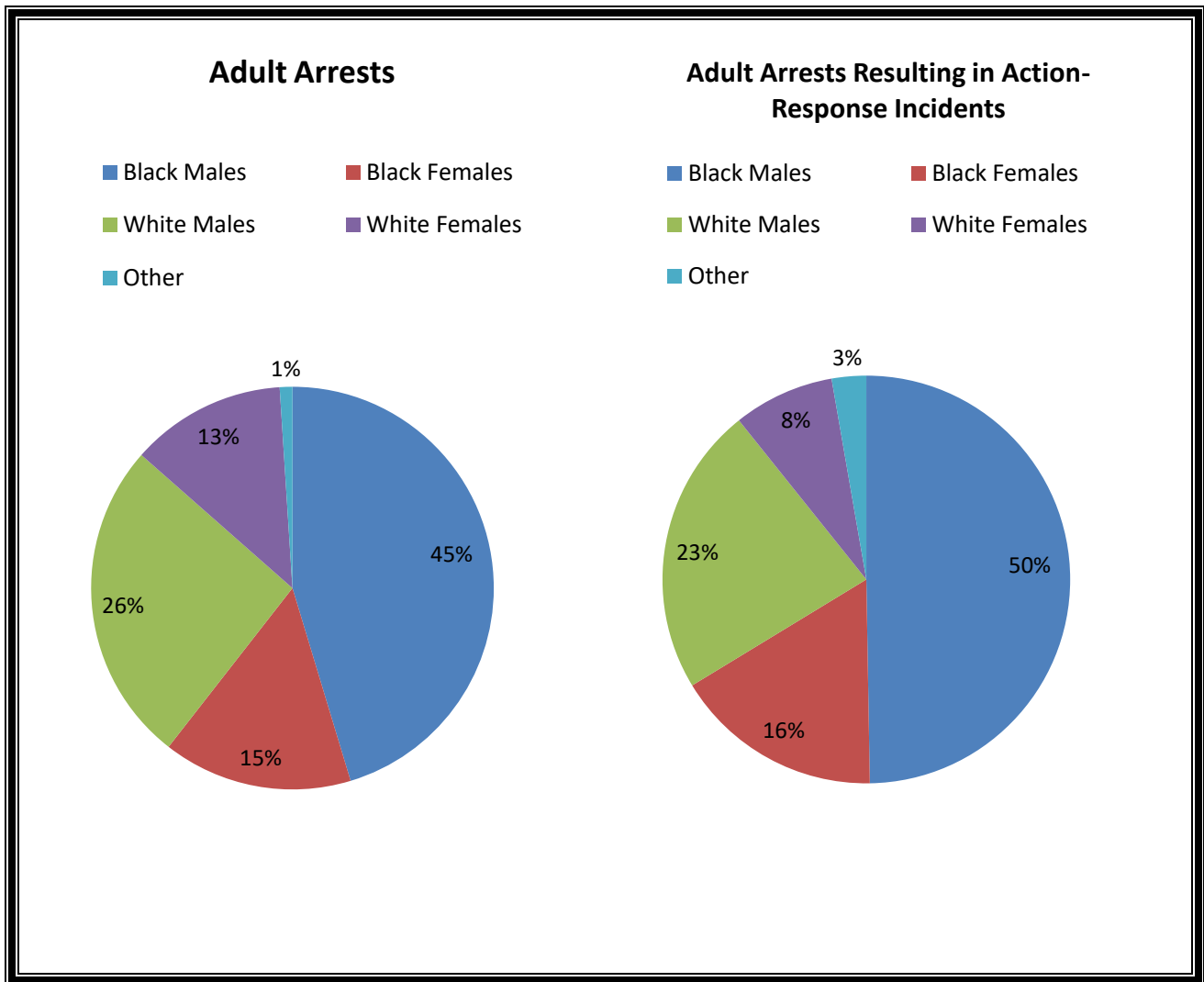
Twenty percent of the subjects injured did not require medical treatment. Another 22% were treated at the scene by Toledo Fire and Rescue. There were also another 18% who received medical treatment but were treated and released. One percent of subjects received medical treatment from minor injuries sustained after a canine deployment. Ten Percent 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. There were no fatalities in 2019.

It was also determined that 116 of the 622 subjects were suspected of using alcohol/drugs or a combination thereof. Sixty-nine percent of the action-response incidents where subjects were injured or claimed to be injured were also suspected of using alcohol and/or drugs. The correlation between substance abuse and violent behavior has been well documented. For example, the *Journal of Substance Abuse Treatment, Psychiatric Times, January 21, 2011*, Ilgen Mark and Felicia Kleinberg, (“The Link between Substance Abuse, Violence, and Suicide”), noted that more than 75% of people who begin treatment for drug addiction report having performed various acts of violence, including, but not limited to, mugging, physical assault, and using a weapon to attack another person.

In 2019, there were 43 subjects 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.

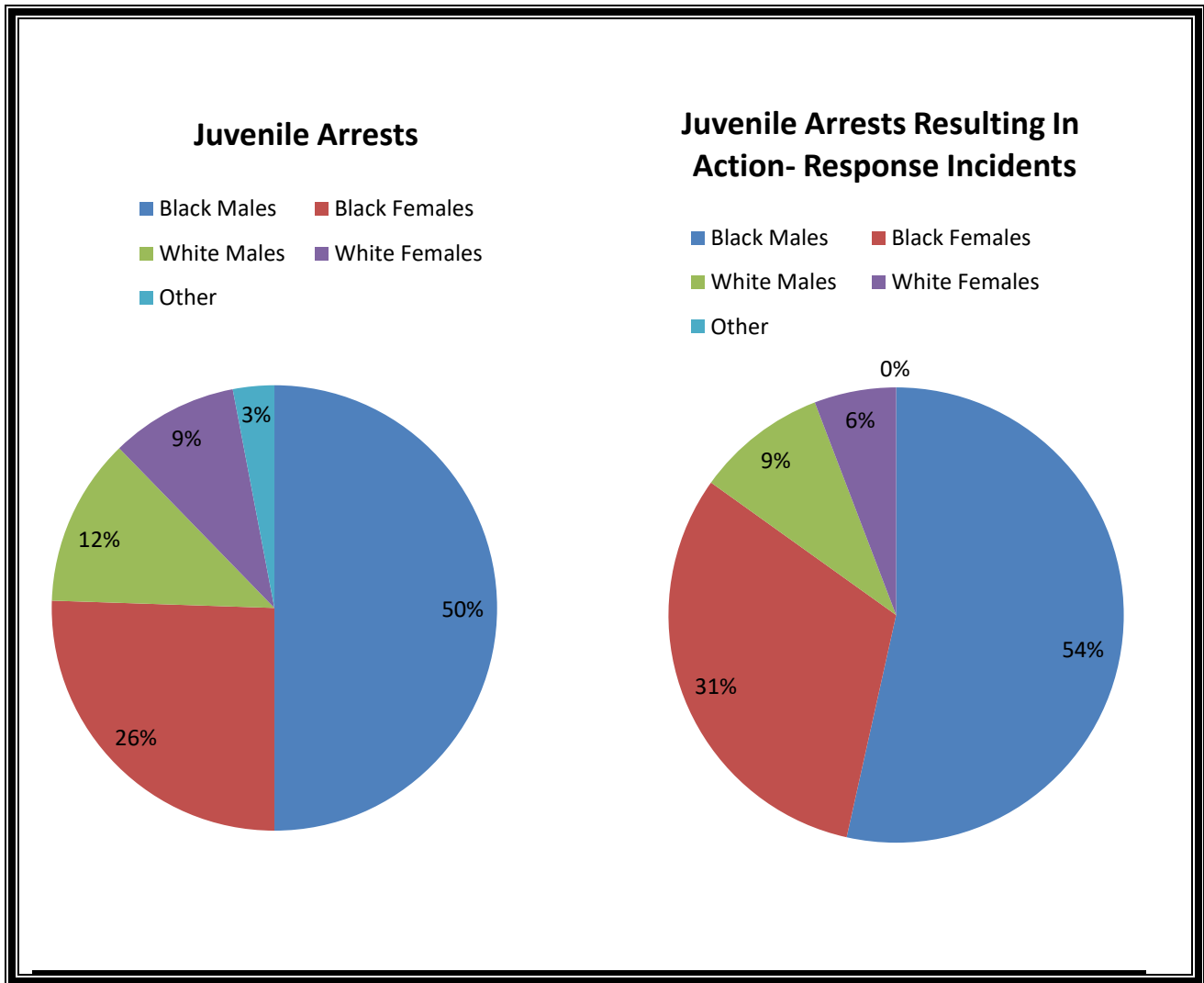
ARREST TOTALS
ADULTS

There were 18,227 adults who were arrested in 2019 by a Toledo Police officer. From those arrests, 549, or 3% 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 1434 juveniles who were charged by a Toledo Police officer in 2019. From those incidents, 86, 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.



Unnecessary Use of Physical Control Techniques

In 2019, 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 is down from eight in 2018. After a thorough investigation of the allegation, the officer in the case was exonerated. 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

Officer and subject injuries as they relate to action-response incidents were consistent with the last several years. Officer injuries as they relate to action-response incidents were up two from 54 in 2018 to 56 in 2019. Injuries sustained by the subject were consistent with previous years, with the majority of injuries being minor in nature. Also, remaining consistent is the fact that officers respond to subjects with a lesser degree of physical control than the policy allows.

It is important to note that 32% of subjects involved in action-response incidents were 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. This number is up from last year and is important because it highlights the fact that some subjects, no matter who they encounter, will react confrontationally towards police.

Recommendations

Upon completion of the 2019 Action-Response Analysis, the data reflects the need for continued training in subject control, defensive tactics and de-escalation. It is also critical that officers regularly receive training in dealing with mentally ill persons and those individuals that are under the influence of drugs or alcohol.

In addition to training officers on how to better deal with individuals they encounter on the street, the department should focus on providing officers with resiliency training, providing them the tools and resources necessary to ensure they are healthy. Mental, physical, social, and spiritual wellbeing allow officers to better recover from job related stressors that they encounter on a regular basis. Teaching officers resiliency leads to better decision making and a shorter recovery time after they experience a traumatic event. By making officers wellness a priority, improvements can be expected within the organization and with community relations.

Finally, supervisory review, through ascending levels of command, of all action response reports is required and includes the review of in-car and body camera videos. This review process ensures officer actions are appropriate. Additionally, the department's accreditation commander randomly reviews numerous in-car and body camera videos quarterly, to ensure officers are following department policy and procedure while in the field.