

April 10, 2019

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Support and Administrative Services Division

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Subject: Use of Force Analysis 2018

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 use of force 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.

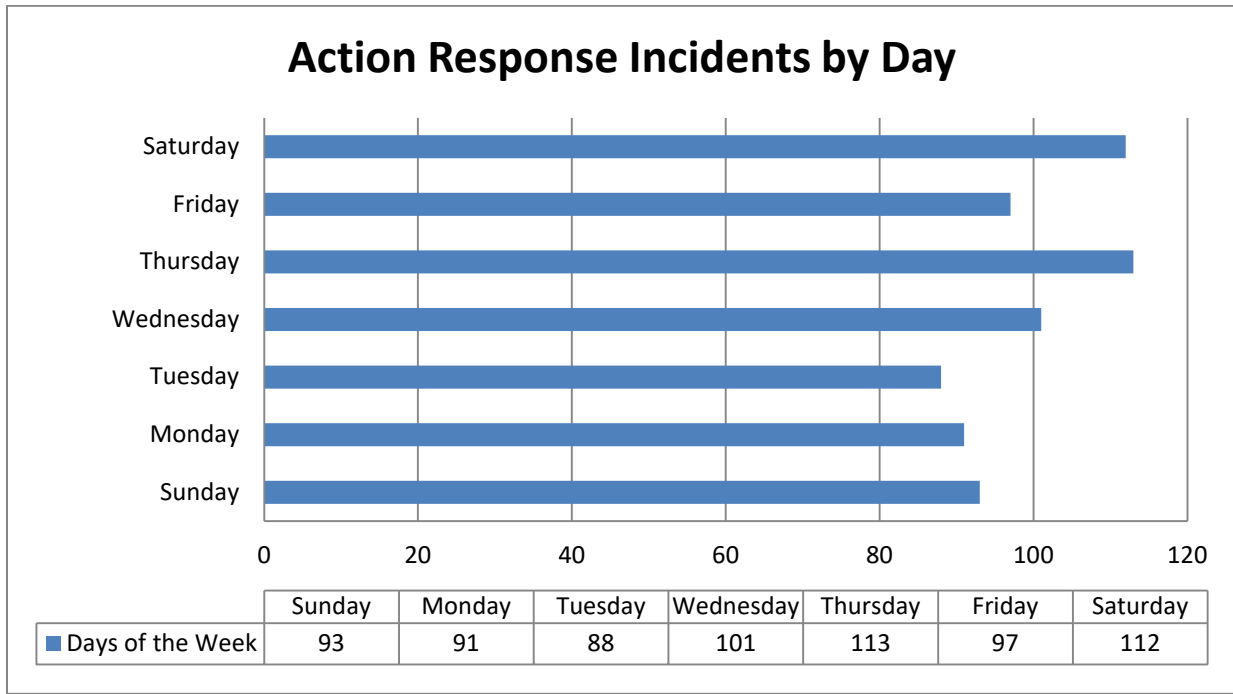
#### **Notable Points for 2018**

- In 2018, there were 695 incidents that involved an action-response from officers, compared with 633 incidents in 2017.
- The Toledo Police Department responded to 237,888 total incidents in 2018, making action-response incidents less than 0.29% of the total incidents. The total amount of calls that the department responded to is down from 262,018 in 2017. The total incident count includes self-

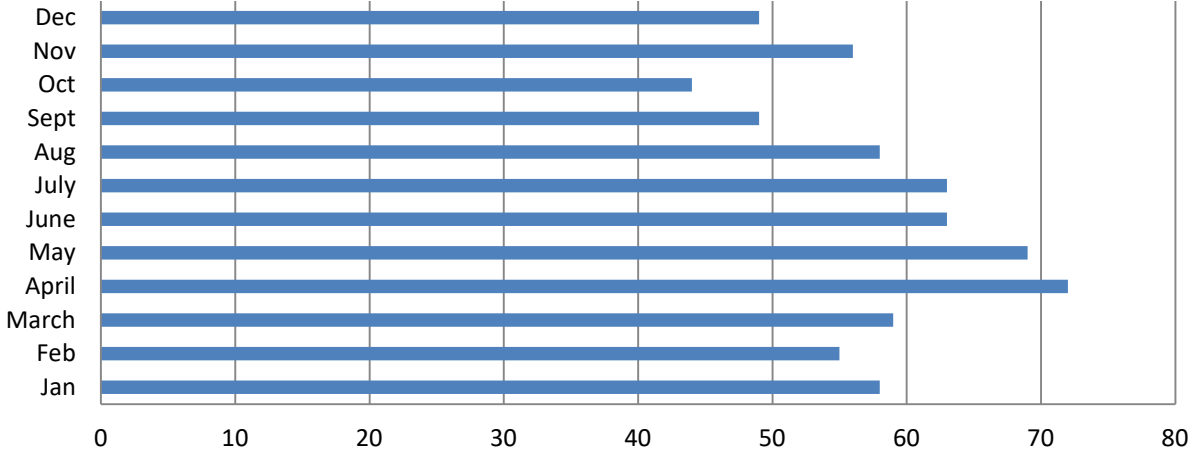
initiated activity, such as traffic stops and subject stops, but it does not include a breakdown of officer-to-citizen contacts which would be much larger.

- TASER usage decreased from 63 incidents in 2017 to 42 incidents in 2018. Nine usages were documented as a warning or missed the subject entirely and one involved a vicious dog, leaving a total of 32 subjects who were tasered in 2018.
- The use of chemical agents decreased from 15 incidents in 2017 to 12 incidents in 2018. Of the 12 incidents, 11 were aerosol chemical agents and one was a projectile canister agent fired from a department issued pepperball gun.
- The canine unit responded to 9,027 calls for service and deployed their canines a total of 2,656 times 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, there were 63 apprehensions in which 13 resulted in minor injuries to the subject.
- The number of officers injured decreased from 57 in 2017, to 54 officers injured in 2018.
- In 2018, 74 incidents occurred where officers used deadly/lethal options; all except three incidents involved either vicious or wounded animals. This number is up from 40 in 2017. 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 2018 no warning shots were fired by a Toledo Police officer.

**When Action Response Incidents are Occurring**

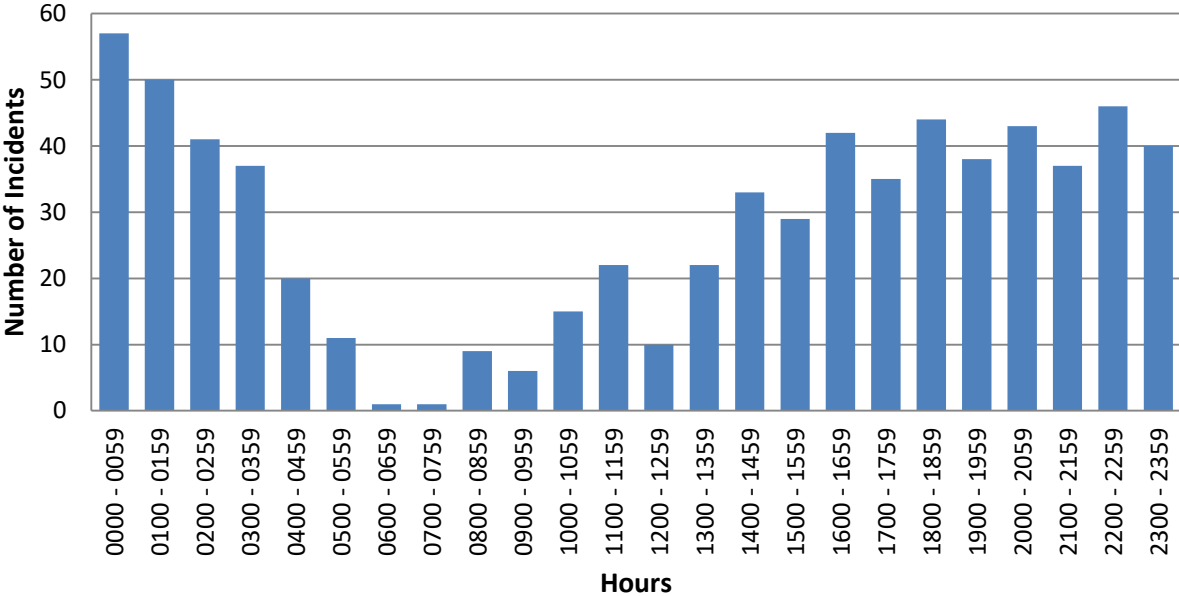


### Action Response Incidents by Month

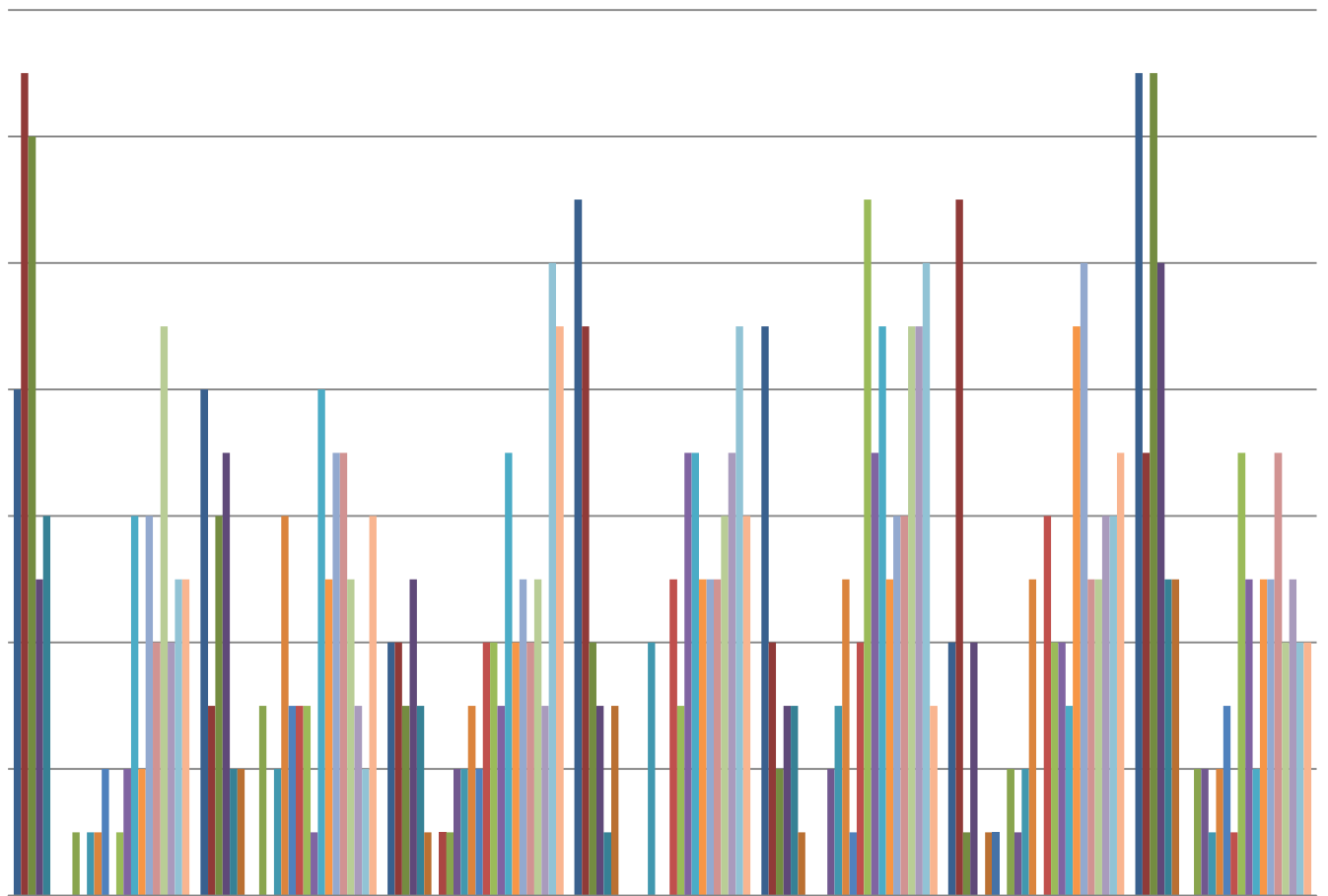


	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Series 1	58	55	59	72	69	63	63	58	49	44	56	49

### Number of Action-Response Incidents by Hour



# Action Response Incidents by Day / Hour

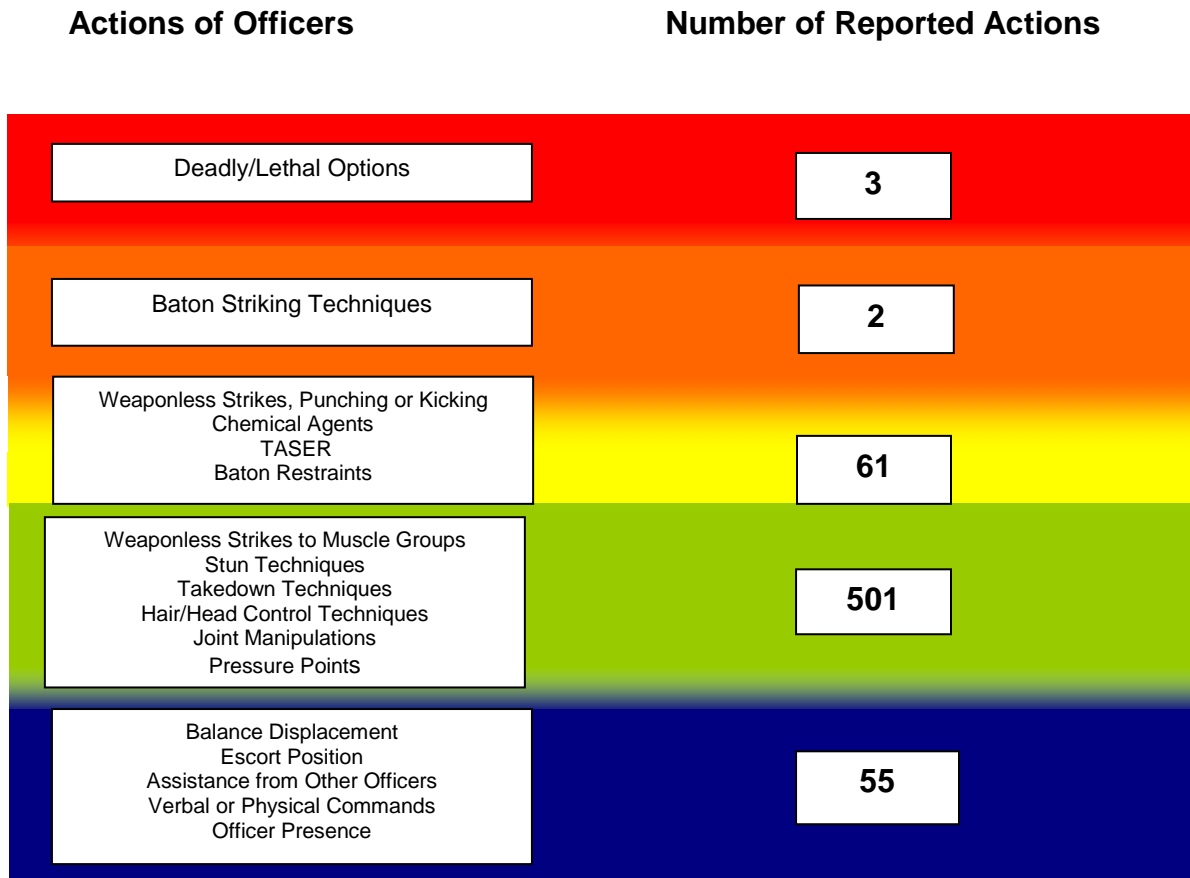


	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
0000 - 0059	8	8	4	11	9	4	13
0100 - 0159	13	3	4	9	4	11	7
0200 - 0259	12	6	3	4	2	1	13
0300 - 0359	5	7	5	3	3	4	10
0400 - 0459	6	2	3	1	3	0	5
0500 - 0559	0	2	1	3	1	1	5
0600 - 0659	0	0	0	0	0	1	0
0700 - 0759	0	0	1	0	0	0	0
0800 - 0859	1	3	1	0	0	2	2
0900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



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 29 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.

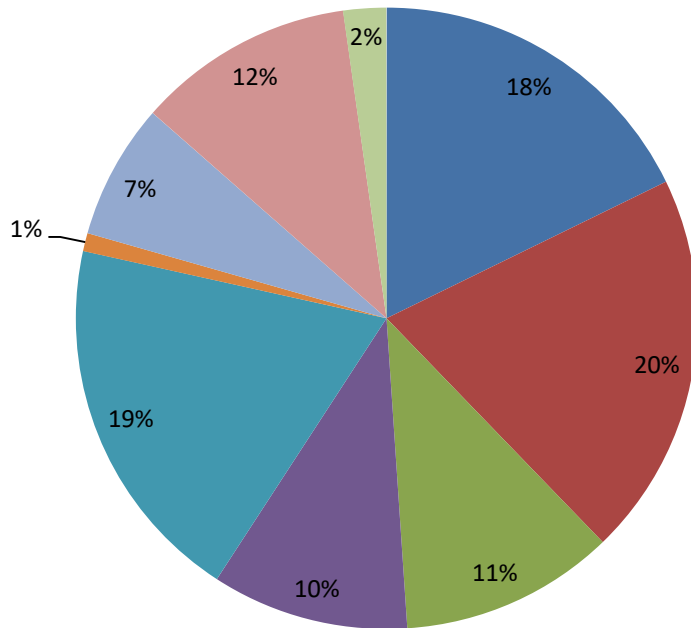
**2018 Action-Response Graphic Analysis (Officer's Actions)**



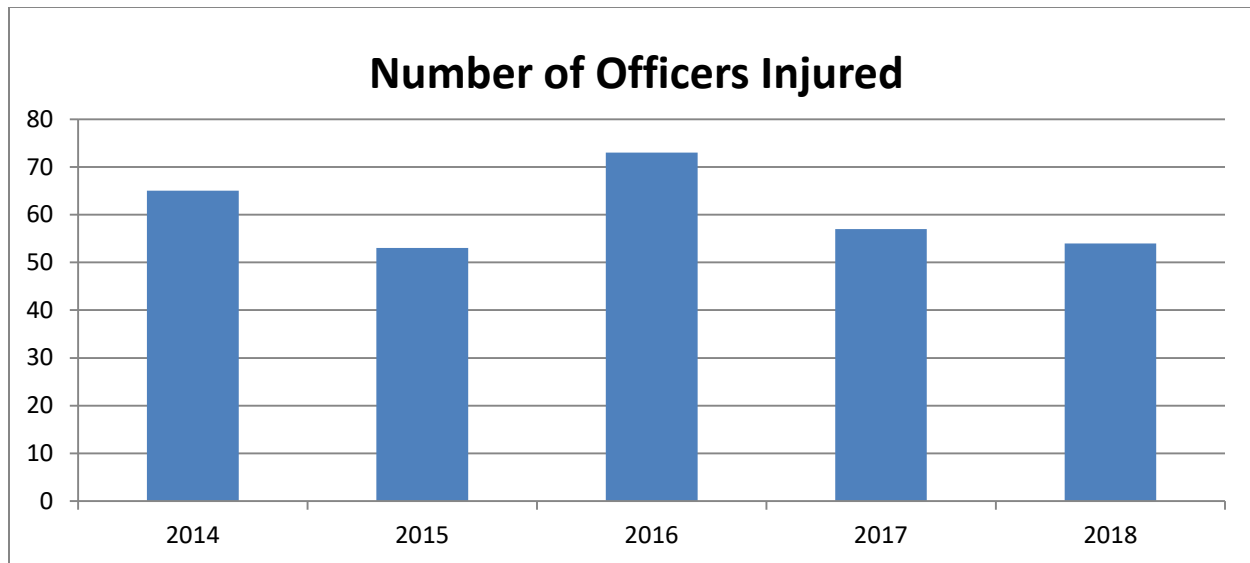
The above chart illustrates the different physical control techniques officers reported using in response to the subject's actions in the same 622 incidents. These action-responses are categorized above, ranging from the highest to lowest level of physical control. The officer's actions are usually numerous, 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 238 of the 622 action-response incidents or 38% 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 20% followed by "other misdemeanors" with 19%. "Theft" had the lowest amount of incidents with less than 1% followed by "weapons charges" with 2%.



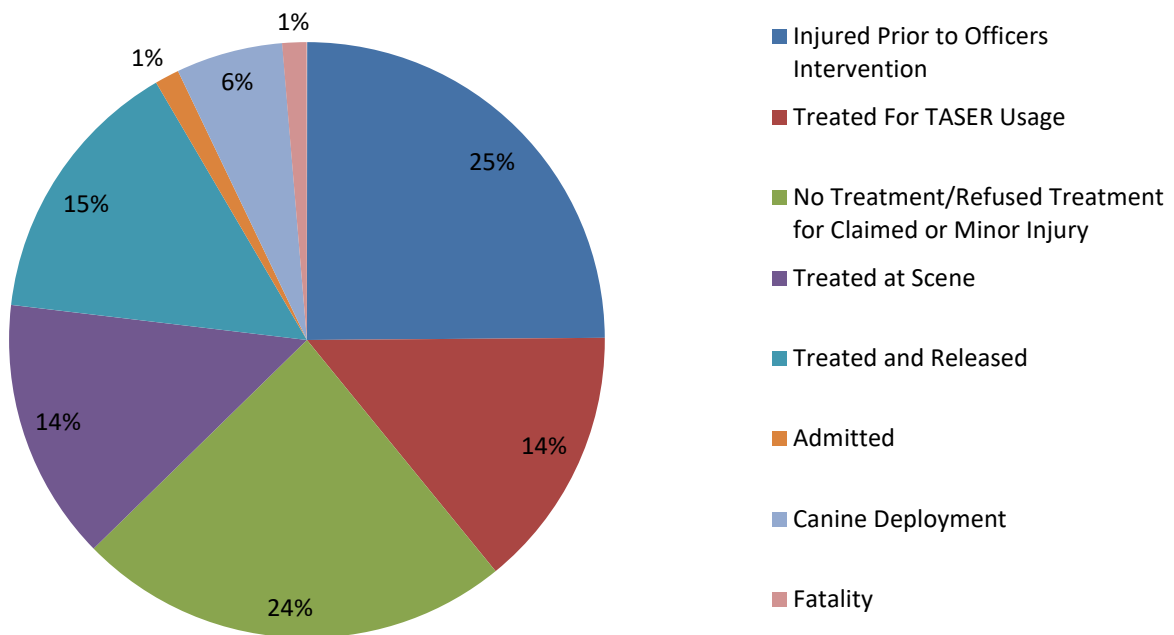
In 2018, there were 54 officers who reported injuries, as a result of an action-response incident. That number is three less than occurred in 2017 and is the second-lowest total in the past five years. Of the 54 reported injuries to officers, 17 were treated and released, seven were treated at the scene, and 30 required no treatment. The most serious injuries sustained by officers in 2018 are highlighted below.

**2018-AR-00259** – While on routine patrol officers witnessed a traffic violation and attempted to pull the vehicle over. The driver refused to comply and led officers on a short pursuit before fleeing the vehicle on foot. As officers gave chase, the subject attempted to discard a firearm by tossing it to the ground. Officers caught up with the subject and attempted to affect an arrest. The subject continued to be non-compliant and attempted to disarm one of the officers. After a brief struggle, the officers finally got the subject restrained, but during the process one of the officers fractured his right hand.

**2018-AR-00549** – Officers were dispatched to a burglary call and when they arrived on scene the subject was located on the front porch. The subject was the nephew of the caller and the caller just wanted him to leave and she did not want to press charges. The subject had slowed speech and was unsteady on his feet. Fearing for his safety, the officers decided to transport the subject to the hospital. Once at the hospital the subject became hostile towards officers while waiting to be admitted. He began throwing punches, striking one of the officers in the face and fracturing his nose.



## Number of Subjects Injured



Out of the 622 action-response incidents reported, 225 subjects were injured or claimed to be injured. Twenty-five 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", were those individuals hospitalized for psychiatric reasons.

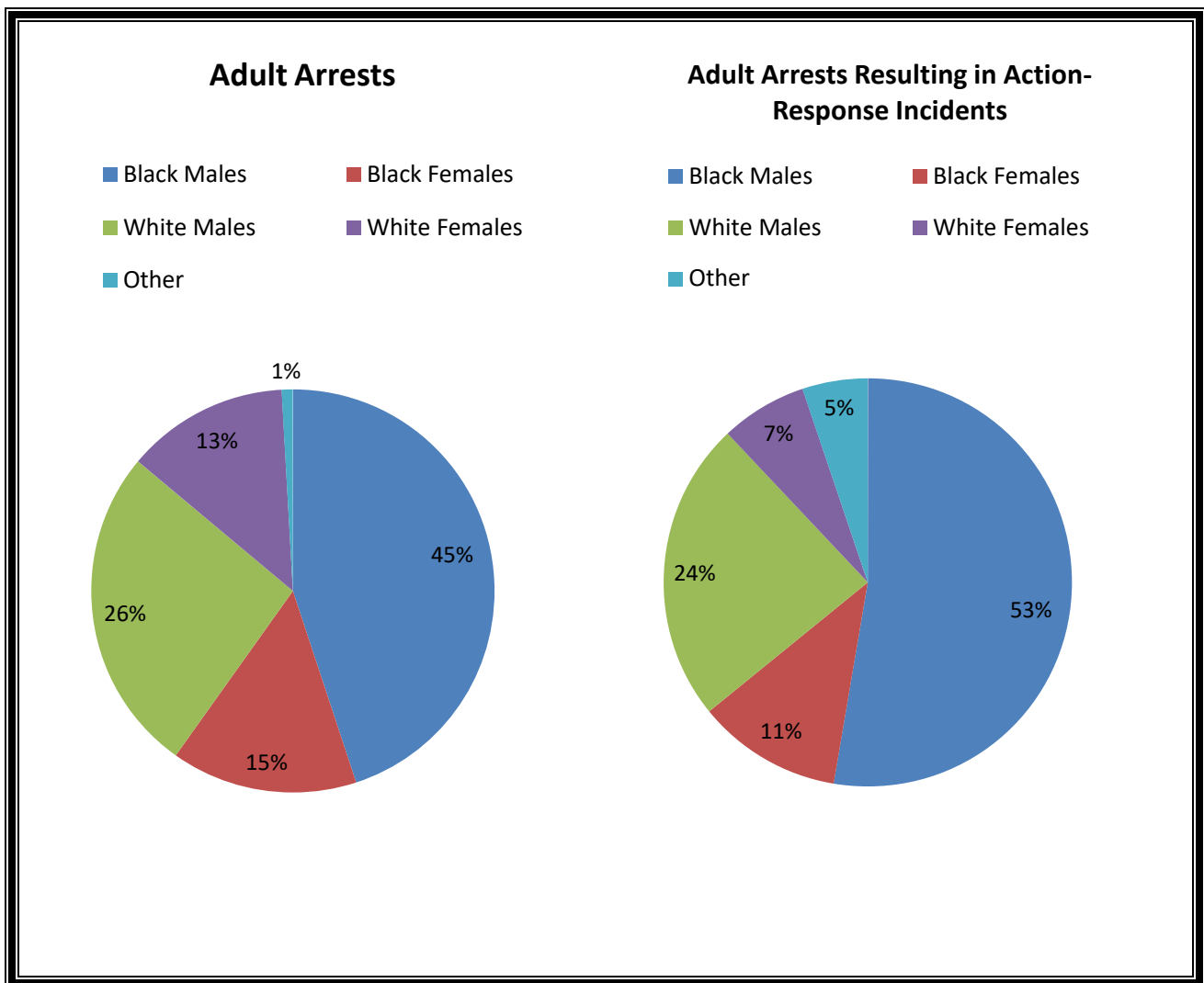
It was also determined that 237 of the 622 subjects were suspected of using alcohol/drugs or a combination thereof. Forty-six percent of the action-response incidents where subjects were injured or claimed to be injured were also suspected of using alcohol and/or drugs. The correlation between substance abuse and violent behavior has been well documented. For example, the *Journal of Substance Abuse Treatment* 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 2018, there were 32 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. Twenty-three percent of the subjects injured did not require medical treatment. Another 14% were treated at the scene by Toledo Fire and Rescue and no further treatment was necessary. There were also another 14% who received medical treatment but were treated and released. Of those receiving medical treatment, 5% of the incidents were the result of canine deployments and the subjects sustained some type of minor injury. Just over 1% 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 three fatalities in 2018 which will be highlighted below.

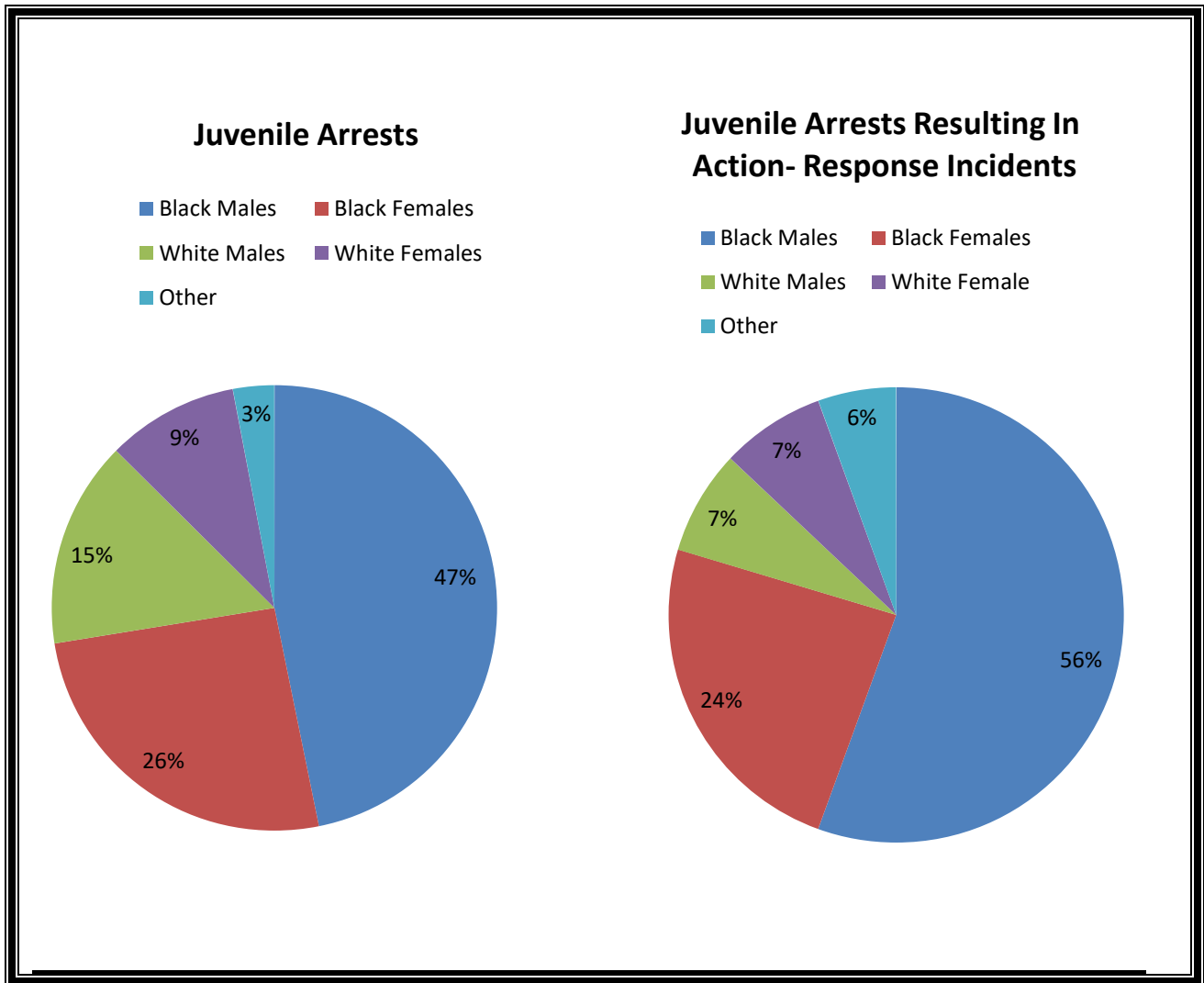
**ARREST TOTALS**  
**ADULTS**

There were 21,867 adults who were arrested in 2018 by a Toledo Police officer. From those arrests, 541, or 2.47% 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 2018. From those incidents, 54, or roughly 3.7% 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.



## **2018 Incident Review of Action-Response Reports**

- 2018-AR-00565 – Officers responded to the Dollar General located at 4440 Heatherdowns Boulevard, on a 9-1-1 call reporting an armed robbery. The subject, identified as Dale Slocum, entered the Dollar General demanding money from the clerk and brandishing a firearm (later determined to be a replica). Tommy Thacker, a patron in the store, heroically intervened. As Thacker held the suspect down, the suspect stabbed him. The suspect then fled the store. Officer Jonathan Chio was the first officer to arrive on scene. Witnesses directed Officer Chio to where the suspect was last seen. Officer Chio confronted the suspect, who failed to follow commands. The suspect then turned towards Officer Chio and raised what appeared to be a firearm. Officer Chio responded by firing four rounds at the suspect, using his Sig Sauer P226, one of the bullets struck the suspect and he expired shortly thereafter.

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.

- 2018-AR-00694 – Officer Kenneth Krabill and his partner, Officer Ryan Babcock, were searching the area of Lagrange and Manhattan for Lamar Richardson, an armed felon who recently fled from officers in a stolen auto. The subject was located and fled from these officers on foot. Officer Krabill pursued the subject on foot and Officer Babcock continued in their unmarked police unit. As Officer Krabill and Officer Babcock closed in the distance on the fleeing suspect, the subject turned, faced the officers and drew a handgun. Officer Krabill fired three rounds from his Sig Sauer P226, striking the subject. Officer Babcock fired one round from his Sig Sauer P226, striking the subject. The suspect did not survive his injury.

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.

- 2018-AR-00695 – Warren Police Department took subject Damon Barstad into custody around 0330 hours on December 20, 2018. Warren Police requested Toledo Police assistance and the subject was transported to the Safety Building, Toledo Police headquarters, where he was temporarily detained. At about 1230 hours, the subject charged officers as they opened the holding cell where he was being detained. During the struggle, the subject, a homicide suspect out of Warren Michigan, was shot once by Officer Carl Schwirzinski. The subject was not handcuffed at the time of the shooting and had gained control of an officer's Taser.

At the time of this report, this incident is currently under investigation. Additionally, an Internal Affairs investigation and Firearms Review will be conducted. As in all officer-involved shootings, the case will be presented to the Lucas County Grand Jury by the Lucas County Prosecutor's Office.

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

In 2018, there were eight occurrences where citizens filed complaints with the Internal Affairs Section against officers for unnecessary use of physical control techniques. This number is up from four in 2017. After a thorough investigation of each allegation, it was determined that five cases were non-sustained and three were exonerated. 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.

## **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 down from 57 in 2017 to 54 officers in 2018. 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.

It is important to note that 26% 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**

Based on this analysis, there are three recommendations. First, since officers are responding with their hands/feet in a majority of action-response incidents, further training in subject control techniques may be beneficial to help reduce injuries to both officers and subjects. Additional training is recommended in the use of less-lethal weapons to allow officers to become more familiar with the availability of options at their disposal during use of force incidents. Officers may also benefit in defensive tactics training involving multiple officers responding to a single subject, thus allowing officers to control subjects more efficiently and lead to fewer injuries to both officers and subjects.

Secondly, in an effort to improve the management of personnel, the Toledo Police Department is in the process of transitioning to an advanced police force management and early intervention system. One aspect of this management system allows the department to better track use of force incidents. Additionally, the system enhances the ability to collect and review data in areas such as vehicle pursuits, performance evaluations, internal affairs complaints and officer training. This system will allow the Toledo Police Department to gather more comprehensive data and get a better understanding of officer and subject interactions.

Finally, the department realizes that continuous training of supervisors in the area of leadership, accountability, delegation, and the evaluation of employees plays a vital role when it comes to monitoring officers' actions, especially when it involves use of force. Supervisors, at all levels within the chain of command should strive to manage their personnel effectively and ensure that their personnel have the tools they need to perform their jobs.