

TOLEDO POLICE DEPARTMENT



Annual Response to Resistance Analysis Report 2023

June 28, 2024

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Subject: Response to Resistance Analysis – 2023

Police officers are often put in a position to make split-second decisions in life-or-death situations. The decision is 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 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, or to protect persons or property, written documentation of the incident is required.

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2023 Response to Resistance Overview

The year 2023 involved 665 incidents that required the use of force by officers. This number is a 6% increase from 2022 which had 629 incidents. In 2023, the Toledo Police Department responded to 186,206 total incidents. This total amount is down from 2022 which had 189,482 incidents, a 2% decrease. Response to resistance related incidents accounted for .36% of total incidents. This number is up slightly, .33%, from what was observed in 2022.

In 2023, data was gathered primarily utilizing the Benchmark Analytics Information System. The Administrative Investigations Management, (AIM) system was utilized only to gather data relating to the number of complaint investigations involving officers for alleged use of force violations. Both of these systems were utilized from January through October of 2023. As of November 1st. The department began using IAPro for the collection and analysis of data relating to response to resistance incidents and complaint investigations relating to alleged use of force violations. As the IAPro database continues to evolve in its capabilities and grow with the continued input of information, it allows for easier access to more accurate information and for enhanced tracking of each response to resistance related incident while also assisting with the analysis of the data.

Regarding the use of less-lethal options, the department saw a slight increase in the use of some of these options from 2022 to 2023. More specifically, TASER usage increased from 58 incidents in 2022 to 63 incidents in 2023, however 3 of those incidents involved an animal so the increase in TASER usage involving humans is 3%. TASERS were utilized in only 9% of all response to resistance related incidents. Of the incidents where a TASER was utilized in 2023, 52 were probe deployments, 8 were drive stuns and 3 were arc warnings. The TASER was reported to have been effective 38 times and ineffective 25 times. Ineffective deployments can be a result of several factors such as, one or both probes missing the target, bulky or loose clothing, minimal probe spread on the target, pain tolerance or individuals under the influence of certain controlled substances. In total there were 54 subjects who were involved in TASER incidents in 2023, as five incidents involved more than one officer utilizing a TASER on the same subject.

The use of chemical agents increased slightly from 2022 to 2023. There were 13 incidents in 2022 involving chemical agents, compared to 15 incidents in 2023. Of the 13 incidents involving chemical agents in 2022, four utilized aerosol chemical agents and the remaining nine involved the use of projectile chemical agents fired from a department issued pepper ball gun. With the slight increase in incidents from 2022 to 2023, came a slight increase in the number of officers that utilized chemical agents. A total of seventeen officers used chemical agents in 2023. Eight officers utilized aerosol chemical agents and nine utilized projectile chemical agents, deployed using a department issued pepper ball gun.

The Canine Unit responded to 5,900 calls for service and deployed their canines a total of 3,361 times in 2023. That is compared to 5,586 calls for service and 3,048 deployments in 2022 (a 6% increase in calls for service as well as a 10% 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 2023, there were 63 apprehensions, in which 5 injuries resulted to the subject. That is compared to 2022 when there were 67 apprehensions which resulted in 4 subjects sustaining injuries. The number of calls for service and deployments increased significantly, while subject injuries rose by one from 2022 to 2023.

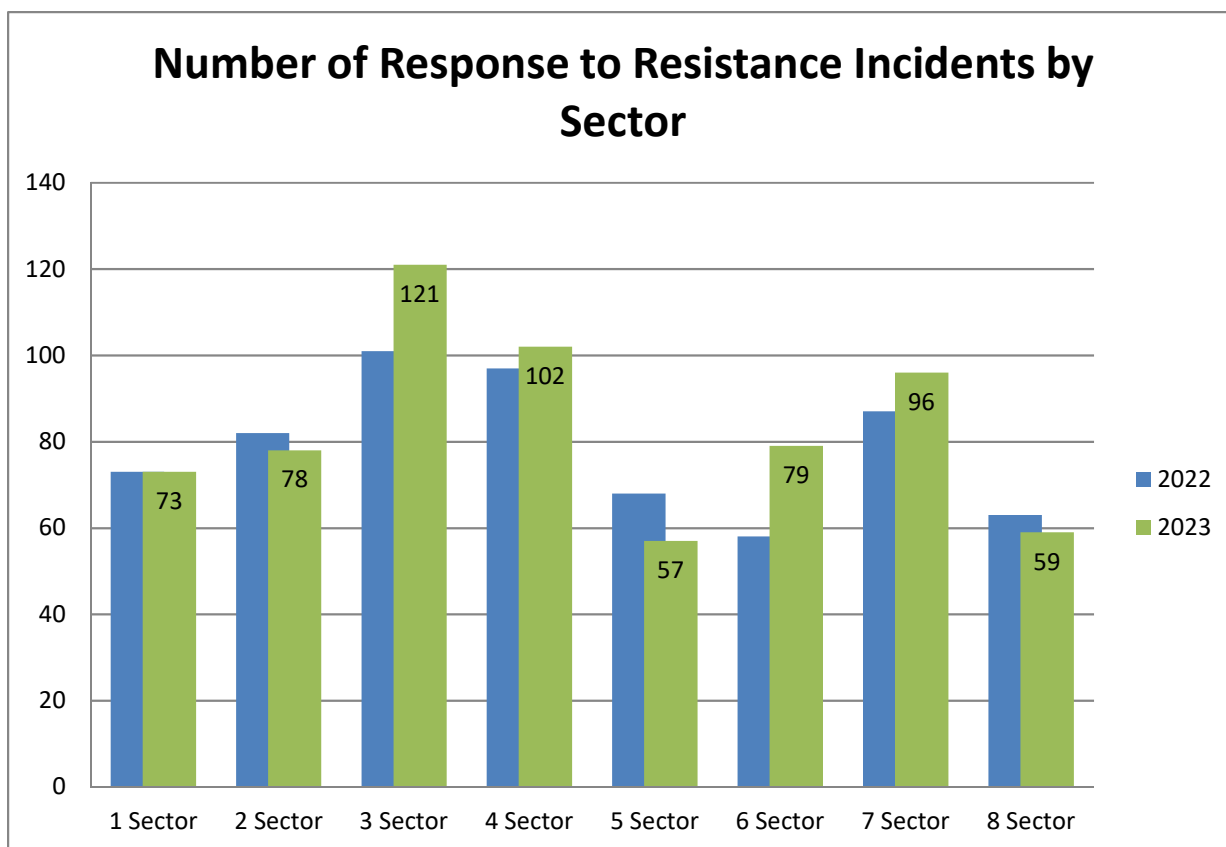
The department saw a decrease in the total number of officers injured. There were 53 officers injured in 2023 compared to 58 in 2022.

Lastly, in 2023 there were 4 incidents where officers used deadly force on a human, 2 more than the 2 incidents that occurred in 2022. These incidents will be reviewed later in this report. Of the 4 occurrences,

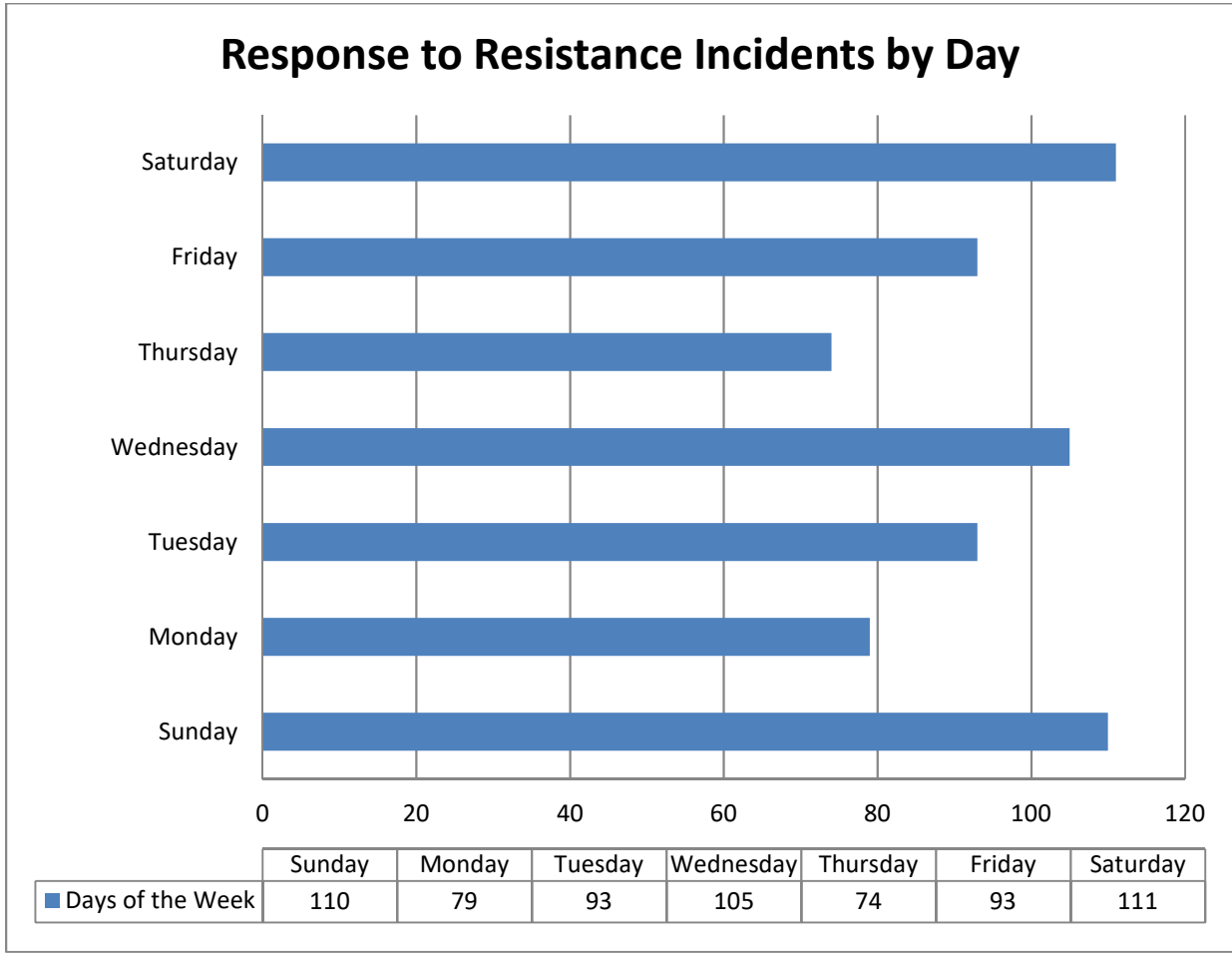
two subjects were fatally wounded while the other two sustained non-life threatening injuries. In 2023, no warning shots were fired by a Toledo Police officer as it is against policy.

Where Response to Resistance Incidents are Occurring

The following graph is a breakdown of incidents by sector for years 2022 and 2023. In 2023, sector 3 had the highest total with 121 response to resistance related incidents, followed by sector 4 with 102. The sectors with the lowest totals in 2023 were sector 5 with 57 and sector 8 with 59. Overall sectors 3, 4, 6 and 7 saw an increase in response to resistance related incidents from 2022 to 2023, while sectors 2, 5 and 8 saw a decrease and sector 1 remained unchanged. Both sectors 3 and 4 had high amounts of violent crime in 2023 which likely translates to an increase of incidents involving physical encounters between law enforcement and subjects. 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).

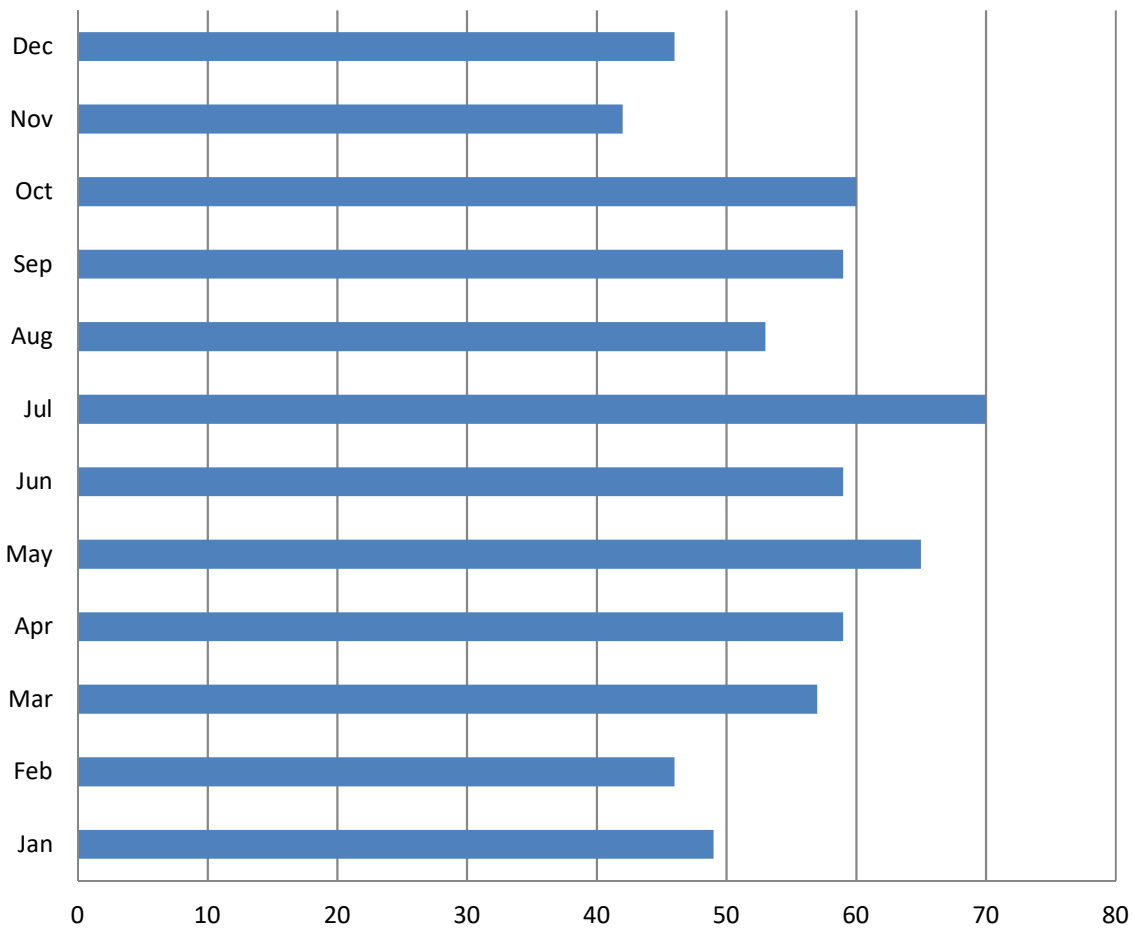


When Response to Resistance Incidents are Occurring



Response to Resistance related incidents had the highest rate of occurrence on Saturdays and Sundays with 111 and 110 respectively. In comparison, 2022 showed Thursdays and Mondays to have the highest rate of response to resistance related incidents, with 101 and 95 respectively.

Response to Resistance Incidents by Month

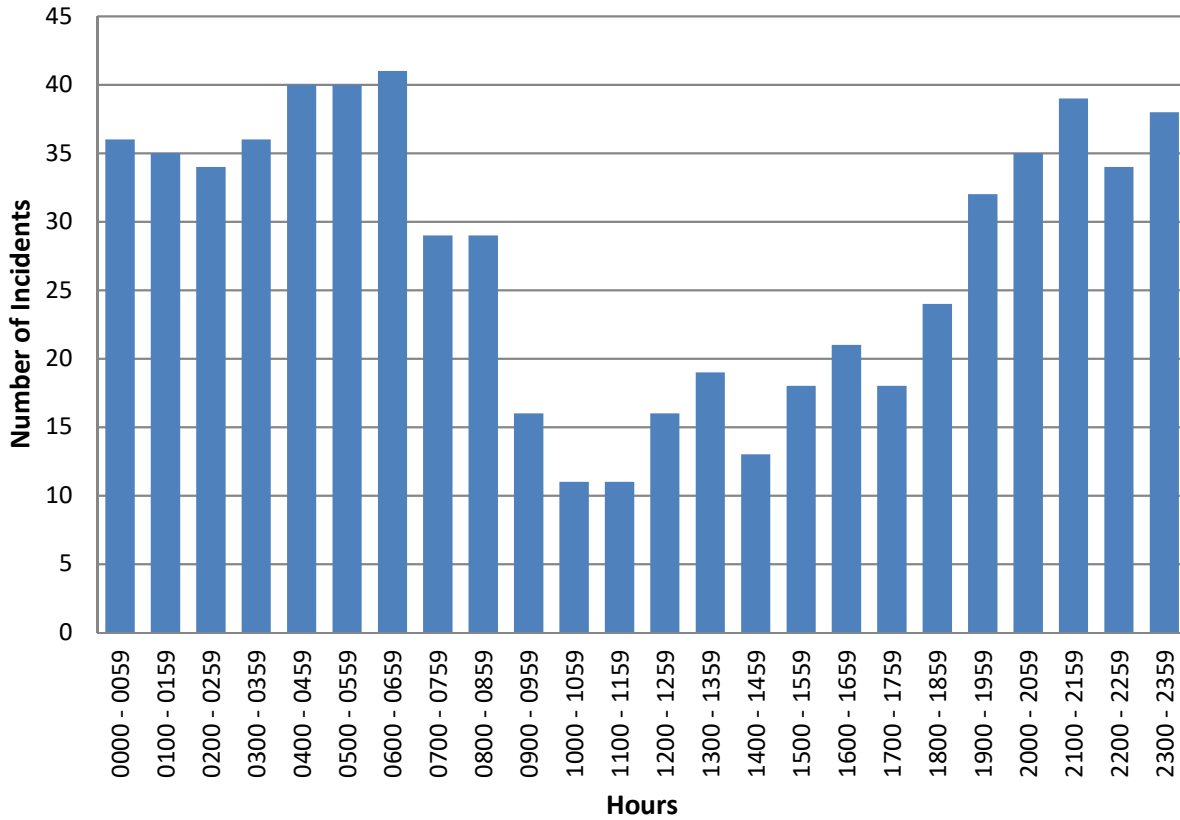


	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Series 1	49	46	57	59	65	59	70	53	59	60	42	46

The month of July represents the highest number of response to resistance related incidents with 70, followed by May with 65. November had the lowest amount with 42. For comparison, in 2022, August had the highest amount of response to resistance related incidents, 71. December had the lowest number in 2022, 35.

May and July represent periods with higher response to resistance related incidents. May is generally the time of the year in northwest Ohio when the weather becomes more pleasant and people are more likely to be active outside. That could lead to a higher probability for criminal activity. July is one of the hottest months of the year, which can lead to irritability and conflict. Data from the Toledo Police Criminal Intelligence Section that shows a combined 411 shooting incidents that occurred during the span of these two months, as well as a combined 856 incidences of city-wide tracked crime (Homicide, Robbery, Burglary, Auto Theft, and Theft from a Motor Vehicle).

Number of Reponse to Resistance Incidents by Hour



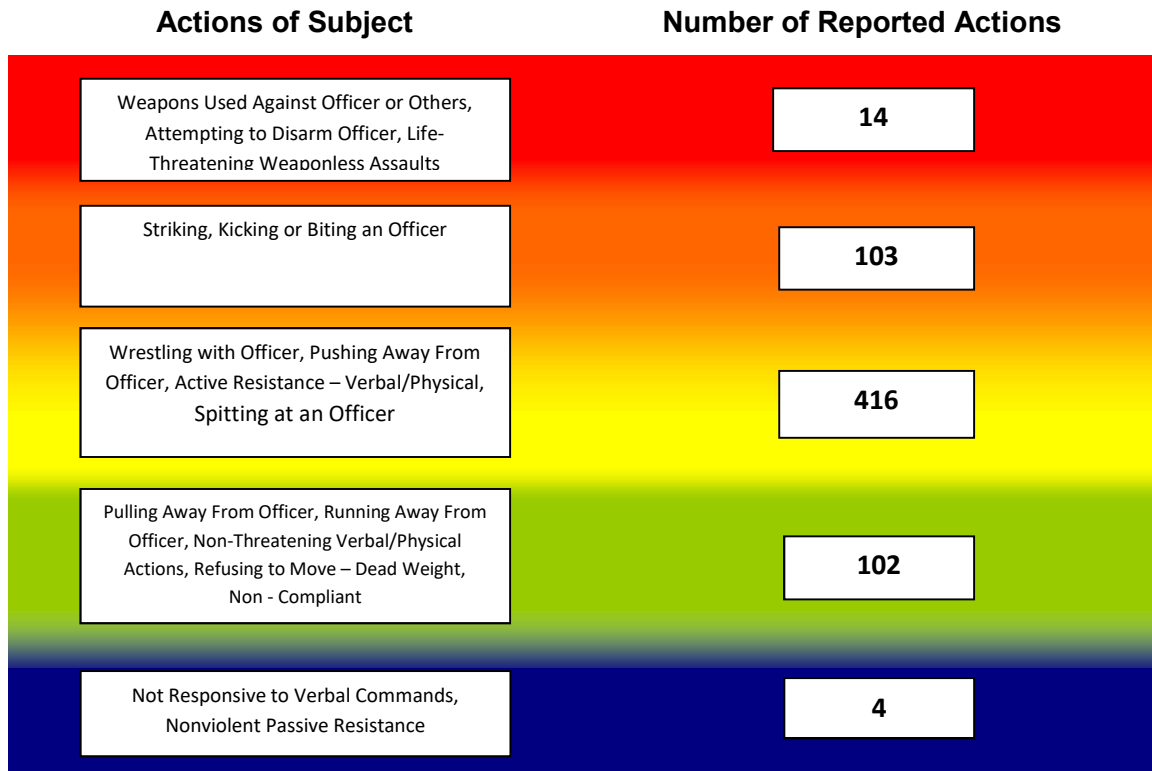
In 2023, 41 response to resistance related incidents occurred between 0600-0659 hours, making it the time period with the highest rate. The time period with the highest number of incidents in 2022 was 0000-0059 with 51. The lowest time periods in 2023 were 1000-1059 and 1100-1159 with 11 response to resistance related incidents each.

Response to Resistance Incidents by Day / Hour

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

Sunday between 0500-0559 hours and Thursday between 0300 and 0359 showed the most response to resistance related incidents for a day/hour combination. There were also several day/hour combinations when zero response to resistance related incidents occurred: Sunday 1000-1059, Monday 1700-1759, Tuesday 1000-1059, Thursday 0900-0959 and 1500-1559 and Saturday 1500-1559 and 1600-1659.

2023 Response to Resistance Graphic Analysis - Subject's Actions



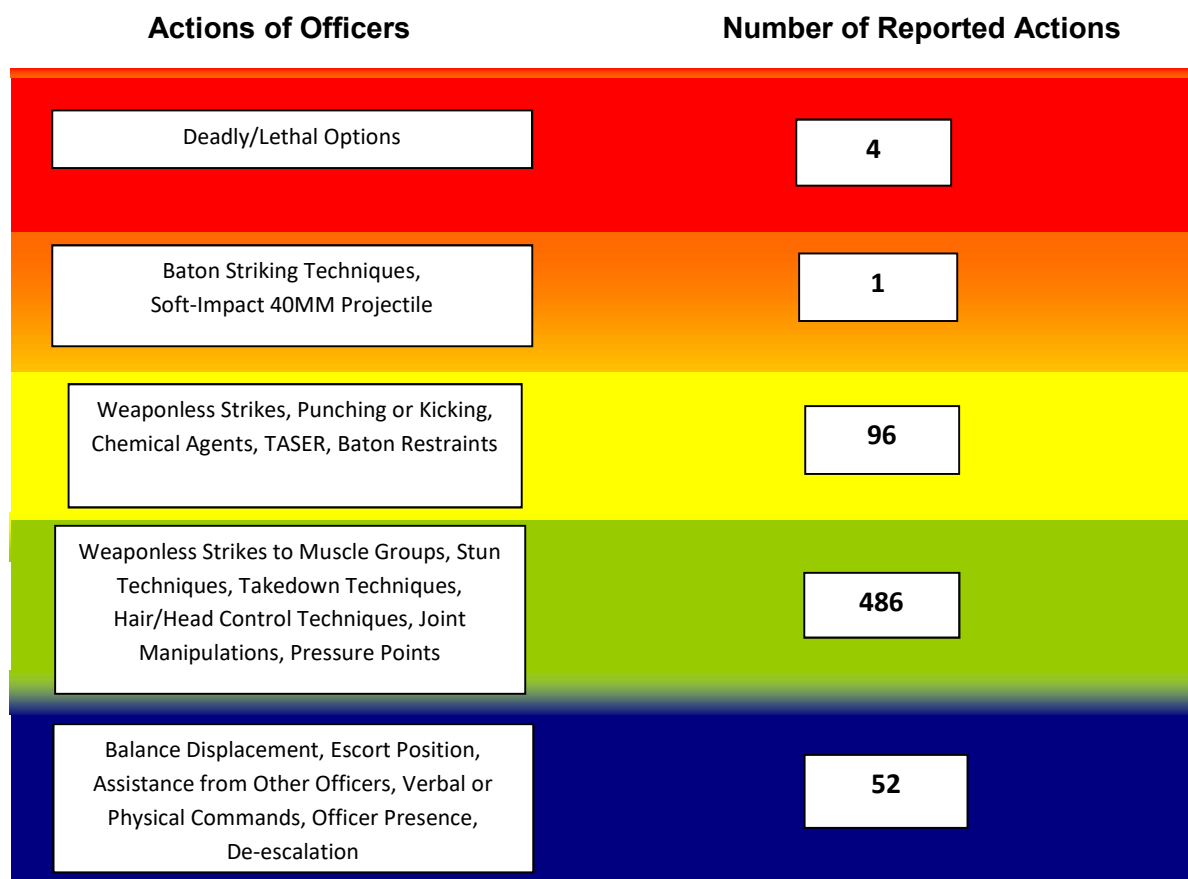
The 2023 Response to Resistance Graphic Analysis illustrates the different actions that subjects used to resist officers. As stated, there were a total of 665 incidents that required the use of force by officers. Of the 665 incidents, 26 incidents involved either a vicious or wounded animal, leaving a total of 639 incidents involving subjects. Of the 639 incidents, 31 incidents involved multiple subjects. Because of additional subjects on the same report, 36 more subjects can be added to the total. In 2023, 678 subjects were involved in a response to resistance related incident with a Toledo Police Officer. Actions of the subjects in the 639 incidents are categorized above. The categories demonstrate the threat levels from the highest (red) to the lowest (blue). Each incident involved numerous actions. Only the highest classified action by the subject from each incident is 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 the actions above, there were 103 cases where the subject's actions were categorized as striking, kicking, or biting an officer. In 14 cases the subject used weapons against an officer or others, attempted to disarm the officer, or there was a life-threatening weaponless assault on the officer. This number is down 36% from 2022 when 22 incidents occurred. There were 54 response to resistance related incidents when the subject was armed with some type of weapon. This number is down slightly from 2022, which totaled 60 incidents. Most often the weapon was a gun, 32 incidents, or an edged weapon, 14 incidents. The subject did not necessarily attempt to use that weapon against the officer. The

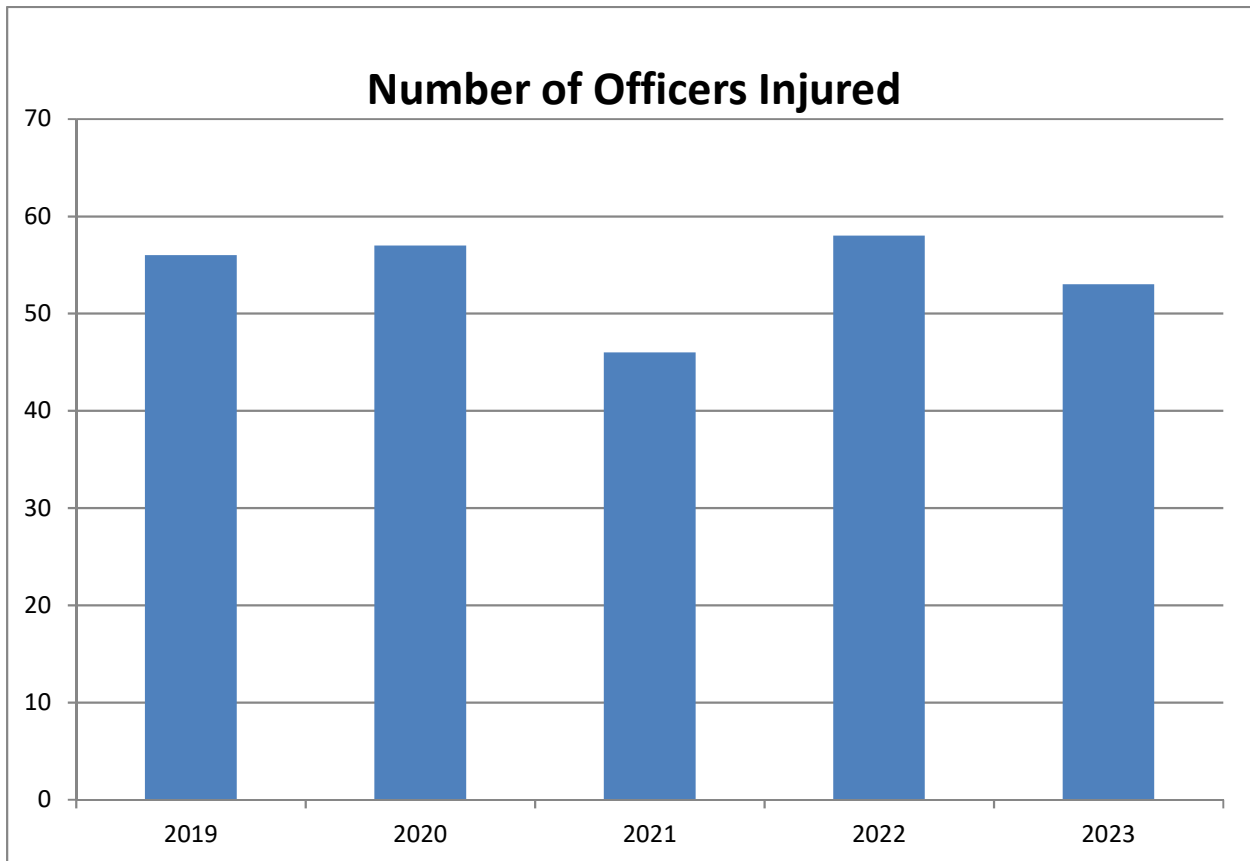
remaining incidents involved impact weapons such as a brick, tire iron or pry bar, 5 incidents, and a Taser,1, and finally 2 incidents with toy guns.

2023 Response to Resistance Graphic Analysis - Officer's Actions



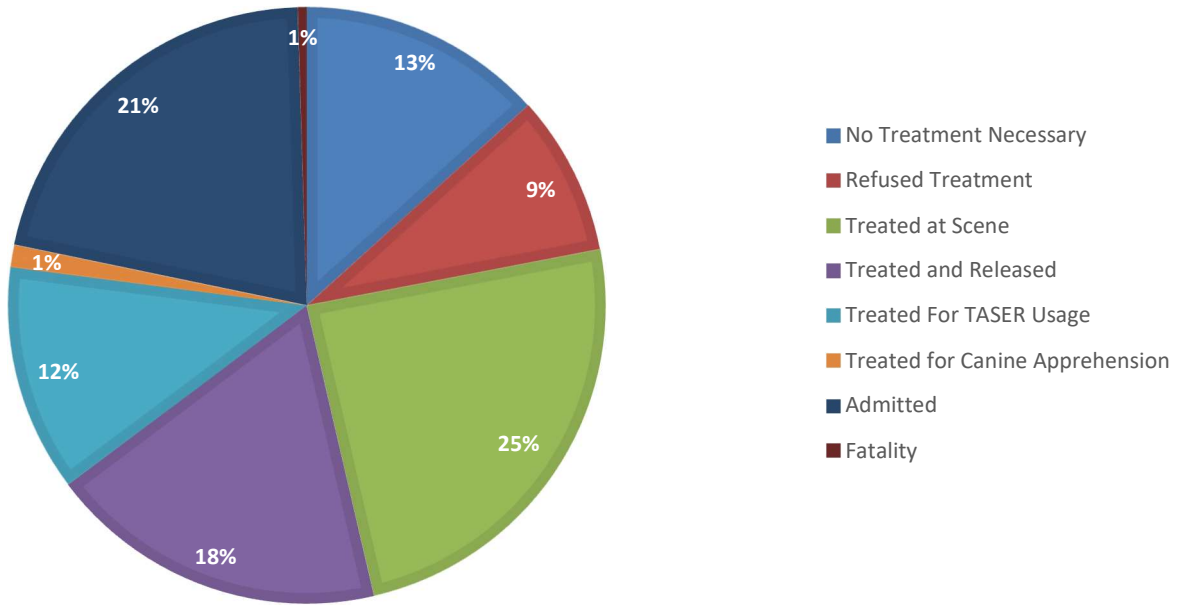
The above chart illustrates the different physical control techniques officers reported using in response to a subject's actions in the same 639 incidents. The response to resistance related incidents categorized above range from the highest level of physical control (red) to lowest (blue). The officers' actions are usually numerous, starting with officer presence and escalating as needed. Data from the submitted response to resistance reports 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 an officer utilized with a subject. More than one officer could potentially be involved in each incident that results in a response to resistance incident. Of the 678 subjects involved in response to resistance related incidents, 212 or 31% of the subjects were suspected of using alcohol or drugs.

Officer and Subject Injuries



In 2023, there were 53 officers who reported injuries as a result of a response to resistance related incident. That figure is down from 58 officers in 2022, which was highest amount of injured officers that we have observed in recent years. The 53 officer reported injuries in 2023 is just below the five year average of 54. Of the 53 officers that reported injuries, 3 were of a serious nature. The three serious injuries resulted in the officers being removed from duty for a period of time, then transitioning to a light duty assignment until fully recovered. The remaining 50 were relatively minor injuries where the officer was treated and released from a medical facility, treated at the scene or required no treatment.

NUMBER OF SUBJECTS INJURED



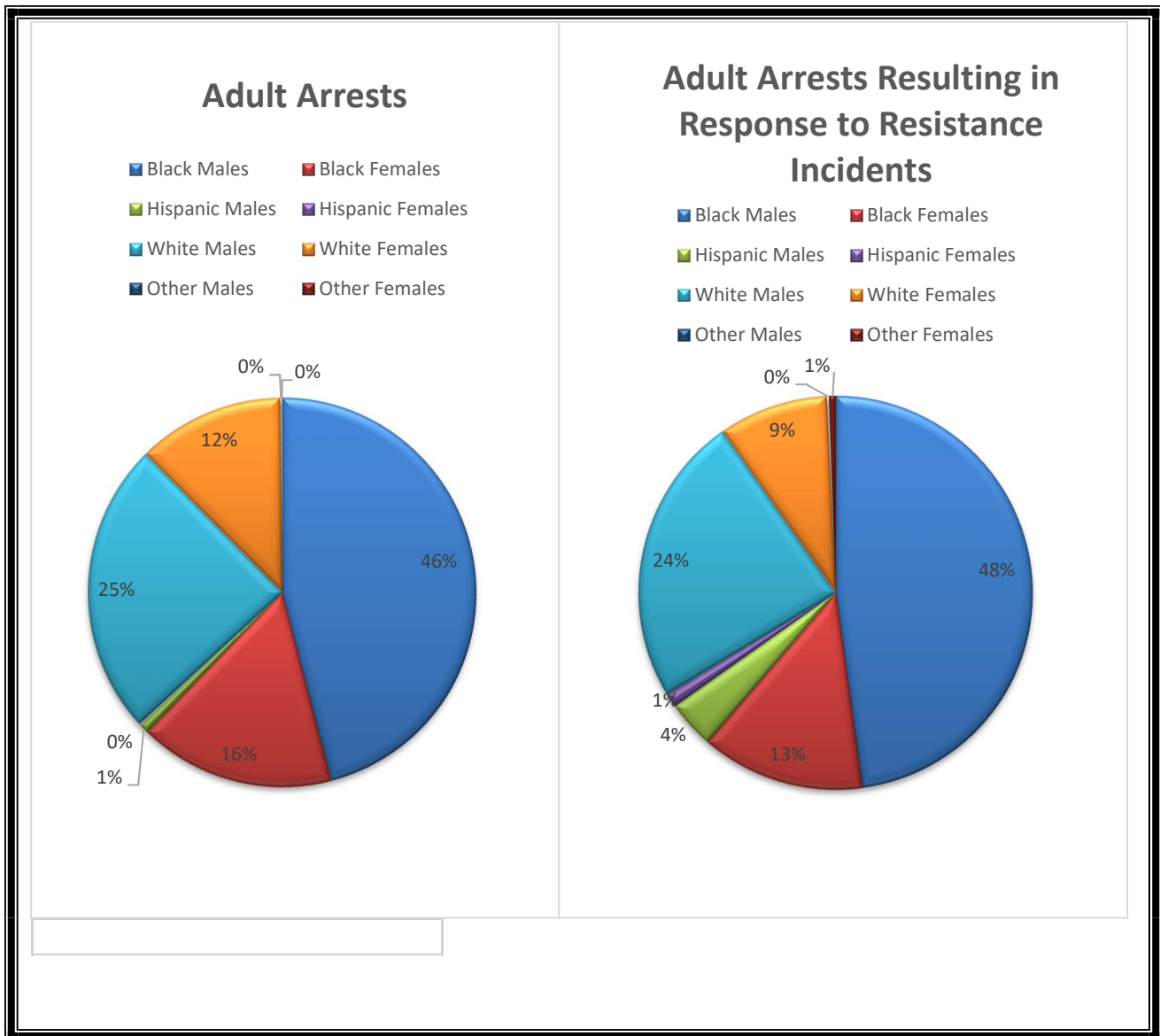
Of the 678 subjects involved in a response to resistance related incident, 127 or 19% of the subjects were injured during the incident. Subjects who claimed to be injured totaled 94 or 14%. Subjects injured prior to the officer’s intervention was 76 or 11%. Subjects who sustained self-inflicted injuries totaled 19 or 3%. Self-inflicted injuries include suicide attempts, or ingesting drugs, injuries caused by an automobile accident, or injuries from a prior assault. Also included in the category of “Injured Prior to Officer Intervention” were those individuals hospitalized for psychiatric reasons.

Some of the injured did not require medical treatment, 55 individuals or 8%. A number of the subjects refused treatment, 36 or 5%. Another 101 subjects, 15% were treated at the scene by Toledo Fire and Rescue. There were 76 subjects who were treated and released from a medical facility, 11%. The number of subjects treated for Taser exposure tallied 51 or 8%. There were 5 subjects, 0.74% that received medical treatment for injuries sustained after a canine deployment. A total of 88 subjects were admitted to a medical facility, 13%. In the majority of these incidents the subjects were admitted to the hospital for observational purposes only, and often due to some non-injury related circumstance such as extreme intoxication or impairment from ingesting an illicit substance. There were four officer involved shootings in 2023, two that resulted in a fatalities. These will be summarized later in this report.

It should be noted that some subjects can potentially account for more than one injury category, as in the case where a subject is injured prior to officer intervention and during the incident or where the subject is injured prior to officer intervention and the injury was self-inflicted. Likewise, some subjects can potentially account for more than one treatment category, as in the case where the officer documented that the subject was treated at the scene and then admitted to a medical facility This is evident in the difference between the number subjects injured or who claimed to be injured adding up to 316 and the number of treatment categories adding up to 356.

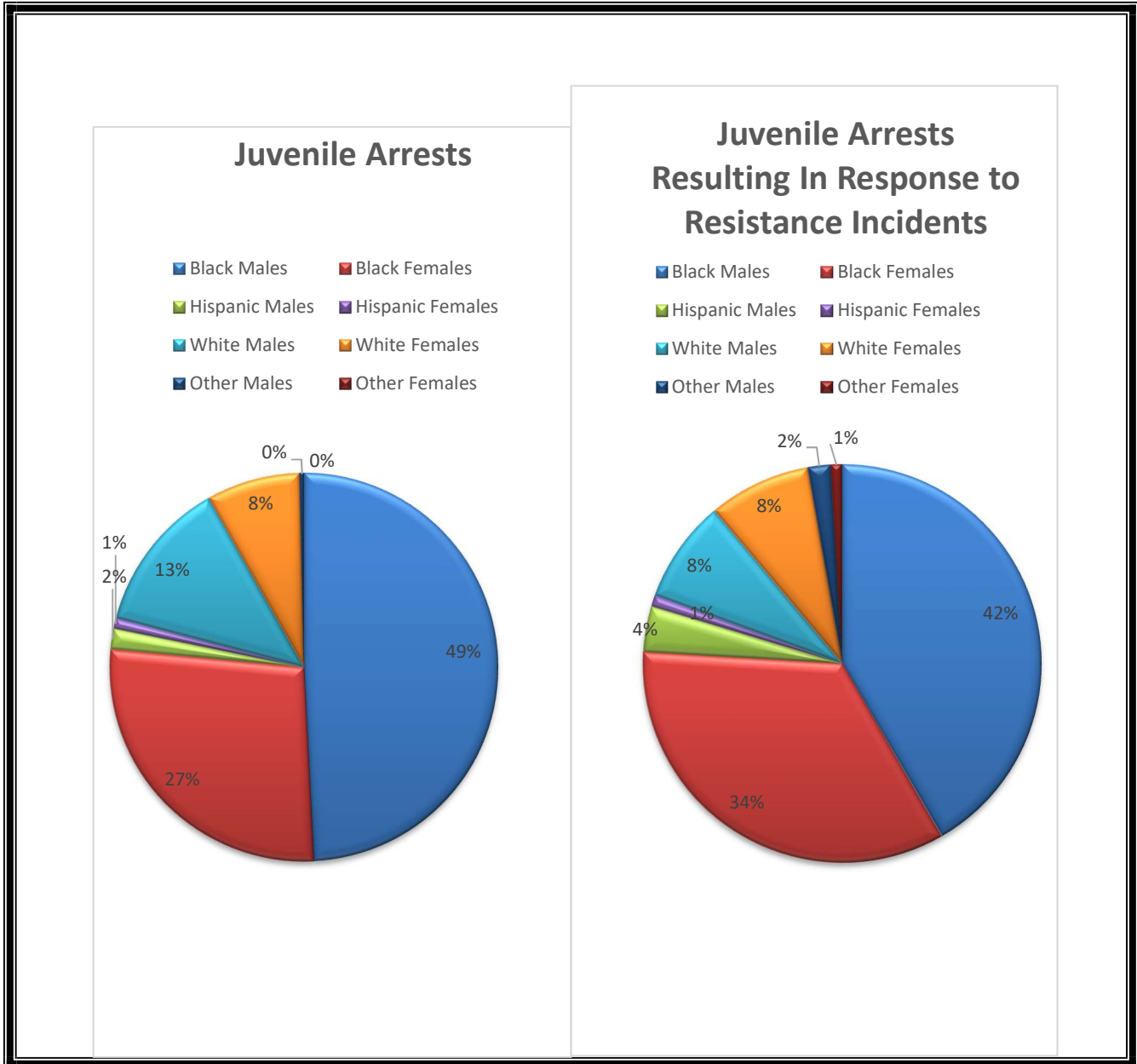
ARREST TOTALS ADULTS

There were 13,272 adults who were arrested in 2023 by a Toledo Police officer. This number is up approximately 9% from 2022 with 12,170 adult arrests. Of those arrests, 552 required some sort of action by the police or a subject injury prior to police contact that resulted in the completion of a Response to Resistance report, totaling 4% of all arrests. Those numbers are broken down below by race and gender. 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.



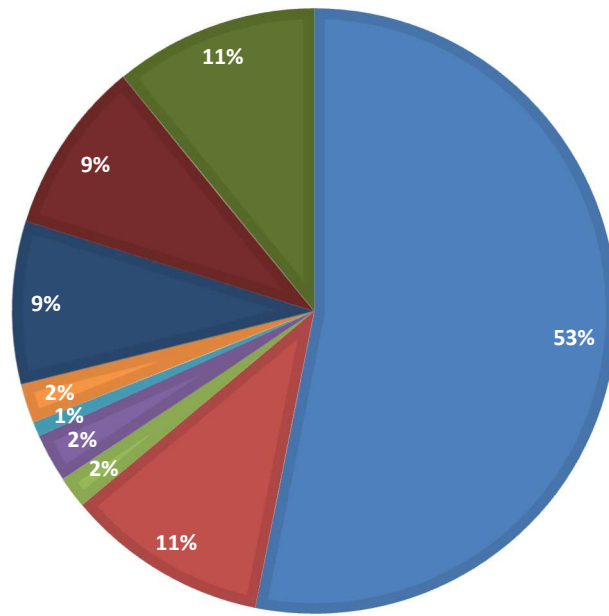
ARREST TOTALS JUVENILES

There were a total of 1,290 juveniles who were arrested by a Toledo Police officer in 2023. This number is up approximately 16% from 2022 which had 1,114 juveniles arrested. From those incidents, 126, or roughly 10% 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.



CHARGES ASSOCIATED WITH RESPONSE TO RESISTANCE INCIDENTS

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



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 is the highest category with 53% of the total. The next highest category is crimes of violence with 11%. Theft represents 1%, weapons charges represents 2%, drug related crimes account for 2%, and traffic offenses make up 2% of the total in 2023. The category, other totaling 11%, encompasses miscellaneous circumstances such as a subject having outstanding warrants, additional charges to the primary charge, or the subject being charged by another agency. The majority of response to resistance related incidents involved crimes against the public and crimes of violence. Data provided by the Toledo Police Criminal Intelligence Section shows that 7,153 total tracked crimes occurred in 2023 (this includes Homicides, Shootings, Robberies, Burglaries, Auto Thefts, and Thefts from a Motor Vehicle). This is an 8% decrease from 2022 which had 7,765 total tracked crimes. Due to a misinterpretation of data, the total reported in last year's report was 5,325.

2023 Review of Response to Resistance Incidents

Below is a summary of response to resistance related incidents from 2023 that involved officers using deadly force against a subject.

- **RB# 014943-23** – On January 25, 2023 at approximately 00:34 hours, officers responded to a 911 call at 5740 Hill Ave. Nichole Rahmel reported that she and her adult son had barricaded themselves in her bedroom because her live-in boyfriend, Jason Means was in a manic state and had fired a gun inside the residence. While on the phone with 911, more shots were fired into her bedroom door.

Upon the arrival of officers, Mr. Means was located in the backyard, armed with a shotgun. Officers attempted to establish contact with Mr. Means and directed him several times to drop the gun. Mr. Means refused to follow the directions of the officers and walked from his backyard to Hill Ave. Officers followed Mr. Means while taking positions of cover and giving repeated commands for him to drop the gun. Mr. Means would not engage the officers in communication and was only speaking nonsensically. Mr. Means eventually made it into the street on Hill Ave. then began approach the officers on scene. When Mr. Means was within approximately twenty to thirty feet of the officers, he quickly raised the shotgun in a two-handed shooting position and pointed it directly at the officers. Officers fired and Mr. Means was struck and immediately fell to the ground. Officers rushed to provide aid to Mr. Means but it was evident that Mr. Means was deceased.

After an internal review by the firearms review board, 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. The incident was presented to the Lucas County Grand Jury and no indictment or criminal charges were filed.

- **RB# 014943-23** – On April 14, 2023 at approximately 09:28 hours, Jameson and Johntay Turnbull entered the Dollar General at 828 Phillips Ave. and pointed a handgun at the clerks while demanding cash from the register. The clerks fled to the office so the pair then turned the gun on customers in the store. A female customer was forced at gunpoint to turn over her bag of belongings. The Jameson and Johntay then fled the store on foot.

Responding officers encountered them in a nearby residential neighborhood. A foot pursuit ensued and while running away, Jameson fired a gun at a Sergeant pursuing him. The pursuit continued until Jameson was cornered in the backyard of 4246 Vermaas. Jameson was still holding a gun and officers, including a critical incident negotiator attempted to de-escalate and negotiate the situation to get him to drop the gun. Jameson pointed the gun to his head expressing the desire to commit suicide. He then made statements indicating he was hopeless and told the officers "You're going to have to kill me!" Jameson then abruptly pointed the gun at officers. Officers fired and Jameson was struck, falling to the ground. Officers approached and began CPR until medical personnel arrived and transported him to the hospital. Jameson ultimately died from his injuries. The search continued for Johntay, he was subsequently found hiding in a shed behind 4217 Asbury.

After an internal review by the firearms review board, 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. The incident was presented to the Lucas County Grand Jury and no indictment or criminal charges were filed.

- **RB# 031111-23** – On July 27, 2023 at approximately 02:20 hours, officers responded to a 911 call at 4112 Ruskin Dr. Laurie Schaffer reported that her husband, Robert Schaffer was intoxicated and pointed a gun at himself while threatening suicide. Upon arrival, officers made contact with Mrs. Schaffer and ushered her to safety. A short time later, Mr. Schaffer opened the front door brandishing a long gun. Officers fired at Mr. Schaffer and he retreated back inside the residence. Officers attempted to negotiate with Mr. Schaffer through the door, attempting to get him to surrender.

Members of the SWAT Section were able to access the location and gain control of Mr. Schaffer so medical aid could be rendered. He was then transported to the University of Toledo Medical Center for treatment. A search warrant was obtained for the location and Mr. Schaffer's rifle was located in the living room, loaded with an apparent malfunction as two cartridges were jammed into the chamber. Mr. Schaffer subsequently recovered from his injuries.

After an internal review by the firearms review board, 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. The incident was presented to the Lucas County Grand Jury and no indictment or criminal charges were filed.

- **044880-23** – On October 26, 2023 at approximately 13:13 hours, SWAT officers were on routine patrol Darnell Peppers crossing Cherry St. towards the TARTA bus transit hub where several people were in the area. The officers were suspicious of Mr. Peppers because it was 75 degrees, yet he was wearing several layers of clothing and a balaclava style mask. The officers could also see a bulge in the front pocket of the hoodie he was wearing which appeared to be the outline of a handgun. The officers circled and observed that Mr. Peppers had zipped up his outermost jacket as if to further conceal the handgun.

The officers pulled their vehicle up to Mr. Peppers and announced from the passenger seat, "Hey my man, hold up for a second," in an attempt to get him to stop and investigate. Mr. Peppers immediately ran towards N. Huron St. Officer Fischer exited the vehicle and pursued Mr. Peppers on foot while announcing that he had a gun and ordering him to get down. Mr. Peppers ignored the order and continued to flee towards the downtown area. As Officer Fischer continued to pursue Mr. Peppers on foot, his partner, Officer Parker pursued Mr. Peppers in their vehicle, eventually catching up with him on N. Superior St. Officer Parker pulled in front of Mr. Peppers to head him off, causing Mr. Peppers to stop and double back towards Orange St. As Mr. Peppers ran on N. Superior and began to round the blind corner of the building at the corner of N. Superior

and Orange, Officer Fischer was approaching the same blind corner while running on Orange towards N. Superior.

Mr. Peppers and Officer Fischer reached the corner at the same time. Mr. Peppers now had the gun in his hand and was holding it up. Officer Fischer immediately drew his weapon and fired one round, at which point, Mr. Peppers dropped his gun. Officer Fischer gave commands for Mr. Peppers to get on the ground. Mr. Peppers complied and was taken into custody by Officer Parker. Mr. Parker sustained a grazing wound to his left, upper thigh area and was transported to St. Vincent Medical Center for treatment. Mr. Peppers subsequently recovered from his injury.

After an internal review by the firearms review board, 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. The incident was presented to the Lucas County Grand Jury and no indictment or criminal charges were filed.

Unnecessary Use of Physical Control Techniques

In 2023, there were 6 complaints filed with the Internal Affairs Section against an officer (or officers) for unnecessary use of physical control techniques. This number remained the same as it was in 2022. The total for 2023 accounts for 2 complaint that originated from a citizen and 4 complaints that originated administratively from supervisory review of the incidents.

The first incident, initiated administratively, involved two officers and the use of force against two subjects that had driven through an accident scene the officers were investigating. After a thorough investigation of the allegation, the complaint against one of the officers was found to be exonerated. The complaint against the other officer was sustained and the officer received a suspension.

The second incident, initiated administratively, involved the use of force against a subject who was resisting arrest, during the execution of a search warrant as SWAT officers made entry into the location. After a thorough investigation of the allegation, the complaint was exonerated.

The third incident, initiated by a citizen, involved the use of force against a subject who was resisting arrest after being kicked out of a bar and engaging in disorderly conduct. After a thorough investigation of the allegation, the complaint was exonerated.

The fourth incident, initiated administratively, involved the use of force against a subject who was resisting after being arrested for domestic violence. After a thorough investigation of the allegation, the complaint was non-sustained.

The fifth incident, initiated administratively, involved the use of force against a subject who was involved in a physical fight with another subject at a bar when officers stepped in to separate the two parties. After a thorough investigation of the allegation, the complaint was exonerated.

The sixth incident, initiated by a citizen, involved three officers and the use of force against a subject who was arrested for criminal trespass at a bar. After a thorough investigation of the allegation, the complaint 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.
- **SUSTAINED NO PENALTY** – The investigation established sufficient evidence to clearly show that the act alleged in the complaint did occur. However, the chief of police, at his/her sole discretion based on mitigating circumstances, has decided not to issue discipline.
- **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.
- **INSUFFICIENT EVIDENCE** -- The Chief of Police has determined that an investigation is unable to proceed due to lack of cooperation on the part of the complainant, or an inability to contact the complainant.

Conclusions

Police officers regularly encounter individuals at their worst and often during times of great stress and conflict. The emotions of a subject can be extremely elevated, they may have mental or psychological disabilities, be under the influence of alcohol and drugs or a combination of all these factors. Regardless of the reason, circumstances such as these can impair judgement and decision making, resulting in poor choices being made or making poor choices out of desperation. This is not to say that every subject encountered by a police officer who is distraught or impaired will physically resist but the potential is there and it does happen even when the individual appears normal and exhibits no outward signs to indicate that they will resist. Officers are frequently faced with entering a dangerous situation, sometimes with little or no information and often have little or no time to assess that situation. Officers are called on to make split second decisions, all while taking into account the safety of the subject, the community and themselves. There are built in disadvantages to officers when dealing with a subject that chooses to resist. First, the officer's response is reactionary to the actions of the subject. Second, the subject, unlike the officer has no rules or guidelines to follow. They can use whatever means or method they see fit to accomplish their goal. Despite the difficult circumstances and disadvantages that officers deal with, after analysis of the previously presented data, one factor remains clear and consistent. Toledo Police officers are by and large administering response to resistance techniques appropriately, based on each situation. When considering the "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 in each 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 generally responding with less force than they are encountering, based on the subjects' actions. A way to determine this is by observing that in 2023, the highest level of physical actions for subjects, 416, 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 safe 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, 486, 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 predominately engaging the subject with a lower level of force.

A reason for this can be due to the way Toledo Police officers are trained, which is 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 84% of officer's actions came from the "blue" and "green" levels, the two lowest levels, while 83% of the subject's actions came from the "yellow", "orange" and "red" levels, the three highest levels. 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.

Another point that is worth mentioning is that data tracking began in April of 2021 of an officer perceiving that a subject is experiencing "suspected mental health issues," or if the subject self-reports "mental health issues." The department's previous reporting system did not record this information. As stated previously, in 2023 there were 639 response to resistance related incidents involving 678 subjects. Of those incidents, 71 subjects or 10% were suspected to have mental health issues. 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.

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 cadets go through their initial training. Sworn personnel also received their annual mental health training during 2023 in-service training.

In addition to training mentioned above, 216 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.

The Toledo Police 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.

Recommendations

It is recommended that the department focus on and continue to prioritize four specific areas that directly relate to and influence response to resistance outcomes. The first area is training. Providing officers with timely, updated, worthwhile and innovative training is a must and improves an officers' proficiency no matter the task. A well trained officer is better equipped and more successful when implementing what he or she has learned. The department provides yearly training on the use of force policy, lethal weapons, Taser, mental illness and agency wellness. Biennial training is provided for ethics, subject control and less than lethal weapons. Each of these areas encompass overlapping elements across a wide spectrum of techniques ranging from verbal communication and de-escalation to lethal force.

The second specific area is supervision. Proper, continuous and competent supervision actually begins with the patrol officers themselves. Being aware of one's own strengths and weaknesses, and those of your immediate peers allows for self-reflection, critique and improvement in an instant, rather than when reviewed later by a supervisor. The task of supervision then moves to the sergeant, the first line supervisor, and eventually up the chain of command. Thorough review of response to resistance related incidents by ascending levels of supervisors provides for a check and balance effect. It also allows the opportunity for each incident to be examined from various perspectives. Feedback can be provided to acknowledge and reward the proper handling of a situation, provide an opportunity for further training or clarification, or to address a potential problem. This practice is being accomplished. Of the six complaints involving unnecessary use physical control techniques, four of them were initiated internally as a result of supervisory review, versus only two that were initiated by a citizen. Regardless of the origin of the complaint, appropriate action was taken when deemed necessary. While this practice is being accomplished, it needs to continue as it is essential to maintaining effective policing and building community respect and trust.

The third specific area is the department's Early Intervention System. This system is a component of the department's new data management system, IAPro. It has the ability to track numerous specific data

points relating to each individual officer's actions or behaviors. It then alerts to potentially negative patterns and trends before they become a larger problematic issue. This allows the department to take proactive steps to develop a course of action that actively involves the officer and various supervisors to get the officer back on track.

The fourth specific area is agency wellness. The Toledo Police Department provides the opportunity for all sworn and civilian personnel of the Toledo Police Department to receive emotional and tangible support at a time when personal or professional difficulties may interfere with work, family, or daily life. Stress associated with the law enforcement profession may impact the health, well-being and job performance of all involved individuals. In order to help department personnel deal with such stressors, the department created the Wellness Unit in October of 2021. The Wellness Unit promotes mental, physical and emotional wellness of sworn members of the Toledo Police Department. This is accomplished by encouraging officers to engage in positive physical and emotional practices that will lead to increased job satisfaction and productivity. The program is dedicated solely to the well-being of TPD personnel. The Wellness Unit provides department personnel with professional, objective and non-judgmental resources. Through the Wellness Unit, both the Critical Incident Stress Management (CISM) Team and a Peer Support Team are administered. Through privileged confidentiality, these teams are available to assist employees and their families with individual and family support for both critical incidents and daily stressors. As the Wellness Unit continues to evolve and expand, it affords officers a greater opportunity to utilize resources that that are offered to achieve the goal of overall agency wellness. An example of this is the fitness incentive tiered (FIT) program which began in 2022 and rewards officers for maintaining physical fitness.

While the decision of a subject to resist an officer cannot be controlled by the officer, continuing to focus, prioritize and enhance these four areas will benefit the department. This ambition should prove beneficial when considering response to resistance incidents. The goal is to reduce the overall number of incidents themselves, the level of force required by the officer, and to reduce the number and severity of injuries to the subjects and officers alike.