COLUMBUS DIVISION OF POLICE

USE OF FORCE ANALYSIS – YEAR END REVIEW

2018



COLUMBUS DIVISION OF POLICE

MISSION STATEMENT

The men and women of the Division of Police serve our community guided by our Core Values: Integrity, Compassion, Accountability, Respect, and Excellence.

VISION STATEMENT

United in the spirit of teamwork, the Columbus Division of Police will be a trustworthy, diverse, progressive and community-minded organization devoted to providing excellent public service. We will be unyielding in purpose and dedicated to live by our Core Values, which reflect our genuine desire to care for the safety and well-being of our community and our employees.



Use of Force Analysis – Year End Review

Columbus Division of Police – Training Bureau
Commander Robert Meader #5031
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Officer Matthew Rhyne #1711
August 15, 2019



The Matrix report points out numerical disparities in the use of force by the Columbus Division of Police. The Division's 2018 Use of Force Analysis provides context to those numbers. The Matrix report and the 2018 Use of Force Analysis provide the Division of Police and the community that we serve the opportunity to discuss this critical issue from a commonly accepted set of facts. It is important that all stakeholders review these documents in their entirety to understand the complicated, interwoven causes and outcomes of these disparities. We highly encourage the public to obtain and review a copy of each report.

The 2018 Use of Force Analysis is available via the table of contents linked below.

-- Chief Thomas Quinlan

2018 USE OF FORCE ANALYSIS – YEAR END REVIEW

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2018 USE OF FORCE ANALYSIS – YEAR END REVIEW

PART I - INTRODUCTION

Each year, the Columbus Division of Police releases this publication as a review of uses of force from the previous calendar year. While a similar report has been published annually for many years, more recent developments in technology utilized by the Division have assisted in gathering, tracking, and monitoring various forms of information. This has allowed a correction of previous years' use of force data as needed. These technologies have also helped identify concerning statistical trends with respect to all aspects of policing, not just uses of force. The continued application of these technologies to examine data-driven measures enhances transparency and accountability, greatly improves crime prevention strategies, and allows resources to be used more efficiently.

This report provides an analysis of the Use of Force[1] and Use of Taser Reports, [2] and analyzes the use of electronic control weapon (hereinafter "ECW") for calendar year 2018.[3] A use of force is internally defined as the "exertion of energy or the actions of personnel in the performance of their duties used to direct or control another's movements or actions."[4] This report generally covers uses of force from levels of control two ("Use of chemical spray") through eight ("Deadly force") as defined by the Division.[5] A small section of this report examines Level 1 responses with respect to overall uses of force, and officer and subject injuries. This report does examine all reported uses of force, but is considered most detailed with respect to the use of a ECW, and least detailed with respect to deadly force – officer involved shooting incidents specifically. Officer-involved shooting incidents and other incidents involving any suspect death are discussed more thoroughly in the Firearms Review Board report and the Critical Incident Response Team (CIRT) report respectively. All of these reports taken together are the most complete assessment of all uses of force by Division personnel in the previous year. These reports are necessary to help

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[1] *See* CITY OF COLUMBUS, DIVISION OF POLICE, FORM U-10.128 USE OF FORCE REPORT (Dec. 2017) (prior to July, 2014 the U-10.128 form was titled "Action-Response to Resistance Report").

[2] *See* CITY OF COLUMBUS, DIVISION OF POLICE, FORM U-10.128T USE OF TASER REPORT (2011).

[3] Previous reports referred to this as "CED" for conducted energy device, or "CEW" for conducted energy weapon. While some ECW use data is included in Part VI, an in-depth analysis of ECW usage is covered in Part VII. Due to a variation in use definitions between Internal Affairs and the Defensive Tactics Unit, the ECW incident and usage information may be reported differently in the two sections. For clarity, appendix A to the 2014 Use of Force Report which addresses the specific definitions used in Part VII.

[4] CITY OF COLUMBUS, DIVISION OF POLICE, DIVISION DIRECTIVE NO. 2.01(I)(A) (Dec. 30, 2017).

[5] *See Id*. At (I)(B).

identify policy changes needed, to identify knowledge and application deficiencies, and to direct personnel training and development.

The data for this report are gathered from various sources throughout the Division including Premier One offense and incident reporting, computer-aided dispatch (hereinafter "CAD") information, the Internal Affairs database, and completed Division forms such as the Division Use of Force Report and Use of Taser Report. [6]

This report starts with an examination of the statistics and demographics of the Division of Police personnel in Part II. Annual in-service, defensive tactics, and firearms training is discussed in Part III. Part IV shows the Columbus and greater Central Ohio population demographics and dynamics. Part V assesses incident and arrest data for the past five years.

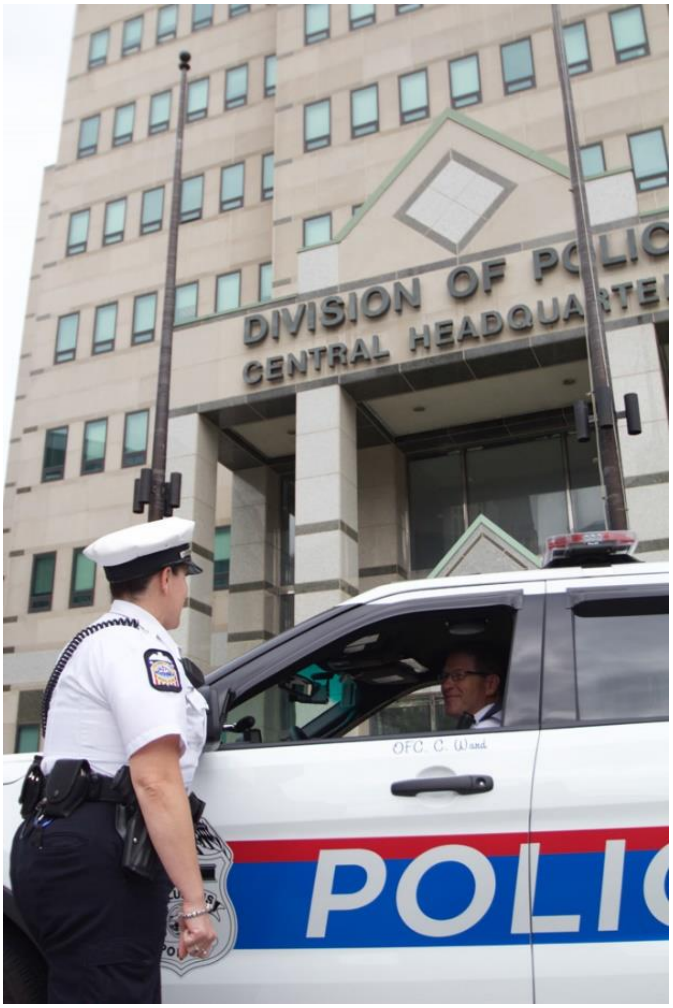
Part VI of this report compares uses of force from 2014 to 2018 and considers basic factors that may have contributed to any changes. Part VII analyses ECW usage in depth. Part VIII examines law enforcement related injury incidents – those events involving an officer and at least one suspect or arrestee in which either the officer, or the suspect or arrestee is injured. Part IX provides additional information and analysis with respect to crime victim and suspect demographics. These demographics have a direct impact on who Division personnel come in to contact with, and by extension, who is a recipient of an officer's force. Conclusions and recommendations are discussed in Part X.



[6] For reference, form U-10.128 Use of Force Report, form U-10.128T Use of Taser Report, and Division Directive No. 2.01 have been added to the addendum.

PART II – AGENCY STATISTICAL SNAPSHOT

On December 31, 2018, there were 2,233 individuals employed directly within the Division of Police.[7] This is 31 fewer individuals that at the end of 2017.[8] Of these 2,233 employees, 1,855 were sworn personnel, 93 non-sworn police recruits, and 378 were civilians. In 2018, two classes of police recruits (the 128th and 129th) graduated a total of 65 new officers for the City of Columbus.[9] Two other classes of 93 total recruits (the 130th and 131st) began their training in 2018. Most of those recruits will graduate in 2019.

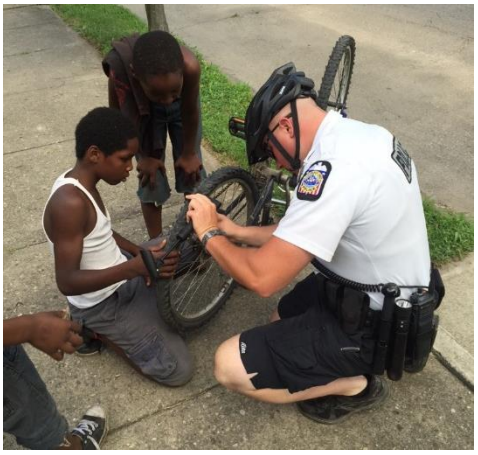


The sworn ranks are comprised of approximately 89% men and 11% women. The racial breakdown of sworn personnel is as follows: 87% are white, 10% are black, approximately 1% each are Asian and are Hispanic, and less than 1% each identify as Indian and Other.[10] The national average for women in policing is 12.2% for all law enforcement agencies.[11] But, women account for 16.4% of personnel in agencies serving a population from 500,000 to 999,999.[12] The national average racial makeup of officers is 72.8% white, but only

[7] Email from Teresa Bowling, Officer, Columbus Division of Police, to author Kirk (June 11, 2019, 9:01 PM) (providing Division demographic information to be printed in the yet-to-be-published 2018 annual report).
[8] *See* CITY OF COLUMBUS, DIVISION OF POLICE, ANNUAL REPORT 23 (2016) (showing Division demographics cited in the 2017 USE OF FORCE ANALYSIS (2018)).
[9] Bowling, *supra* note 7.
[10] *See* Bowling, *supra* note 7 (providing the raw data from which percentages were computed).
[11] BRIAN A. REAVES. LOCAL POLICE DEPARTMENTS, 2013: PERSONAL, POLICIES, AND PRACTICES. NCJ DOC. NO. 248677 (2015).
[12] *Id*.

59.9% white when corrected for population.[13] In all local police departments in the United States, black or African American officers account for about 12% of the sworn personnel.[14] This has remained steady since about 2007.[15] Overall sex and racial diversity within the Columbus Division of Police is unchanged from last year at about 11% female and 13% overall non-white. However, there is increased diversity among the 93 recruits. Nearly one quarter of the classes started in 2018 are a sex or racial minority.[16]

Sworn personnel are broken down in to the following ranks: Chief: 1; Deputy Chief: 6; Commander: 17; Lieutenant: 57; Sergeant: 226; Officer: 1548.[17] About 62% of Division personnel were assigned to two patrol subdivisions – Patrol North and Patrol South – and about 20% to Investigative Subdivision.[18] The remaining sworn personnel were distributed to Support Operations and Administrative Subdivisions.[19]

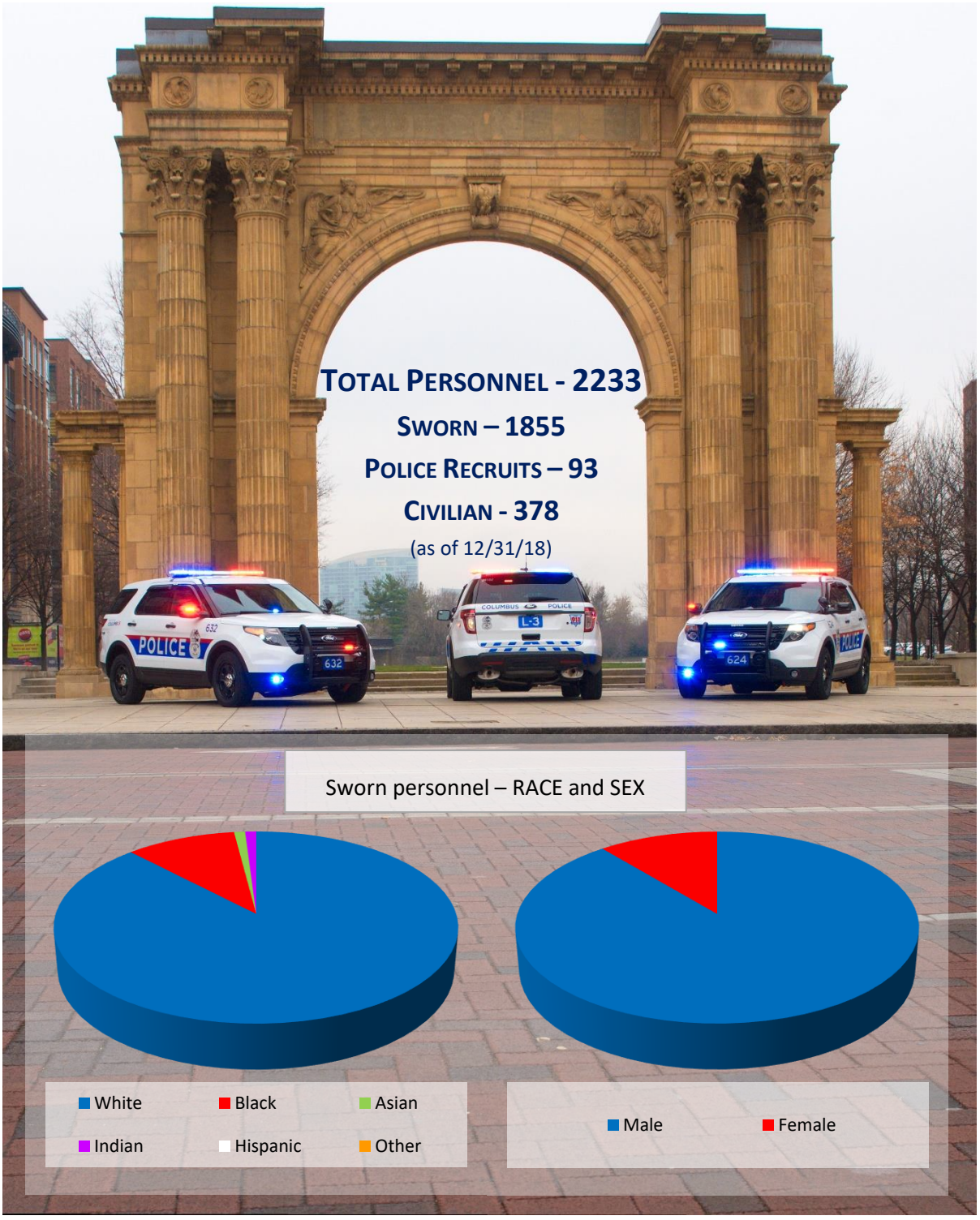








[13] *Id*.
[14] *Id*.
[15] *Id*.
[16] Bowling, *supra* note 7.
[17] *Id*.
[18] *Id*.
[19] *Id*.


TOTAL PERSONNEL - 2233
SWORN – 1855
POLICE RECRUITS – 93
CIVILIAN - 378
(as of 12/31/18)
Sworn personnel – RACE and SEX
White
Black
Asian
Indian
Hispanic
Other
Male
Female

PART III – TRAINING AND DEVELOPMENT

The City of Columbus does not allow lateral transfers of any kind for police officers. Therefore, every sworn member of the Division must attend and graduate from the Division's Recruit Training Program. That program is an Ohio Peace Officer Training Commission (OPOTC) accredited academy. OPOTC mandated 681 hours on specified topics in 2016 – a more than 22% increase in hours since 2013.[20] The current OPOTA mandate is 728 hours,[21] a 28% increase from 2013 mandates. Beginning in 2016, new recruits receive a minimum of 1,160 total hours before being sworn in and graduating. These new officers then have a total of 15 weeks of coaching phases in which they work with specially trained, experienced officers. Upon successful completion of the coaching phases, newly sworn officers return to the Academy for two weeks of training including Crisis Intervention Team (CIT) training (40 hours), and 40 hours of additional training including domestic violence updates, Narcan administration training, legal updates, traffic control, and communications.



Annually, all officers receive a variety of training and continuing professional development. The minimum number of hours mandated, topics to be covered, and practical application exercises required varies depending on where the mandate originates. All sworn personnel must complete training as mandated by: OPOTC; CALEA (the Commission on Accreditation for Law Enforcement Agencies); statutory requirements as enacted by the Ohio General Assembly in addition to those from OPOTC; order of the mayor – new training or topics for all City of Columbus employees; order of the Chief of Police; Bureau, Section, or Unit SOP. Officers may also elect to attend training as staffing and operational needs allow.

In 2018, officers attended a two-day in-service training that covered all required OPOTC and CALEA training except defensive tactics and firearms. All officers received seven contact hours of

[20] CITY OF COLUMBUS, *supra* note 8, at 30.
[21] E-mail from Amber Rose, Columbus Division of Police Training Bureau Office Assistant, to author Kirk (July 16, 2019, 14:31 EDT) (on file with author Kirk).

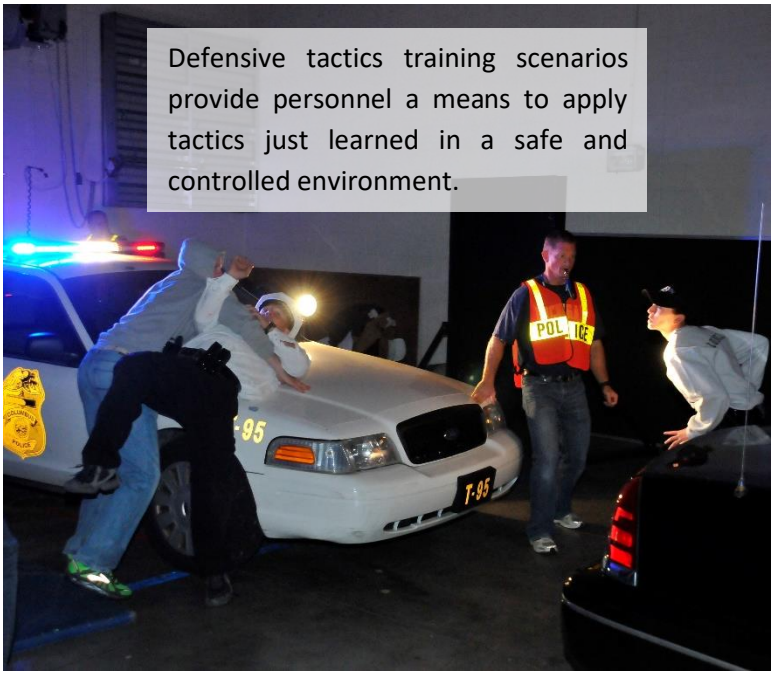
training on the following topics: Workplace Bias and Inclusion (two hours); Ethics and Peer Intervention (two hours); Premier 1 reporting system (one hour), When Crime and Mental Illness Collide (two hours).[22] Additionally, uniformed officers received seven additional contact hours on the following topics: Body Worn Cameras (one hour), OVI Enforcement (one hour), Legal Updates for Uniformed Personnel (two hours), Matrix (Court) System (one hour), Narcotics Updates (one hour). Non-uniformed personnel received seven additional contact hours on the following topics: Crime Lab (one hour), Legal Updates for Non-Uniformed Personnel (two hours), Matrix (court) system (two hours), Public Records (one hour), Technological Investigation Sources (one hour).[23]

Since 2013, officers received a minimum over 24 face-to-face hours of ethics and bias training, six hours of de-escalation training (not including hours received in defensive tactics training), and eight hours of training focusing specifically on dealing with the mentally ill and those in crisis.[24] These topics are also covered in annual defensive tactics training as well as various mandatory online training.[25]

Annually, personnel attend five firearms qualification phases to shoot a minimum score on the OPOTC course, City of Columbus course(s), shotgun courses (OPOTC and City), "decision" course (target acquisition/recognition; shoot/don't shoot). Additionally, personnel must demonstrate sufficient knowledge of firearms policy and chemical spray policy in order to pass the policy exam. Finally, officers attend annual defensive tactics training to demonstrate proficiency in use of force and defensive tactics, and demonstrate policy knowledge.



All sworn personnel attend annual classroom in-service training, shoot a qualifying score at five firearms phases with at least two different weapons, and participate in practical application scenarios during defensive tactics training.



Defensive tactics training scenarios provide personnel a means to apply tactics just learned in a safe and controlled environment.

[22] CITY OF COLUMBUS, Training Bureau drive "S:\Advanced Training Unit\In-service\2018 In Service" (last accessed July 7, 2019) (filing of 2018 in-service materials including number of hours on each lesson plan or course video).
[23] *Id*.
[24] *See generally* CITY OF COLUMBUS, Training Bureau files (last accessed July 7, 2019) (showing a tabulation of in-service and on-line training topics and hours).
[25] *Id*.

PART IV – POPULATION DEMOGRAPHICS

The City of Columbus is the largest incorporated area in Ohio [26] and the 14th largest city in the nation.[27] The city is comprised of more than 217 square miles of land and nearly 6 square miles of water.[28] While the majority of the city is within Franklin county, there are also portions of the city within Delaware and Fairfield counties.[29] The city and the 10-county metro area continue to grow, even as other Ohio cities and metro areas experience steady population decreases.[30]



As of July 1, 2018, the city's estimated resident population was over 892,000. It is estimated that the city gained over 13,000 new residents since July 1, 2017 – the sixth year in a row for an increase of over 12,000 new residents.[31] The number of people in the Columbus metro area grew to more than 2.1 million people by mid-2018.[32] The greater Columbus metro area has shown greater than 10% growth since 2010[33] and has surpassed the Cleveland metro area as the state's

[26] Rick Rouan & Encarnacion Pyle, *Columbus metro area surpasses 2 million mark in population*, THE COLUMBUS DISPATCH (Mar. 25, 2016, 6:16 AM), http://www.dispatch.com/content/stories/local/2016/03/25/columbus-metro-area-surpasses-2-million-mark-in-population.html.

[27] UNITED STATES DEPARTMENT OF COMMERCE, CENSUS BUREAU, AMERICAN FACTFINDER, *Annual Estimates of the Resident Population for Incorporated Places of 50,000 or More, Ranked by July 1, 2018 Population: April 1, 2010 to July 1, 2018 – United States – Places of 50,000+ Population*, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF (last visited July 8, 2019) [hereinafter *American Factfinder*].

[28] Columbus, Ohio information, *State & County Quick Facts,* UNITED STATES CENSUS BUREAU, https://www.census.gov/quickfacts/fact/table/columbuscityohio/PST045218 (last visited July 7, 2019) [hereinafter *Quick Facts*].

[29] *See* CITY OF COLUMBUS, DIVISION OF POLICE, DIVISION DIRECTIVE NO. 3.01(I)(C) (2017) (stating the incorporated boundaries of the city encompass portions of those counties).

[30] *Quick Facts*, *supra* note 27.

[31] *Id*.

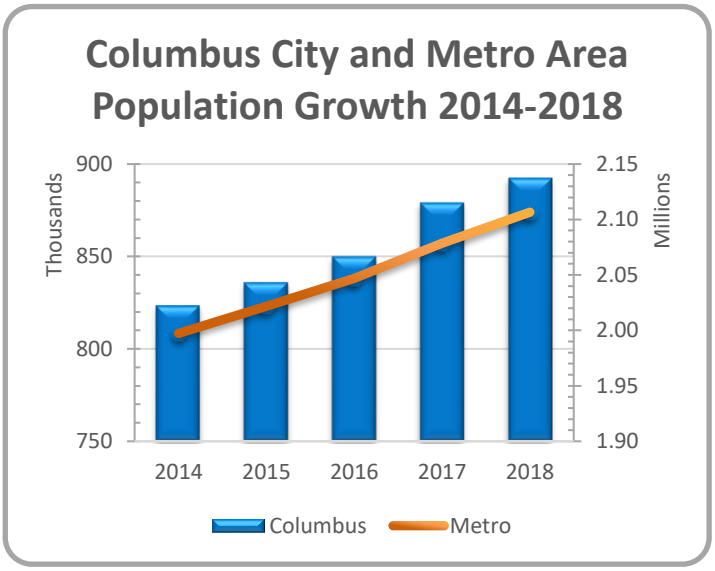
[32] Logan Moore. *Ranking Columbus: Here's how we compare with other fast-growing cities*, COLUMBUS BUSINESS FIRST (June 3, 2019, updated 12:57 PM) (embedded informational click-through slide show of metro area population rankings), https://www.bizjournals.com/columbus/news/2019/06/03/ranking-columbus-heres-how-we-compare-with-other.html#g/453176/33

[33] *Id*.

second largest.[34] It is expected that the region will surpass the greater Cincinnati area by 2025.[35] The Mid-Ohio Regional Planning Commission expects the Columbus metro area to add as many as one million people between 2010 and 2050.[36] The figure below demonstrates the continued population growth in the Columbus area from 2014 through 2018.

Based on the 2018 U.S. Census estimates, the Columbus population is 60.5% white, 28.3% black, and 5.2% Asian.[37] All others accounted for 6%.[38] There was 6% of the Columbus population that identified as being of Hispanic or Latino descent.[39] Just over 11% are foreign born, compared to just 4.2% in all of Ohio.[40] The national average of foreign born individuals is 13.94%.[41]

There are estimated to be 345,282 households in Columbus, with a median income of $49,478. However, it is estimated that more than 21% of the Columbus resident population was below the poverty level.[42] In Franklin County, 16% live below the poverty level.[43] The national average is 12%.[44]

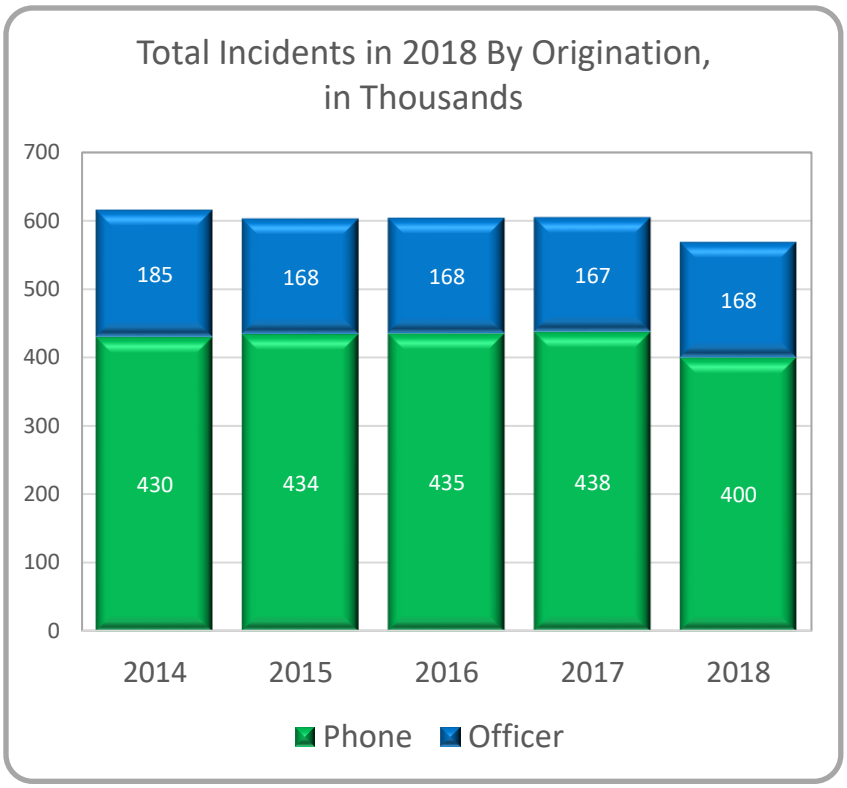


Over 89% of Columbus residents 25 years or older have a high school diploma, and nearly 35% have at least a bachelor's degree.[45] Columbus is a well-educated city when compared to Ohio in general where just over one quarter of the population has a bachelor's degree or higher.[46] About a third of all businesses in the city are minority-owned, and almost 40% are women-owned. [47]

[34] *Id*. *See also* Doug Caruso, *Columbus metro area now bigger than that of Cleveland and gaining on Cincinnati*, THE COLUMBUS DISPATCH (Mar. 22, 2018, 5:59 AM), http://www.dispatch.com/news/20180322/columbus-metro-area-now-bigger-than-that-of-cleveland-and-gaining-on-cincinnati/1.
[35] *Id*. *See also* Doug Buchanan, *Columbus region to grow fastest in Ohio, becoming state's biggest by 2025*, COLUMBUS BUSINESS FIRST (Oct. 11, 2016, 2:11pm), http://www.bizjournals.com/columbus/news/2016/10/11/columbus-region-to-grow-fastest-in-ohio-becoming.html.
[36] *Id*.
[37] *Quick Facts*, *supra* note 27.
[38] *Id*.
[39] *Id*.
[40] *Id*.
[41] *Id*.
[42] *Id*.
[43] *Id*.
[44] *Id*.
[45] *Id*.
[46] *Id*.
[47] *Id*.

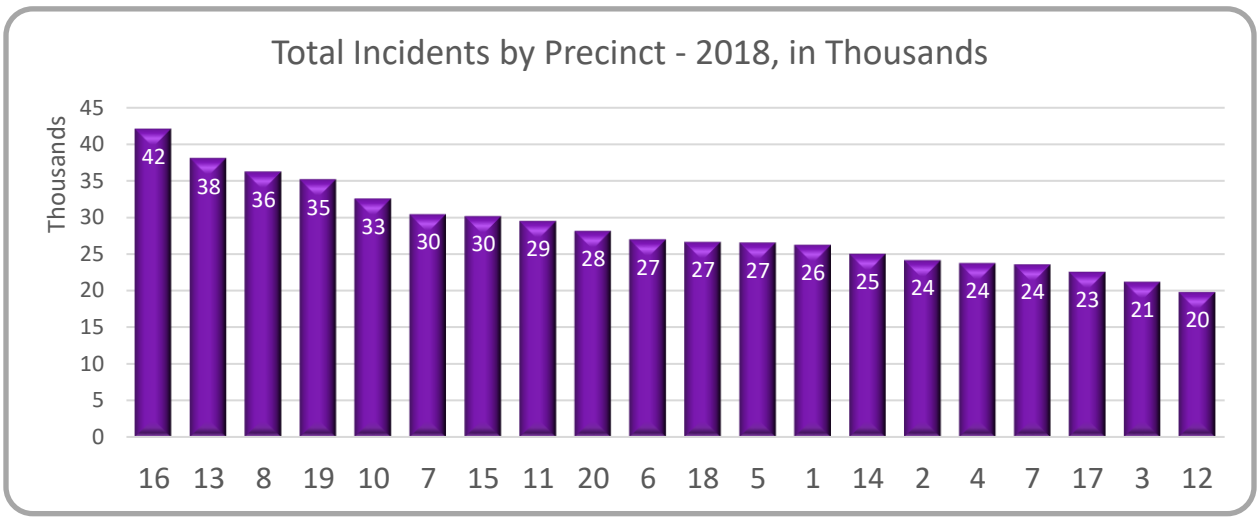
PART V – INCIDENT AND ARREST DATA

The Columbus Division of Police responded to 568,176 incidents in 2018.[48] This is a 5.98% decrease overall from 2017. However, this decrease is entirely from outside calls for service. From 2012 to 2017 there had been a downward trend in officer-initiated incidents. In 2018 officer-initiated incidents were up by nearly 1,500 incidents from 2017, or 1%.[49] The numbers shown in the chart at left represent the following incidents: incidents received by phone including calls for service received on 911 or similar platforms including alarm interfaces, calls for service received via non-emergency lines or platforms; and officer-initiated activity from all sources. The number of incidents shown does not include test runs, mark-ins for special duty, or "house checks."



In 2018, about 0.07% of all incidents involved a use of force.[50] This equates to about one use of force incident in every 1,382 incidents. This represents consistency since at least 2014. The figure next shows the total number of incidents by precinct for 2018. Following that, the figure shows total incidents for the years 2014 to 2018, as well as the frequency of incidents that resulted in an arrest in each year of the study period.

[48] Teresa Bowling, *CAD data for Trng 2011 to 2018* (June 11, 2019) (unpublished internal document, Columbus Division of Police, on file with the Advanced Training Operations Unit) (representing only calls for service and pick up runs, but does not include calls for service that were cancelled before officers arrived, house checks (10-55H), special duty mark-ins (10-55S), or test runs).
[49] *Id*.
[50] *See infra* Part VI (citing the total number of use of force incidents in 2018 as 416).



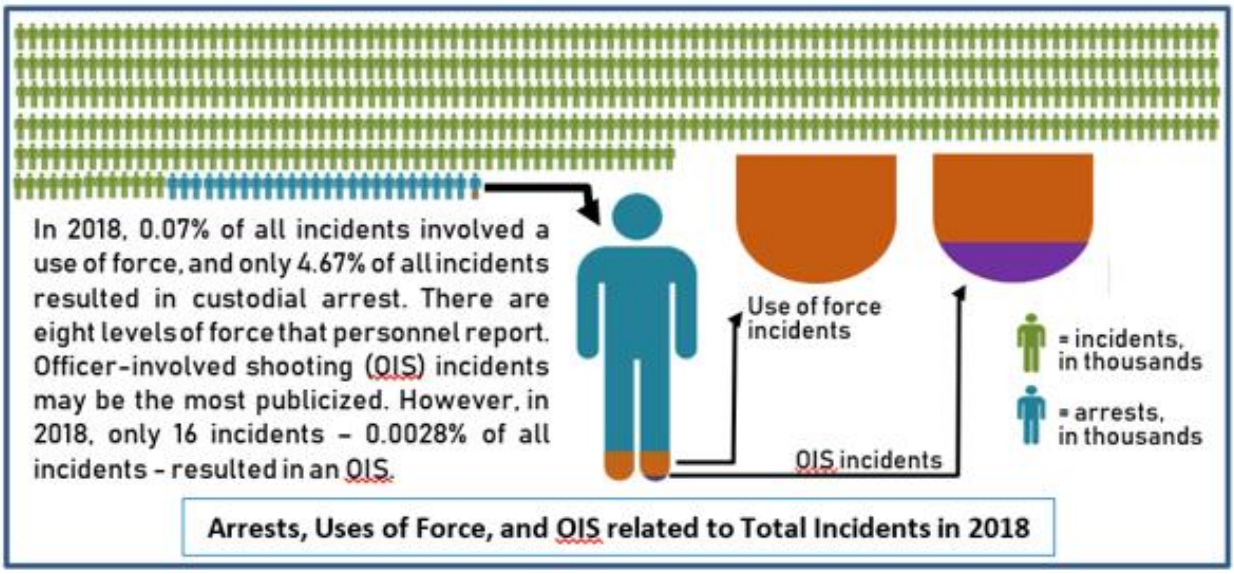
There were 26,551 custodial arrests made by Division personnel in 2018.[51] The custodial arrest figure represents the total number of persons arrested, as opposed to the number of individual charges filed.[52]

The total number of incidents cited does not reflect the true number of citizen contacts officers have each year. Instead, this is based on the total calls for service which includes officer-initiated activity. While total calls for service were down nearly 6% in 2018, officer-initiated activity was up by nearly 1,500 incidents or 1% overall. Still, the percentage of all incidents that results in a use of force was 0.07% - a number that has been nearly consistent over the past five years.

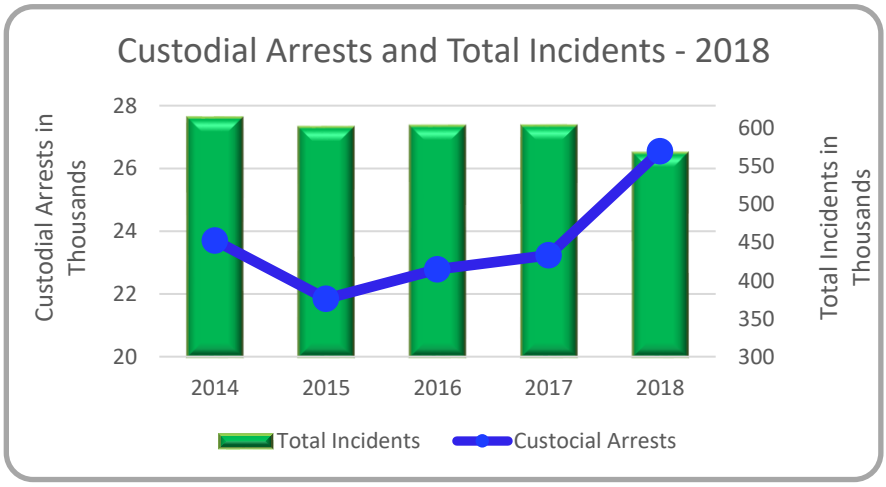
Study Year	2018	2017	2016	2015	2014
Total incidents	568,176	604,318	603,504	602,140	614,809
Ratio of Uses of Force to Incidents	1 in 1382	1 in 1380	1 in 1430	1 in 1295	1 in 1294
Percentage	0.07%	0.07%	0.07%	0.08%	0.07%

[51] Dale Thomas, *2018 Arrestees_S_A_R_OBRCategory_Ranged* (June 11, 2019) (unpublished internal document, Columbus Division of Police) (depicting a Premier One report) (on file with author Kirk).
[52] An arrestee may be charged with one or with multiple statute violations, depending on laws and policy, which could skew comparison from year to year as laws and policies change. This figure represents actual human individuals arrested.

The infographic below depicts custodial arrests, uses of force, and officer-involved shootings.



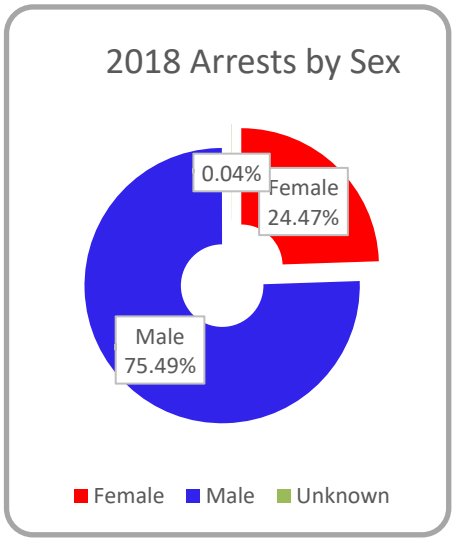
The total number of incidents represented by the green figures above (in thousands) does not reflect the true number of citizen contacts that officers have each year. Instead, it is based on total incidents which includes officer-initiated activity. However, the vast majority of incidents are for calls for service – phone calls to 911, texts to 911, call transfers, non-emergency calls, and other means of a request for police services.

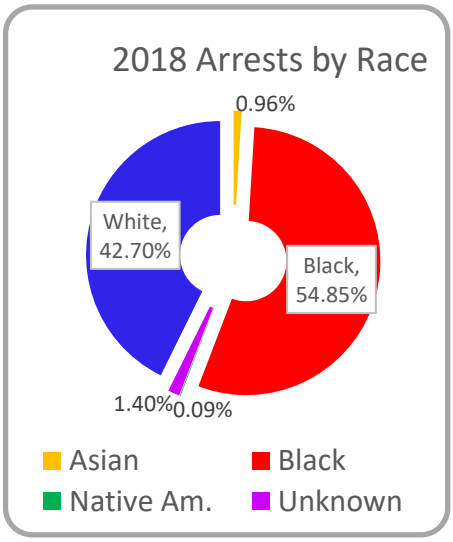


The number of custodial arrests is the primary figure by which uses of force are measured in this report. In 2018, at least 98.45% of arrests were made without a use of force as reported in this analysis. This is slightly lower than the 98.87% of arrests made without a use of force in 2016, but higher than the percentage in 2015 and 2017: 97.87% and 98.11% respectively. A better figure for comparison would be the total of officer-to-citizen contacts. Currently, the Division of Police does not track this activity. It is unlikely that such activity could reasonably be tracked accurately. The number of citizen contacts would have to be a greater number than both custodial arrests and total incidents and would therefore cause the use of force percentage when compared to these metrics to drop significantly below the current 1.55% of uses of force per arrests, and 0.07% uses of force per total incidents for 2018. Whereas the condition of having been arrested may not be applicable to a use of force, custodial arrest numbers are used for several distinct reasons.

First, it would be nearly impossible to count how many individuals Division personnel actually come in to contact with on a yearly basis. Second, it would be as difficult to get an accurate count of exactly how many individuals might have been targeted by every use of force in order to include them in this report.[53] Although rare, there are instances in which a use of force has been delivered to an individual or group with the intent of causing the individual or group to disperse (without greater force being needed). Or, force may be reasonably delivered to an individual who ultimately is not arrested or charged, or is able to evade capture. Finally, due to other administrative record-keeping, the number of custodial arrests is a figure that is easily counted and verified, and consistently available across multiple years. For these reasons, the number of custodial arrests is used for comparison purposes.

The figures for custodial arrests in 2018 are broken down and categorized by sex (female, male, unknown) and race (Asian, black, Native American, white, unknown).





The same information for years 2014-2018 is shown in the following chart, as well as the percentage of change from the year prior.[54] Arrestees of Hispanic or Latino ethnicity or origin are not a separate category for purposes accounting custodial arrests. A category of "Hispanic" is included in use of force reporting and is therefore included in this report where applicable.

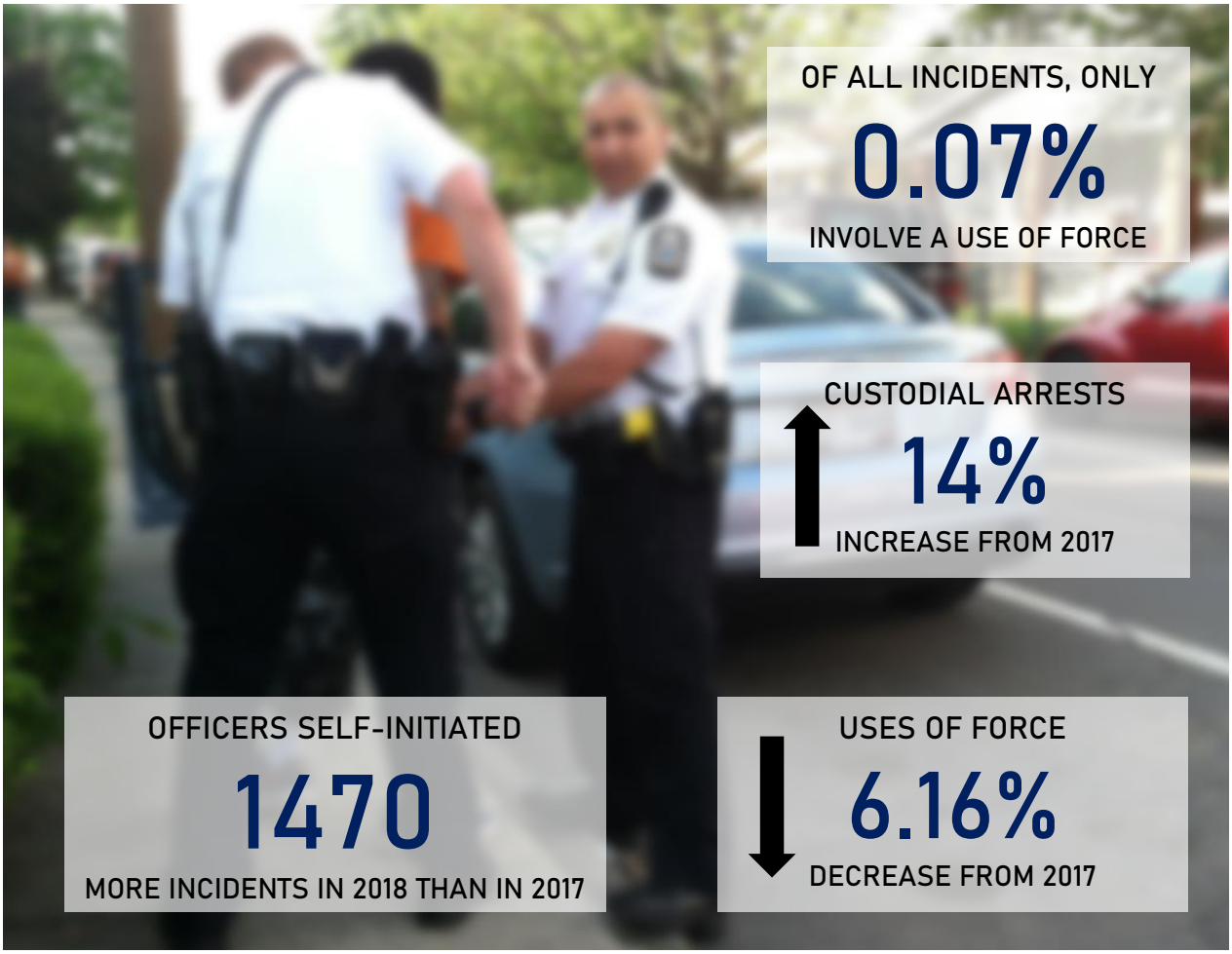
The chart following shows the total arrests made over the five-year study period, with yearly change noted. The custodial arrests for each year are broken down by sex and race, with both raw data and percentages given. For purposes of the chart, there are ten arrests from 2018 excluded from the count of arrests divided by sex because sex was listed as "unknown." This represents 0.04% of all arrests in 2018. However, all arrests from 2018 are reflected in the race categories, including "unknown."

It is important to emphasize that the vast majority of incidents each year and police-citizen interactions do not result in a custodial arrest, let alone a use of force. Of the more than 586,000 incidents in 2018, only 4.67% resulted in a custodial arrest, and just 0.07% involved a use of force. When looking only at arrests, just 1.55% involved a use of force. In 2018, personnel responded

[53] For example, mace and ECW "sparking" are approved techniques to disperse an unruly crowd. While these actions must be reported by the involved officer(s) as a use of force, for suspect identifiers, the officer(s) may write "crowd" without further description or count.
[54] Thomas, *supra* note 50.

to over 1 incident every single minute of the year, or over 1,556 incidents every single day. Yet only 0.07% of the time did any personnel use force – on average, roughly one singular level 2 through 8 use of force per 24-hour period within the entire city.

Custodial Arrest Demographics 2014-2018					
	2018	**2017**	**2016**	**2015**	**2014**
TOTAL (change)	26,551 (+14.31%)	23,228 (+1.96%)	22,781 (+4.28%)	21,846 (-7.78%)	23,689 (-8.32%)
Female	24.47%	27.35%	26.57%	25.77%	26.11%
Male	75.49%	72.65%	73.43%	74.23%	73.89%
American Indian/ Alaskan Native	0.09%	0.11%	0.11%	0.03%	0.09%
Asian/Pacific Islander	0.96%	0.74%	0.55%	0.52%	0.59%
Black	54.85%	53.09%	53.81%	52.84%	52.57%
Unknown	1.40%	1.33%	1.07%	1.56%	0.80%
White	42.70%	44.73%	44.46%	45.05%	45.25%



PART VI – USE OF FORCE ANALYSIS

A use of force response event as discussed below may involve more than one actual response of the same type by one or more officers. Use of force *response events*, not total *responses* are more relevant for this portion of the report. The total events during an incident are dependent upon the severity of resistance, effectiveness of the tactic, number of subjects, and officer and subject characteristics. The total response events in any one incident depends not only on the aforementioned criteria, but also the need to increase or decrease the level of force used.



For example, assume two officers are dispatched to a disturbance at a residence (one *incident*). Upon arrival, they see three people actively fist fighting. Despite officers announcing their presence, the parties continue fighting. One officer uses chemical spray in the area of all three subject. This is a "Use of Mace" event involving one officer and three subjects. Two individuals stop fighting and follow officers' commands but the third individual balls up his fist and attempts to strike the officers. One officer attempts to strike the subject while the second officer uses an ECW on the subject. This is still one incident, but now also involves a "Use of ECW" event and "Striking with Hands or Feet" event. In the melee, the officer with the ECW has it knocked from his grip, so he then strikes the still-resisting subject. This is still one incident involving a "Use of Mace" event with one officer, "Use of ECW" event with one officer, and a "Striking with Hands or Feet" event with two involved officers (regardless of the number of officers delivering strikes, or actual number of strikes thrown by either officer).

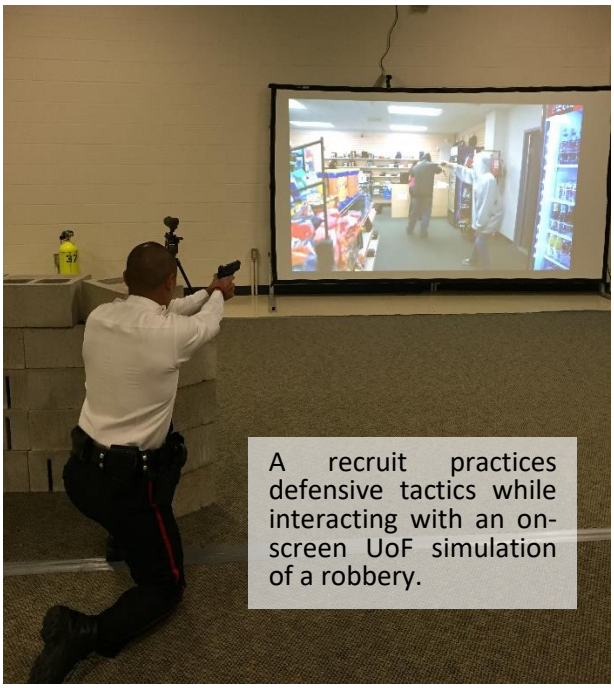
Although such incidents and circumstances are rare, they can and do happen. Understanding the terminology is critical to understanding use of force tabulation. The total number of tracked use of force response events for each year in the study period is shown below.[55]

[55] *See* Cmdr. Robert Meader et al., COLUMBUS DIVISION OF POLICE USE OF FORCE REPORT APPX. A (2014) (using the word "incident" to describe what is more accurately in this report called a "response event" since multiple responses of

There were 411 Level 2-8 Use of Force response events in 2018 involving 512 sworn police officers and more than 491[56] subjects.[57] This is a decrease of 6.16% in events from 2017. Overall, there has been a steady decline in use of force events since at least 2010.[58]

The number of use of force response events for purposes of this report is 411. However, the total number of use of force response events or total officers involved for calendar year 2018 may not be known for as long as two years after 2018. Use of force response events and incidents, as well as individual responses, are not cataloged completely until there is a final disposition. In some cases, there may be records added or removed due to data entry errors or duplicated entries. For other cases, particularly those involving potential serious misconduct or criminal activity, it may be two years or more from the date of the use of force for the investigation to travel up a chain of command and a final disposition to be reached at a chief's hearing. While the number of use of force response events will change for 2018, it is not expected to change so substantially so as to greatly affect this analysis.

It must be noted that historical figures used in this report could be different than figures from previous years' actual updated count; and, future reports may indicate a different number of incidents for 2018. The exception to this is more fully discussed in Part VII.[59] Generally, historical numbers will not be updated each year, unless it is discovered that a significant portion of the data was missing at the time the numbers were originally examined. Such is the case with the in-depth analysis of ECW use. This is more fully addressed in Part VII of this report. The missing data did not affect the basic analysis in this part, so the historical numbers here have not changed.



A recruit practices defensive tactics while interacting with an on-screen UoF simulation of a robbery.

As in previous years, the three most frequent use of force responses in 2018 were Level 2 -

one particular type (i.e., chemical spray) may be used in one event (i.e., chemical spray event), and more than one response type (i.e., chemical spray and strike with hands or feet) might be used in one particular incident, so while the terminology is different in the 2014 and subsequent reports than in this report they reflect the same thing).

[56] In 2018, there were 416 males and female recipients of force, and 75 instances of unknown or crowd recipients.

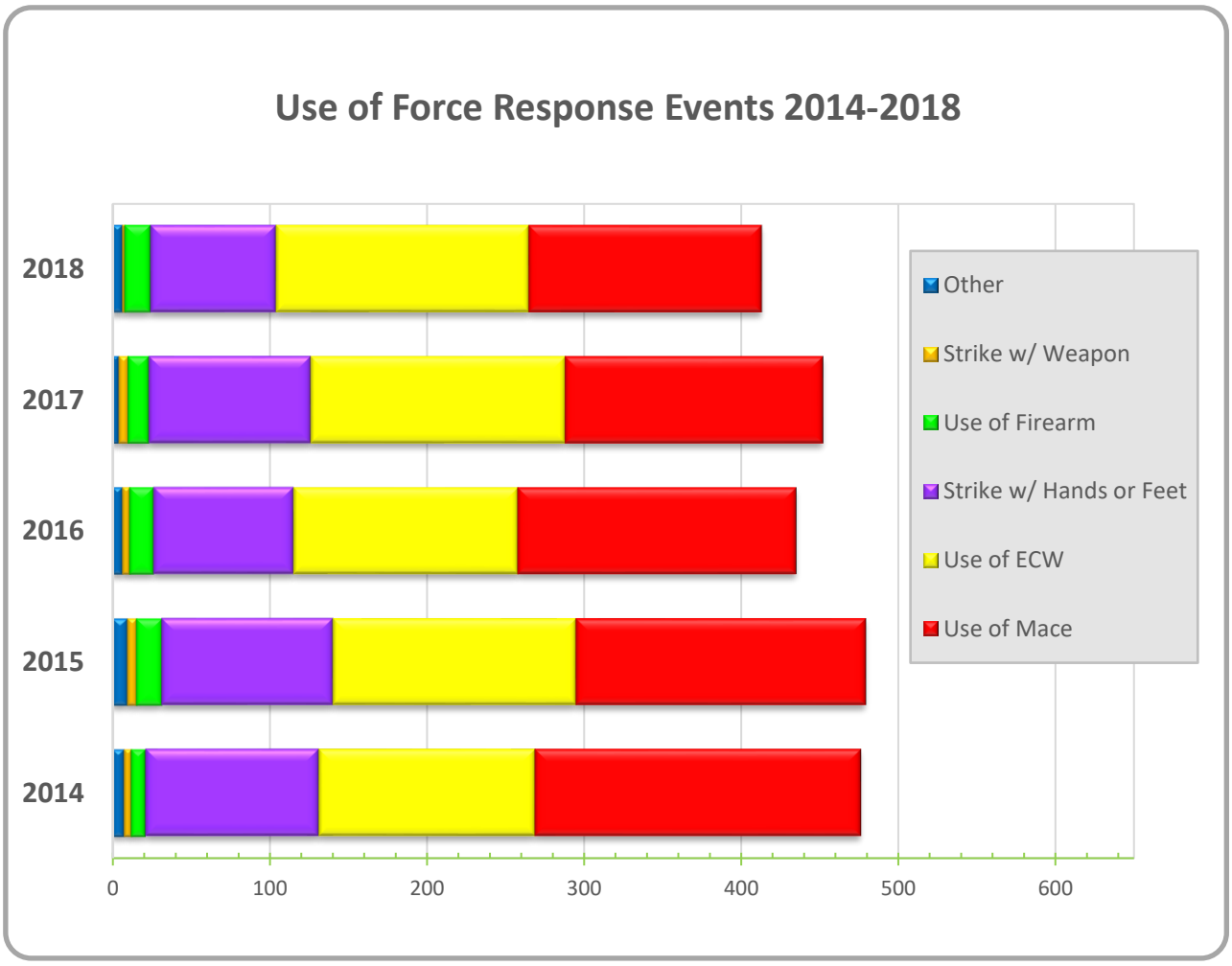
[57] Bela Bernhardt, *2018 IAB Use of Force Stats Final Report* (June 14, 2019) (unpublished internal document, Columbus Division of Police, on file with the Advanced Training Operations Unit) (providing tabulated figures from all 2018 Data Processing Worksheets, U-10.164; only levels 2-8 are tracked by IAB except for officer-involved shooting events; Level 1 responses are tabulated separately). Nancy Cameron, *2018 OIS stats scan* (June 11, 2019) (providing the count and detailed information on officer-involved shooting events in 2018).

[58] Meader et al., *supra* note 54, at 8.

[59] In mid-2018, it was discovered that 53 U.10-128T Use of Taser forms from 2017 had not been included in Part VII of the 2017 Use of Force Analysis. These 53 cases are added to the historical data in this Part VI and Part VII of this year's report, and are more fully discussed in Part VII – ECW In-Depth Analysis.

Use of Mace (148 response events), Level 3 – Use of ECW (169 response events), and Level 4 "hard empty hand control" – Striking with Hands or Feet (70 response events) in that order. [60] The remaining uses involved Use of Firearm (16 response events),[61] Pushing/Causing Collision (six response events), Striking with a Weapon (two response events).[62] The "Use of Firearm" in this report is for basic information only. Officer-involved shooting (OIS) incidents are more fully discussed in the Firearms Review Board report.

Use of force response information is show graphically and summarized below.



[60] Bela Bernhardt, *2018 IAB Use of Force Stats Final Report* (June 14, 2019) (unpublished internal document, Columbus Division of Police, on file with the Advanced Training Operations Unit).
[61] Nancy Cameron, *2018 OIS stats scan* (June 11, 2019) (providing the count and detailed information on officer-involved shooting events in 2018).
[62] Bernhardt, *supra* note 59.

Response Events and Number of Officers Involved					
	2018	**2017**	**2016**	**2015**	**2014**
TOTAL (officers involved)	411 (512)	438 (529)	422 (481)	465 (593)	475 (615)
Canine Bite	0 (0)	2 (2)	1 (1)	2 (2)	4 (4)
Pushing/Causing Collision	6 (6)	2 (2)	5 (5)	7 (7)	3 (3)
Strike w/ Vehicle	0	0	0	0	0
Strike w/ Weapon	2 (2)	6 (6)	5 (5)	6 (6)	5 (8)
Strike w/ Hands or Feet	70 (80)	103 (119)	89 (101)	109 (126)	110 (158)
Use of ECW*	169 (188)	162 (176)	143 (151)	155 (170)	138 (188)
Use of Firearm	16 (29)	13 (16)	15 (25)	16 (21)	9 (13)
Use of Mace	148 (207)	164 (224)	177 (216)	184 (280)	207 (243)

***Use of ECW figures here may be different than in Part VII. See Part VII for explanation.

Looking at use of force on a population level, there was about one use of force response event for every 2,172 estimated residents in 2018. Whereas the resident population is an estimate of actual city residents, there is no reliable average estimate for to account for the substantial increase in average daily population due to commuters, students, motorists, tourists, transients, and visitors. Even a county population estimate would be insufficient as it would not capture many of these daily or temporary inhabitants, or those simply passing through. Other than to say that the use of force response event to total daily population ratio is substantially lower than that of response to estimated resident population, there may be no accurate way to quantify this.

In 2018, the average officers involved in each event rose to 1.25 – a slight increase from 2017 in which there was 1.21 officers per event. The average of officers per response event had been fairly consistent from 2010 to 2015, with all figures falling within a 0.07 spread.[63] In 2016, the figure dropped to 1.14 officers per event. However, there is an overall downward trend in officers per incident when looking back to 2013.

The chart below presents some demographic data and comparison information with respect to Level 2-8 Use of Force responses. The youngest/oldest/average age of subjects (where age was known) for each response type is: pushing/causing collision – 19/56/30; strike with weapon –

[63] *See* Meader et al., COLUMBUS DIVISION OF POLICE 2017 USE OF FORCE ANALYSIS 24 (2018).

30/49/39; strike with hands or feet – 14/63/32; use of ECW – 14/62/31; use of firearm – <19/50+/30 (detailed information in the Firearms Review Board report); use of mace – 13/62/25.

Demographics: Level 2-8 Use of Force Response recipients 2014-2018					
	2018	**2017**	**2016**	**2015**	**2014**
TOTAL responses	**411**	**438**	**422**	**465**	**475**
Female	12.42%	11.63%	12.2%	10.3%	10.7%
Male	72.30%	69.38%	68.4%	68.6%	70.3%
Unknown or Crowd/Group	15.27%	18.99%	19.4%	21.1%	18.9%
Asian	0.6%	0.39%	0.6%	0	<1%
Black	54.99%	51.36%	49.6%	48.5%	52.2%
Hispanic	2.65%	1.16%	1.9%	1.2%	2.5%
Other	0	1.74%	1.1%	0	<1%
Unknown or Crowd/Group	15.68%	19.38%	19.0%	21.4%	19.7%
White	26.07%	25.97%	27.8%	28.9%	24.6%



Level 2 – Use of Mace was the most often used response in 2018. But personnel responded with chemical spray less than in 2016 and 2017.

The category "unknown" for both sex and race represents several different situations. The reporting officer may have been unable to report the individual's race and sex either because such a determination cannot be made by sight, or because that person either refuses to answer when asked or provides an answer that is inconsistent with the categories available. The category "unknown" also refers to situations involving groups or crowds when chemical spray is deployed, a ECW is sparked, or nonlethal munitions are used (not as a distraction or diversion). These situations often occur at large parties, bars and nightclubs, and similar locations where officers encounter large disturbances and fights; disruptive groups at festivals or other events; rioting; and other similar occurrences.

The next table is a numerical breakdown of the incidents by description.[64] By far, the most common incident type is the "Disturbance/fight" in all years in the study. This has been consistent since at least 2011.[65]

[64] Bernhardt, *supra* note 59.
[65] Meader et al., *supra* note 54.

Incident Description					
Category	**2018**	**2017**	**2016**	**2015**	**2014**
Administrative Issue	1	0	0	0	0
Calls for service	52	46	46	49	54
Crime committed	52	50	50	59	56
Demonstration/riot	0	1	2	4	0
Disturbance/fight	122	162	133	152	196
Domestic Disturbance	23	29	24	42	34
Investigation	7	5	7	2	4
Juvenile Complaint	1	2	1	2	0
Mentally ill person	24	21	27	19	19
Narcotics complaint	6	4	2	3	4
Other	10	4	4	3	11
Routine/daily patrol	17	14	20	21	26
Tactical deployment	8	10	9	7	8
Traffic Incident	37	32	32	32	44
Vice complaint	2	4	5	7	3
Warrant served/arrest	21	25	21	21	23
Unknown	0	1	0	0	0

The table that follows shows locations where an incident had occurred. "Private residence/property" and "Street/alley" have been the two most common locations in all years of the study period. With respect to "unknown" locations in both charts, this occurs either because that box on the U-10.164 Data Processing Worksheet[66] has not been checked and "unknown" is the default for data entry; or, as part of a Chain of Command Review upon complaint or information that a use of force has occurred but was not reported. There were no incidents of this nature in 2018, and only one in 2017.



"Demonstration/riot" and "Juvenile Complaint" are consistently the least often known reported incident description. Many incidents can be categorized with more than one description. It is up to the investigating supervisor to choose how best to

[66] *See* CITY OF COLUMBUS, DIVISION OF POLICE, FORM U-10.164 DATA PROCESSING WORKSHEET (July 2014).

describe an incident in which force is used. The same is true for incident location. For example, an incident involving force that occurs on the sidewalk and in the street in front of a restaurant/bar but stems from an incident *in* that restaurant/bar, may be categorized as "bar," "business building/property," or "street/alley" because all of those descriptions are correct. During data entry, only one location may be entered.

Incident Location					
Category	**2018**	**2017**	**2016**	**2015**	**2014**
Bar	31	26	29	29	38
Business building/ property	39	26	30	35	52
Hospital	0	1	2	2	1
Jail/correction facility	0	0	0	1	0
Other	18	5	4	2	5
Police HQ	0	0	0	2	0
Police substation	2	2	0	2	1
Police vehicle	2	0	3	2	3
Private residence/property	132	158	128	153	142
Property room	0	0	0	1	0
Public building/property	31	32	41	39	50
Street/alley	126	155	147	156	160
Unknown	0	1	0	0	23

A breakdown by precinct is shown in the table below. In previous reports, police headquarters was given its own location category. Where applicable, the count for headquarters has been added to 16 Precinct's total as this is the actual location of the headquarters building. Uses of force occurring in a foreign jurisdiction can be the result of a number of circumstances: an officer who initiates contact with a subject within the city limits who then flees to a foreign jurisdiction where the use of force actually occurs; a police action with a use of force initiated as the result of a mutual aid request from a foreign jurisdiction; a police action with use of force initiated by an off-duty officer outside of Columbus. An "unknown" precinct designation is likely the result of the default when an option is left blank.

Precinct of Occurrence					
	2018	**2017**	**2016**	**2015**	**2014**
1	12	11	17	17	26
2	15	26	22	22	19
3	6	5	15	15	9
4	25	27	29	29	32
5	20	30	27	27	22
6	18	13	13	13	19
7	25	19	25	25	31
8	23	16	13	13	16
9	42	30	20	20	32
10	18	22	10	10	11
11	18	17	29	29	28
12	14	21	11	11	31
13	23	18	23	23	24
14	14	9	17	17	25
15	7	4	9	9	13
16	30	69	46	46	61
17	7	8	2	2	2
18	17	16	13	13	10
19	35	33	29	29	26
20	14	10	9	9	12
Foreign	0	2	3	17	2
UNK	0	0	0	0	24

The precincts with the three highest number of uses of force in each year of the study period are highlighted in yellow. While the precincts with the highest number of uses of force varies somewhat, 16 Precinct has been consistently in the top three. This is the second year since at least 2010 that 4 Precinct is not one of the three highest. Also notable is that the total calls for service ("run volume") on 16 Precinct is often at or near the top of the list, and 4 Precinct is consistently below the mean in each year of the study period.[67] 4 Precinct was third from the bottom in terms of run volume in 2018.[68]

Uses of force on 16 Precinct fell by more than 56% in 2018, but the precinct remained in the top three highest for the ninth year in a row.[69] As stated above, the run volume on 16 Precinct has remained as one of the top three highest in the city in each year in the study period.[70] The top three busiest precincts based on total run volume in 2018 were 16 Precinct, 13 Precinct, and 9 Precinct in that order for the third year in a row.[71] 16 Precinct had over 3,000 more runs than the next busiest precinct for the third year in a row.[72]

The next chart shows use of force incidents on each precinct, grouped by Patrol Zone. The zones and precincts that saw an increase from one year to the next are indicated with a red background. The zones and precincts that saw a decrease from one year to the next are indicated with a green background. The precincts with a sharp increase or decrease in 2018 compared to 2017 are noted with a yellow star. Change from year to year can indicate a trend – such as the steady increase in

[67] Meader et al., *supra* note 62 at 24.
[68] Bowling, *supra* note 47.
[69] *See* Meader et al., *supra* note 54.
[70] Bowling, *supra* note 47.
[71] *Id*.
[72] *Id*.

uses of force on Zone 1 as a whole over the last three years. Seven of the patrol precincts throughout the city had a decrease in use of force incidents in in 2018. Of the thirteen precincts that had an increase, five of those precincts increased by fewer than three response events.

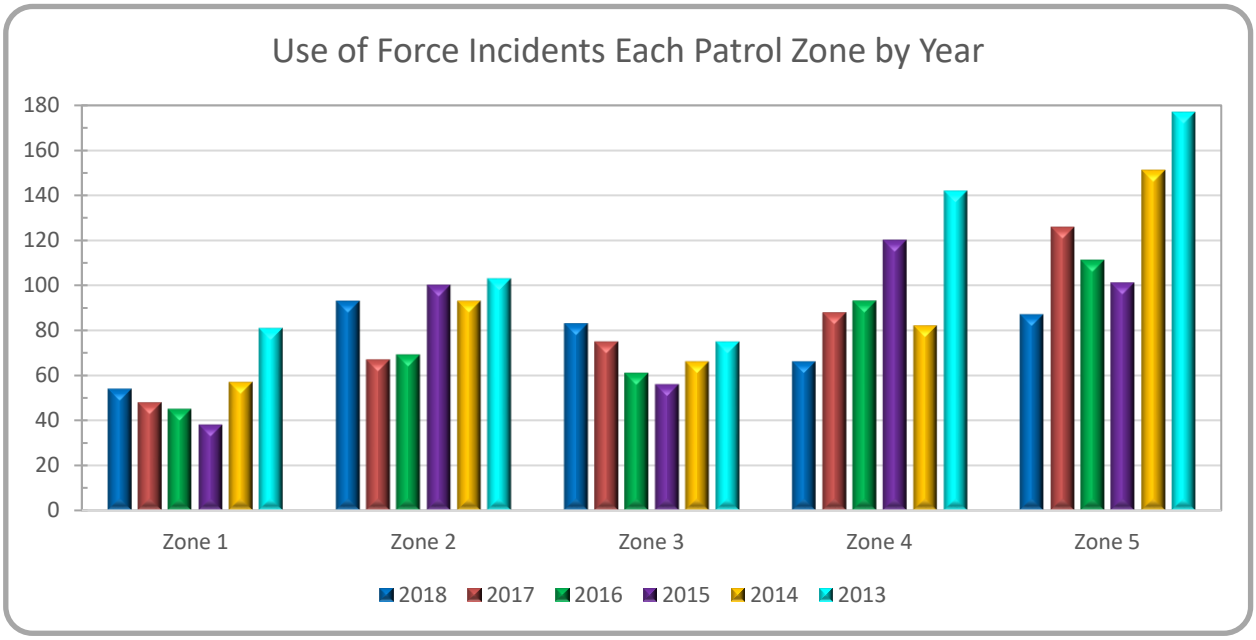
The following precincts had a decrease of at least 15% from 2017 to 2018: 16 Precinct (-56%); 2 Precinct (-42%); 5 Precinct and 12 Precinct (both -33%); 10 Precinct (-18%). The following precincts had the greatest increases in 2018: 15 Precinct (75%); 14 Precinct (56%), 8 Precinct (44%), and 9 Precinct and 20 Precinct (both 44%).

Precinct of Occurrence by ZONE					
Zone/Precinct	**2018**	**2017**	**2016**	**2015**	**2014**
Zone 1	**54**	**48**	**45**	**38**	**57**
1 Precinct	12	11	17	10	26
6 Precinct	18	13	13	13	19
17 Precinct	7	8	2	4	2
18 Precinct	17	16	13	11	10
Zone 2	**93**	**67**	**69**	**100**	**93**
9 Precinct	★ 42	30	20	36	32
13 Precinct	23	18	23	26	24
14 Precinct	★ 14	9	17	22	25
20 Precinct	★ 14	10	9	16	12
Zone 3	**83**	**75**	**61**	**56**	**66**
8 Precinct	★ 23	16	13	11	16
10 Precinct	18	22	10	23	11
15 Precinct	★ 7	4	9	5	13
19 Precinct	35	33	29	17	26
Zone 4	**66**	**88**	**93**	**120**	**82**
2 Precinct	★ 15	26	22	26	19
3 Precinct	6	5	15	15	9
4 Precinct	25	27	29	47	32
5 Precinct	★ 20	30	27	32	22
Zone 5	**87**	**126**	**111**	**101**	**151**
7 Precinct	25	19	25	20	31
11 Precinct	18	17	29	22	28
12 Precinct	★ 14	21	11	31	31
16 Precinct	★ 30	69	46	28	61

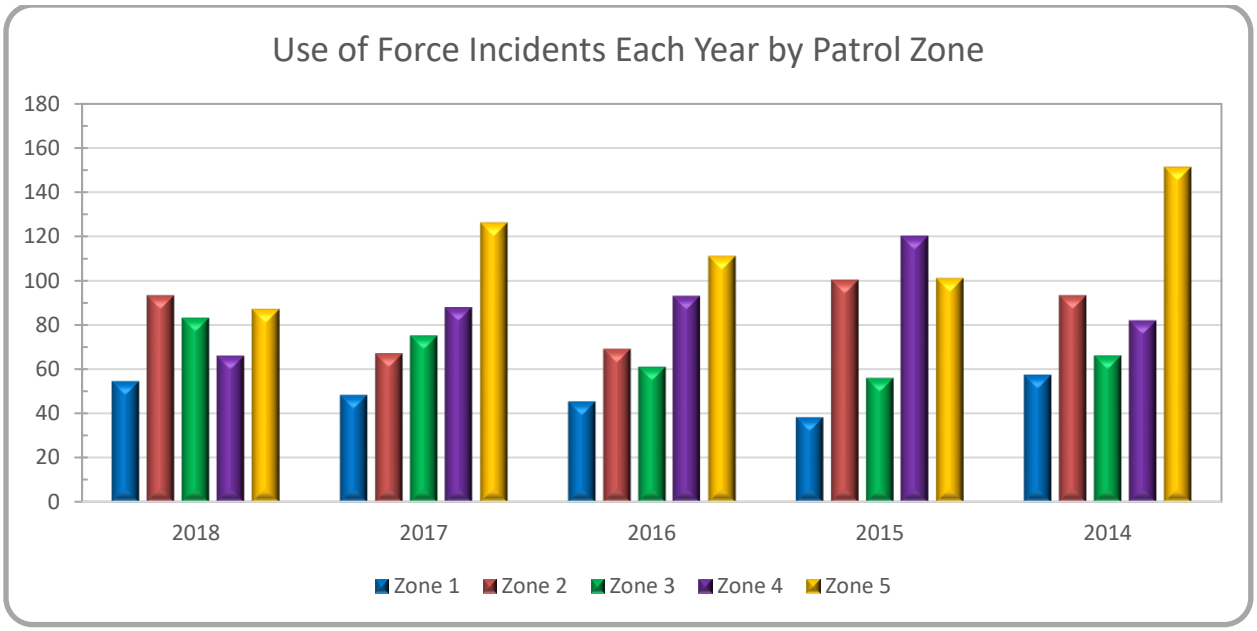
Mathematically, the 75% increase on 15 Precinct appears to be dramatic. However, there were only 7 total incidents in 2018. Similar changes, either an increase or decrease from the previous year, are also noted with the corresponding red or green background respectively. A consistent number from one year to the next was given a green background.

Examining the numbers on a zone-wide basis, two patrol zones – Zone 4 and Zone 5 – had decreases in use of force incidents, the second year in a row Zone 4 has decreased. Of the remaining three Patrol Zones, Zone 1 and Zone 3 saw just modest increases of 11% and 12.5% respectively. Conversely, Zone 2 had an increase of nearly 39%. However, it is important to note that even though this is a significant one-year increase, the figure for use of force incidents on Zone 2 is not the highest in the study period.

The next graphics show this information two different ways: incidents on each Zone for each of the last six years; and incidents each year by Zone. On the first infographic, the change on each Zone over the last six years is evident. While there have been some increases on the Zone level in 2018 as shows in royal blue, the overall trend is lower from 2013 as shown in aqua.



The infographic below depicts the uses of force on each Zone grouped together by year. Here, it is evident in each year which patrol zone had more uses of force than others. For comparison purposes, it is easy to discern that Zone 5 – shown with the gold colored bar on the graph below – has had the highest number in several years, but is still on an overall downward trend.



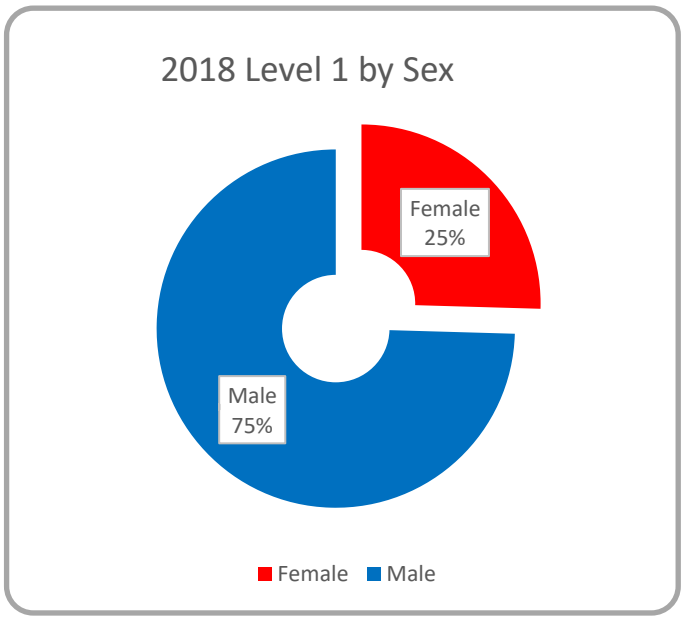
Much emphasis has been put on de-escalation when addressing and interacting with potentially combative subjects. "Tactical de-escalation is one key component of use of force, and the national discussion on this very topic will undoubtedly progress how such force is approached, investigated, reviewed, and adjudicated."[73] For many years, the Columbus Division of Police has been committed to the concept that de-escalation is an integral part of officer safety. As noted above in Part III, all personnel have many training hours dedicated solely to the topic of de-escalation. However, the topic of verbal de-escalation has also been included in many other courses including: Procedural Justice and Police Legitimacy, Blue Courage, Trauma-Informed Policing, and yearly defensive tactics training.

The use of force response events noted and charted in this report have historically excluded Level 1 response events and total responses which includes de-escalation techniques among other tactics. While there were 383 tracked use of force incidents involving 411 response events (including 169 incidents involving a use of a ECW) in 2018, there were 1,553 circumstances in which a Level 1 response was the highest level used. The overall effectiveness of all 2018 Level 1-alone responses was 93.9%. In some incidents, one attempted Level 1 response was ineffective, but a second different response was effective. That means there were 1,553 circumstances in which personnel were able to resolve a situation without resorting to a higher level of force. This was a 24.64% increase in Level 1 responses from 2017. For every Level 2-8 use of force response events, there are 3.78 Level 1 responses used to resolve a situation. Furthermore, there are undoubtedly thousands more incidents in which a Level 0 response (such as officer presence, verbal and non-verbal commands, and sparking an ECW for compliance) had been effective in de-escalating a situation.

[73] LOS ANGELES POLICE DEPARTMENT, USE OF FORCE YEAR END REVIEW 2016, 3 (2017).

Most Level 0 responses are not reported – only those incidents involving an ECW sparked for compliance, flashbangs and baton rounds when used as a diversion/distraction, and certain other situations involving a complaint of injury from the response (including a complaint of injury from handcuffing)[74] are reported. Likewise, Level 1 responses are not tracked the same way that higher levels are tracked, so there is limited information. It is unclear how many higher levels of force occur after a Level 1 response has failed. For this report, only the following Level 1 responses were studied: incidents involving *only* a Level 1 response; incidents involving a Level 3 – Use of ECW that also involved a Level 1 response.

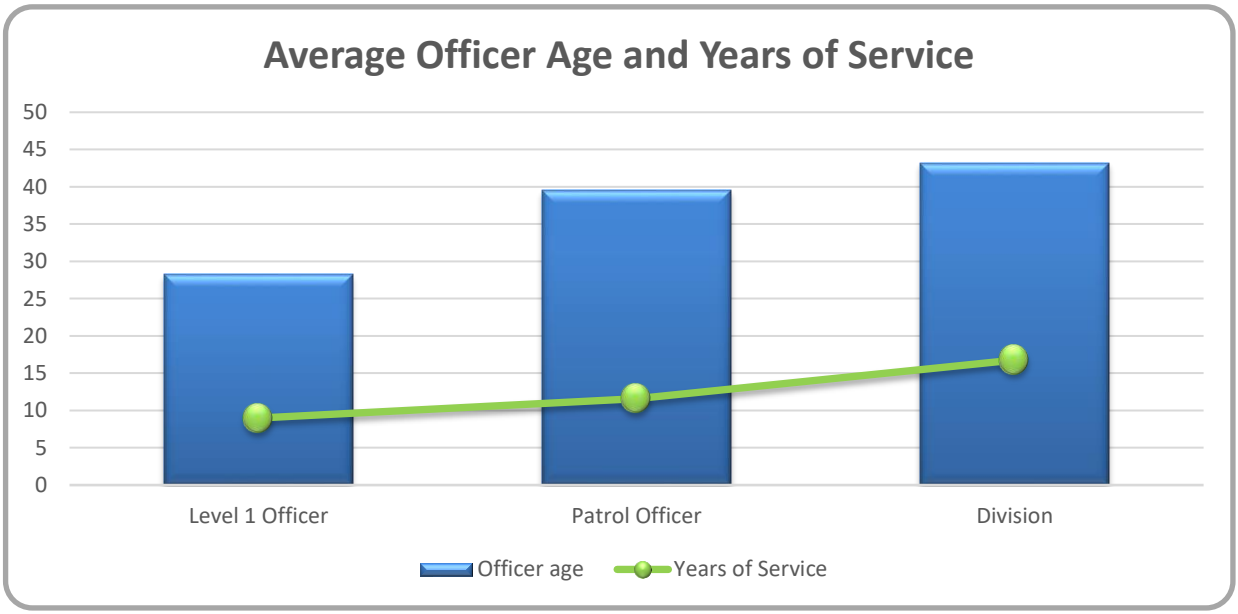
With respect to incidents involving only a Level 1 response events – 1,308 in total – 975 involved male suspects, 333 involved female suspects. The average age of involved personnel was 28.23 years and the average was 8.99 years. These figures are considerably lower than the average age of a patrol officer (39.5 years) and patrol officers' years of service (11.57 years).[75] This may demonstrate that an increase in de-escalation curriculum hours at the basic training level alone has a positive effect on how officers interact with subjects. Continued professional training in these tactics serves to refresh and engrain the concepts first learned at the basic training level. A change in organizational culture can only occur over time as officers who began their careers with greater training and emphasis on de-escalation continue to mature within the organization.



Out of the 1,308 Level 1 response events with 1,553 Level 1 responses, there were 56 officers injured and 68 suspects injured.[76] The vast majority of these injuries to both officers and suspects were very minor: minor scrapes and scuffs, bruises, small cuts requiring an adhesive bandage if anything at all.[77] There were ten officer injuries that required medical care (hospital or physician), and nine suspect injuries that required medical care.[78] The worst injury to an officer was a torn ACL; the worst suspect injury was a broken orbital caused by a grounding technique in which the suspect's face struck the ground.[79]

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[74] COLUMBUS DIVISION OF POLICE, *supra* note 4, at (I)(B).
[75] COLUMBUS DIVISION OF POLICE, SWORN PERSONNEL STATISTICS 1ST QUARTER 2019 (2019) (showing Patrol personnel age and service statistics for the period ending March 31, 2019).
[76] Matthew Rhyne, *2018 Level 1's* (July 9, 2019) (unpublished internal document with the Columbus Division of Police) (on file with author Kirk).
[77] *Id*.
[78] *Id*.
[79] *Id*.



Of the 162 Level 3 – Use of ECW incidents[80] examined in depth, 65 reports indicated that there was also another level of force used. Of those 65, 49 incidents indicated a Level 1 response such as "physically placed on the ground." There were eleven ECW incidents in which some other higher level of force was used: seven incidents involved Level 2 – chemical spray; four involved Level 4 – hard empty-hand control. There were no ECW incidents which also involved the use of an impact weapon (Level 5), police canine bite (Level 6), less lethal control (Level 7), or deadly force (Level 8). ECW incidents are discussed in greater detail in the next section.



[80] *See infra* Part VII (citing the figure as reported in Part VII and not response events reported in Part VI).

Introduction and Background

This part analyses Division personnel's use of a ECW to prevent harm to the officer or another, to effect arrest of or gain control of a resistive or aggressive subject, or to prevent or stop the commission of a criminal offense.[81] All ECW units in service with Division personnel are manufactured by Axon. Officers may use Division-owned units or may purchase and use an approved device in accordance with established policies.[82]

Officers are trained to deploy the ECW in conjunction with loud, repetitive, verbal commands and allow the ECW to complete the first five-second cycle.[83] Following the first cycle, officers are trained to evaluate the subject's actions while giving additional loud, repetitive, verbal commands in order to gain compliance.[84] If the subject fails to comply or continues resistive or aggressive behavior, officers are trained to deliver additional cycles based on the subject's actions or to utilize some other subject-control technique.[85]

Methodology

The information used in this portion of the report was gathered from various sources: the Internal Affairs Bureau database; the ECW Stats database compiled by the DTU personnel[86]; and a close examination of the U-10.128 Use of Force Reports, U-10.128T Use of Taser Reports, and accompanying documents.

In some cases, the close examination of the completed forms reveals some reporting errors. For example, the form may indicate that one or both ECW probes missed and the ECW usage was marked as "ineffective." However, a close reading of the accompanying narrative indicates that the subject nevertheless submitted. Therefore, the ECW was effective regardless of the fact that the probe(s) never made contact with the suspect. It is also important to note that despite the fact the suspect was not actually contacted by any part of the ECW, the incident is still considered

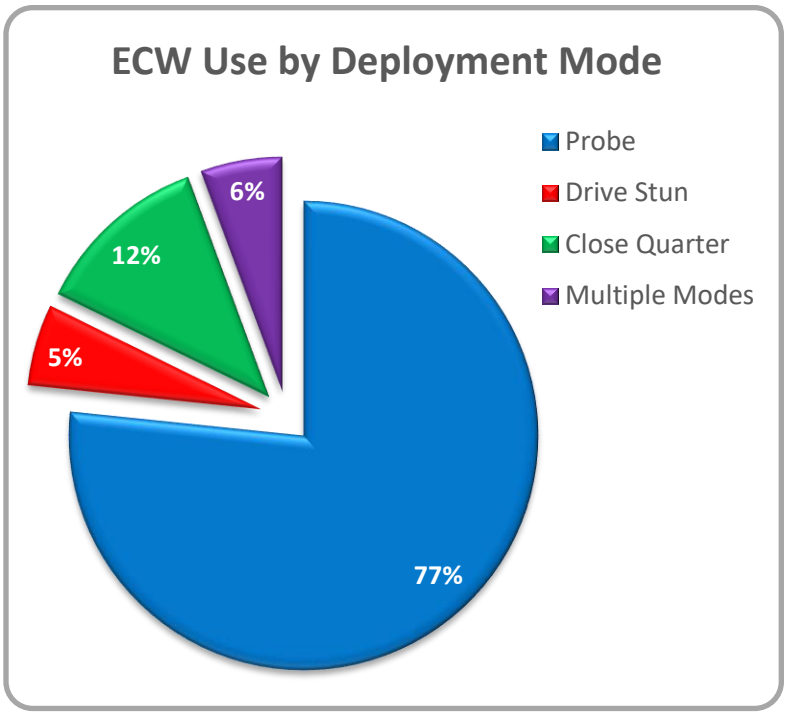
[81] CITY OF COLUMBUS, DIVISION OF POLICE, DIVISION DIRECTIVE 2.04 (II)(B) (June 30, 2016). *See also* CITY OF COLUMBUS, DIVISION OF POLICE, *supra* note 4 (Dec. 30, 2017) (defining "use of force").
[82] *Id*.
[83] *See* CITY OF COLUMBUS, DIVISION OF POLICE, 2018 Fall DTU Phase Taser Version, Sept. 13, 2018 (training materials on file with the Advanced Training Section – Defensive Tactics Unit).
[84] *Id*.
[85] *Id*.
[86] *See* Rhyne, *supra* note 75.

a use of ECW. Therefore, it is not only possible but also reality that not all of the events and uses of an ECW involved the ECW actually making contact with a subject.

The use of the ECW in probe mode or close quarter mode is designed to result in "neuro-muscular incapacitation" (hereinafter NMI). The intended use of an ECW and the resulting NMI causes the subjected individual's muscles to contract making purposeful movement difficult, although not impossible. Officers are trained to handcuff the subject while the ECW is cycling. "Cuffing under power" as it is called is considered an "effective" use of the ECW, and generally accomplished by more than one officer – one who is handcuffing while the second is maintaining hold on the ECW. However, it is important to note that even though partial NMI can be achieved, the subject can still have some purposeful movements including continued resistance or the use of a weapon. This is important to note when examining the number of cycles delivered or deployment modes utilized, especially in circumstances in which an officer is alone with one or multiple subjects.

ECW Usage in 2018

A total of 162 incidents in 2018 in which a ECW was used by personnel on 165 human subjects were examined in detail for this report.[87] Some completed files for in-depth analysis are not yet available. In all but two incidents, there was only one subject recipient of the ECW use of force.[88] One incident involved two subjects; one incident involved three subjects. There was one incident in which the ECW malfunctioned and one incident in which the probes were defective. In the 161 incidents in 2018, the ECW was deployed[89] 218 times, including six times in which the ECW was sparked for compliance.[90] A majority of the incidents, 143 incidents or 88%, involved only one deployment method on a subject.[91] Four of the nineteen multiple-mode incidents involved sparking the ECW as the first deployment mode. When this de-escalation technique did not work, a second deployment mode was then used.



[87] *Id*.
[88] *Id*.
[89] *See* Meader et al., *supra* note 54, at A1–A5 (2014) (categorizing and defining each deployment methods: drive stun, close-quarter deployment, probe mode, and sparking).
[90] Rhyne, *supra* note 75.
[91] *Id*.

A number of incidents involved more than one deployment of the same method (ie., two probe deployments). These incidents are not included in the count of multiple modes. In all, there were seventeen incidents with two modes (three of which involved sparking the ECW), and two incidents with three deployment modes (including one incident with sparking the ECW). The ECW was sparked a total of six times, with four times being ineffective in completely and fully de-escalating the incident. In three of these incidents, a close quarter deployment was the second deployment method used.[92] In one incident, probes were deployed as well as a drive stun.[93]

In the 162 incidents and 218 attempted deployments of a ECW on 165 subjects, there were a total of 263 cycles delivered or attempted to/on a subject.[94] Overall, there were an average of 1.32 deployments per subject and an average of 1.59 cycles (7.9 seconds) attempted per subject if every cycle ran for the standard five seconds. Not all attempted cycles were actually delivered to/on a subject; and not all cycles ran to completion of five seconds. Therefore, the true amount of time that each suspect actually endured the ECW is much lower. A summary of incidents follows that shows the total number of cycles delivered for each deployment mode.

Cycles per subject	# subjects	# cycles
Subjects receiving 1 cycle or fewer	**108**	**108**
Subjects receiving 2 cycles	**39**	**78**
Subjects receiving 3 cycles	**9**	**27**
Subjects receiving 4 or more cycles*	**9**	**50**
Totals	**165**	**263**
*3 subjects received 4 cycles, 1 received 5 cycles; 3 received 6 cycles; 1 received 7 cycles, and 1 received 8 cycles.		

In 2018, there were nine incidents in which a subject received more than four cycles.[95] There were two incidents in 2014 in which the subject received more than four cycles.[96] In 2015, there were nine incidents in which the subject received more than four cycles.[97] There were four incidents in 2016 of this nature.[98] In 2017, there were zero incidents in which a suspect received more than three cycles.[99] In previous years' reports, there was an examination into each of these incidents to determine why four or more cycles used, or more than one deployment method was

[92] *Id*.
[93] *Id*.
[94] *Id*.
[95] Rhyne, *supra* note 75.
[96] Meader et al., *supra* note 54, at 14 (explaining cycle count in 2014).
[97] Cmdr. Robert Meader et al., COLUMBUS DIVISION OF POLICE USE OF FORCE REPORT 17 (2016).
[98] Cmdr. Robert Meader et al., COLUMBUS DIVISION OF POLICE USE OF FORCE REPORT 18 (2017).
[99] Meader et al., *supra* note 62, at 18.

used. The reasons included heavy clothing, insufficient probe spread, probe misses, and multiple ECW's used.[100] Similar reasons were noted for 2018: six incidents involving heavy or excessively baggy clothing; two incidents involving a malfunction or defect; one incident involved wires that broke; one incident involved the probes being too close.

In all but one incident in 2018, each suspect was subjected to only one ECW cartridge at a time. In 2016, there was one incident in which SWAT deployed 2 cartridges almost simultaneously for two cycles each and a second officer deployed one cartridge for one cycle.[101] There were no incidents of this nature in 2017.[102] The one incident in 2018 involved SWAT personnel.[103] This incident is described I greater detail under "Deadly Force Incidents" of this part.

The ECW was effective 72% of the time for all cycles and deployment modes delivered or attempted in 2018.[104] This is an increase in effectiveness from 2017 in which 69% of all cycles were deemed successful.[105] The 72% effectiveness in 2018 is slightly better than the unweighted average effectiveness in the previous four years as shown below. Any mode with a drive stun follow-up reached 100% effectiveness in 2018. Furthermore, the percentage of effective cycles for close quarter mode and drive stun mode continues to be high.

Deployment Mode	Total Actual Deployments	# Cycles	Effective % 2018	Effective % 2017	Effective % 2016	Effective % 2015	Effective % 2014
Probe Mode	166	187	63%	64%	75%	68%	64%
Close Quarter Mode	26	36	94%	90%	83%	46%	90%
Drive Stun (DS)	12	20	95%	69%	100%	76%	76%
Any Mode W/ DS Follow-Up	8	14	100%	80%	80%	*	*
Sparking for Compliance	6	6	75%	*	*	*	*
Totals	**218**	**263**	**72%**	**69%**	**79%**	**59%**	**71%**

*This parameter not assessed or calculated

For all ECW uses in 2018 in which the probes were deployed (i.e., probe more and close quarter deployment modes), there was a hit rate of just over 80%. Of 382 probes actually expelled from the ECW 166 probe mode deployments and 26 close quarter deployments, 308 made contact

[100] *See* Meader et al., *supra* note 54, at 14 (explaining cycle count in 2014). *See also* Meader et al., *supra* note 62, at 18 (explaining cycle count in 2017 and previous years).
[101] Meader et al., *supra* note 62, at 19.
[102] Matthew Rhyne, *2017 Taser Stats UPDATED for 2018* (July 11, 2019).
[103] Rhyne, *supra* note 75.
[104] *Id*.
[105] Rhyne, *supra* note 101.

with a subject. Of the 74 misses, there was one cartridge of two defective probes. A total of 24 incidents with missed probes were due to the ECW being deployed during a foot chase.

ECW use in Probe Mode

The ECW was deployed in probe mode a total of 166 times in 2018. There were 187 total cycles delivered when the ECW was deployed in probe mode.[106] Of those cycles delivered, 63%, were deemed effective.[107] Among those cycles deemed effective there were several examples of the ECW probes partially missing or completely missing the subject but the use of the ECW was deemed effective.[108] This can be due to a subject who has complied/submitted due to the sound of the ECW, pain compliance, or the belief that the ECW use had occurred or would occur, and that it was or would be effective. Of the deployments with misses and/or cycles deemed ineffective, 23 incidents involved a foot chase resulting in 37 missed probes. One cartridge failed to properly deploy; one cartridge had defective probes. As to reasons for ineffectiveness, heavy clothing and use during a foot chase were listed most frequently. Some incidents did not list any notes or reasons for misses or ineffectiveness.

ECW use in Close Quarter Probe Mode

There were 26 deployments of the ECW in close quarter probe mode with a hit rate of 100%.[109] A total of 36 cycles were delivered to the subjects.[110] There were 34 effective cycles for an effective percentage of 94%.[111] There were no notes as to the potential reasons for ineffectiveness.

The close quarter deployment mode, implemented in 2006, has since proven to be the most consistently effective method of deployment.[112] While this is the sixth year since 2010 that cycles delivered in this deployment mode have not been reported as 100% effective, effectiveness remains at or above 80%.[113]

ECW Use in Drive Stun Mode

There were 20 total deployments involving the use of the drive stun. There were twelve deployments of a drive stun alone, and another eight when used as a follow up with some other deployment mode.[114] There were 34 total cycles delivered, 20 of which were delivered as a drive stun with no other deployment method, and 14 which were delivered as a follow up. The effectiveness was 95% and 100% respectively.[115] In 2015, it was noted that of the four ineffective

[106] Rhyne. *Supra* note 75.
[107] *Id*.
[108] *Id*.
[109] *Id*.
[110] *Id*.
[111] *Id*.
[112] *See generally* Meader et al., *supra* note 54.
[113] *Id*. *See also* Meader et al., *supra* note 62.
[114] Rhyne, *supra* note 75.
[115] *Id*.

cycles that year, three were due to a lack of counter pressure being applied by the officer.[116] Without counter pressure, the subjects had been able to move their body away from the ECW causing the drive stun to be ineffective. The lack of counter pressure had been addressed and retrained during the DTU in-service phase training every year since 2012. Drive stun effectiveness as a follow up technique was the most effective deployment technique in 2018 at 100% and the second most effective deployment method in 2017 at 80% effective. Taken together, the drive stun deployment method, whether alone or as a follow up, was the most effective method in 2018 suggesting that training on counter pressure and proper technique was successful.

Demographic Data on Subjects

The average age for ECW subjects dropped slightly in 2017 to 31.27 years.[117] The oldest subject was 62; the youngest subject was 14.[118] This is a negligible change from 2017 updated figures in which the average age was 31.55 with a range of 16-61.[119] In 2016, the average age was 29.57 with a range of 13-68 and 2015 in which the average age was 29.72 years, with a range of 14-66.[120] Of the 165 subjects that the ECW was deployed on in 2018, 152 or 92.1% were male.[121] The figure below shows a breakdown by race and sex of the subject.

	Male	**Female**	**TOTAL by race**
Black	93	5	**98**
White	50	8	**58**
Hispanic	7	0	**7**
Asian	2	0	**2**
TOTAL by sex	**152**	**13**	**165**

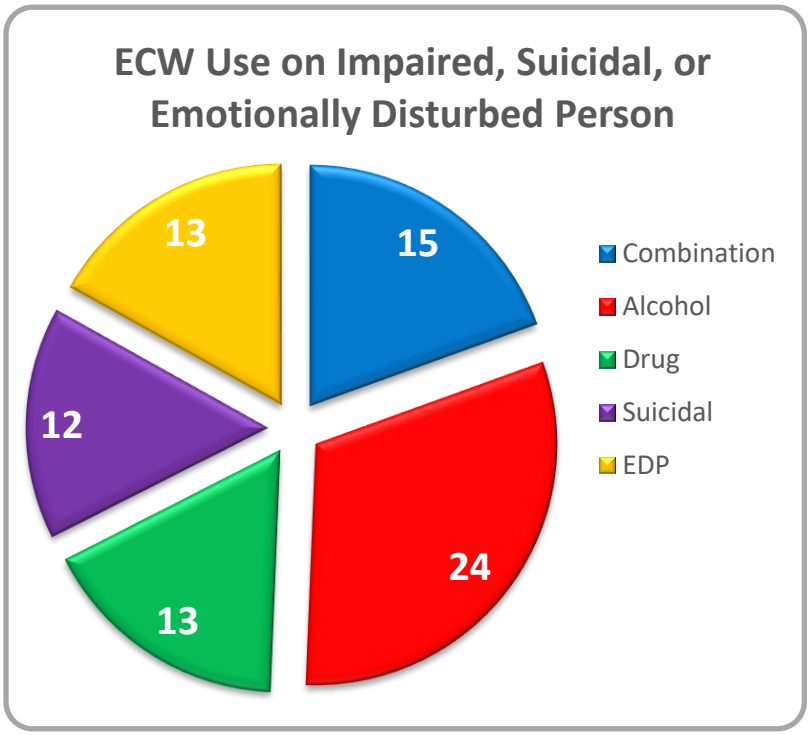
ECW Usage 2017 – Subject Demographics

ECW Use on Intoxicated, Suicidal, or Emotionally Disturbed Persons

The use of the ECW is permitted on individuals who are chemically impaired (drugs or alcohol), display signs of emotionally disturbance or distressed, or are suicidal. In 2018, the use of the ECW on such individuals accounted for 46.67% of the total subjects.[122] This is a decrease from the

[116] Meader et al., *supra* note 54.
[117] Rhyne, *supra* note 75.
[118] *Id*.
[119] Rhyne, *supra* note 101.
[120] Meader et al., *supra* note 54.
[121] Rhyne, *supra* note 75.
[122] *Id*.

48.1% of the updated figured from 2017[123], and a decrease from the 49.2% figure from 2016.[124] See the table below for additional information.



In 2018 there were 77 subjects who exhibited some presence of intoxication, chronic or acute mental illness or disturbance, suicidal behavior or intentions, or some combination of these factors.[125] Drug and alcohol influence may be determined by the reporting officers based on personal observation, subject statements, or witness statements. There were 37 subjects who were classified as being under the influence of alcohol or drugs.[126] There were 25 individuals who were classified as being either emotionally disturbed and/or suicidal.[127] There were fifteen subjects who exhibited some combination of mental or emotional disturbance and/or suicidal, and who were also under chemical influence.[128]

Regarding the use of the ECW on an individual exhibiting the signs and symptoms of excited delirium, the use of the ECW on such a subject is cautioned due to the increased likelihood of serious medical complications or even death. However, the use of the ECW is not contraindicated. Furthermore, the use of the ECW is regarded as the most effective way to gain control of subject displaying signs of excited delirium. It is the preferred method for gaining control of that subject while limiting injury to both the subject, bystanders, and responding officers. There were no incidents in 2018 in which the ECW was used on a subject who displayed signs and symptoms indicative of excited delirium.[129] The most recent incident of this nature was 2014 in which there was one incident involving a suspected case of excited delirium.[130] In that incident, the ECW use was effective in controlling the subject. The use of the ECW did not result in serious medical complications to the subject. No officers were injured in that incident.

[123] Rhyne, *supra* note 101.
[124] Meader et al., *supra* note 54.
[125] Rhyne, *supra* note 75.
[126] *Id*.
[127] *Id*.
[128] *Id*.
[129] *Id*.
[130] Meader et al., *supra* note 54.

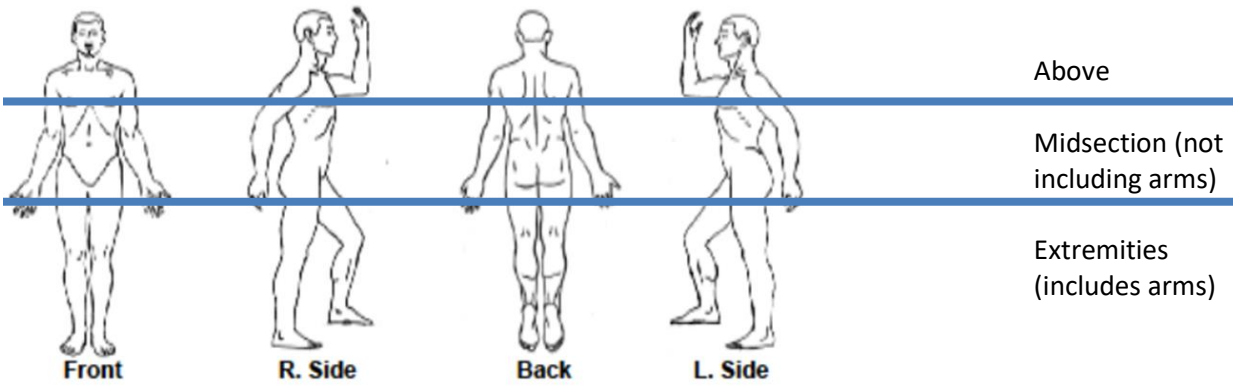
Factor	# Incidents/# subjects	% of Total Incidents
Chemical impairment	37	22.8%
Alcohol only	24	
Drug use only	13	
Mental or Emotionally Disturbed Person	25	15.4%
EDP (but not suicidal)	13	
Suicidal	12	
Chemical Influence and EDP or Suicidal	15	9.3%
TOTAL	**77**	**47.5%**

ECW Target Areas and Probe Contact Locations

When deploying the ECW in probe mode, officers are trained to place the red aiming laser dot slightly below the nipple line of a subject who is facing the officer.[131] The trained target area on a subject's back is from the base of the neck to the subject's heel.[132] Aiming the ECW in this manner results in a higher probability of probe contact with large muscle groups on the subject.[133] It also reduces the probability of a close the "dart-to-heart" distance as recommended by Axon, the manufacturer of the ECW used by Columbus Division personnel.[134] Contact with a large muscle groups can be crucial to the effective use of the ECW in resulting in neuro-muscular incapacitation (NMI) when deployed in probe mode or close quarter mode.[135]

The target and probe contact locations have been divided in three broad categories: front, back, and side (either left or right side). Within each broad category are the distinctions of above (any areas approximately above the collar bones), midsection (approximately between the collar bones to just slightly below the naval), and below (all areas below the naval or belt line, and all areas of the arms and legs). The figure below shows these areas as they are depicted on the U-10.128T, with the addition of dividing lines to indicate the regions described above (except that the form lists the "below" area as "extremities").[136]

[131] TASER, INTERNATIONAL, VERSION 20 ANNUAL ECW USER UPDATE 2017 9 (2017), https://prismic-io.s3.amazonaws.com/axon%2F43445584-f717-4b6c-90ba-f8ac304ffc9d_version+20++annual+ECW+user+update+2017.ppt.
[132] *Id*.
[133] *Id*.
[134] *Id* at 33–34.
[135] *Id* at 9.
[136] *See* CITY OF COLUMBUS, *supra* note 2.



The table shows a count of the target or contact areas. Incidents of complete misses or malfunctions where there is no ECW contact with the subject are not included. The follow-up drive stun location associated with probe and close quarter deployment has not been included.[137] The figures reflect the location specifically targeted during close quarter probe deployment or drive stun; or, in the case of probe deployment, the location of the top probe. The actual contact location may have been different due to unexpected subject movement. The totals in the table may be different than those above as hits and misses due to how the area is recorded.

Target or contact area	Total	% of Total (2018)	% of Total (2017)*	% of Total (2016)	% of Total (2015)	% of Total (2014)
BACK		56.9%	60.4%	60%	60%	52.3%
FRONT		28.3%	25.4%	26.2%	26.2%	38.7%
SIDE (left or right)		14.8%	14.2%	13.8%	13.8%	9%
Above		15.7%	13.8%	**	**	**
Midsection		77.9%	74.5%	**	**	**
Extremities		6.4%	11.7%	**	**	**

*Updated figures

**These calculations were made differently in prior years' reports, so they are not reported here.

Deadly Force Incidents

In 2018 there was one notable incident in which the taser was used in lieu of deadly force[138] in which the five-prong test for such use was met.[139] That incident involved an emotionally disturbed suicidal individual who threatened harm to himself and had barricaded himself creating a standoff situation. SWAT officers encountered this individual and took him in to custody after

[137] The majority of close quarter target locations for the probes were the middle to upper back, with a follow up drive stun to the buttocks, hamstring, or leg area.

[138] Rhyne, *supra* note 75.

[139] The 5 prongs of the test for the use of a ECW in lieu of deadly force are: time, distance, barrier, lethal force back-up, and the belief that such use of the ECW is reasonable.

deploying their ECW's. Per the SWAT SOP, each of the four officers deployed both cartridges on his own ECW. This resulted in the suspect being the subject of eight cycles. However, the incident was resolved without serious harm to the suspect, the officers involved, or bystanders.



In 2017 there were four incidents in which the ECW was used in lieu of deadly force.[140] The ECW was used on four individuals who were who were deemed to be suicidal.[141] Officers have had training on the use of a ECW in lieu of deadly force. The training emphasizes five criteria in order for the use of ECW to be deemed within policy with respect to a potential deadly force situation. Those criteria are: available time, distance from the subject, effective barrier between the officer(s) and the subject, lethal force back up, and the belief that the use of the ECW is a reasonable response.

These incidents in which officers used the ECW in lieu of deadly force or with individuals who demonstrated suicidal intentions serve as prime examples of how annual ECW training has benefitted officers, the Division of Police, the involved individual, and the community as a whole. These incidents serve as examples of how officers can utilize the ECW as just one less-than-lethal force option to effectively resolve a situation and save lives.

Additional Analysis of ECW Usage

There were several reported incidents in both 2017 and 2018 in which the ECW was purposefully used as an audible signal (ie., "sparking the ECW") in order to gain a subject's compliance.[142] In 2018, there were six uses of sparking the taser, with five being effective. In 2017, there were two sparking uses, both of which were effective. There were also incidents in both 2017 and 2018 in which the audible signal, heard after one or more probes missed their target, was deemed effective. Although there were no notes as to why the ECW use was effective even though the probes partially or totally missed the subject, the reasons given in 2015 can serve as examples of why such a phenomenon occurs. In 2015, there were incidents in which compliance was gained based on the officer's observation and judgment that the sound of the ECW was enough to gain compliance. In other incidents, the subject fell to the ground either because of pain compliance (and not NMI) or due to belief that the ECW was or would be effective.[143] In one incident involving

[140] *See* COLUMBUS DIVISION OF POLICE, INTERNAL AFFAIRS BUREAU, Collected U-10.128T forms for Use of Taser in 2017 (unpublished internal documents, Columbus Division of Police) (on file with the Internal Affairs Bureau).
[141] Rhyne, *supra* note 75.
[142] *Id*.
[143] Meader et al., *supra* note 54.

an attempted probe deployment where one probe missed the subject, the ECW was deemed effective solely on the basis of pain compliance.[144]

In 2017, there were five reported uses of a ECW against a dog.[145] While not included in the data above, it is mentioned here because it served to resolve these situations without officers using their firearm to subdue the animal. There were no uses against animals in 2018.

YEAR	TOTAL # INCIDENTS	% change	# DRIVE STUN	% change
2005	234	--	149	--
2006	220	-6%	183	+22.8%
2007	405	+84.1%	163	-11%
2008	262	-35.3%	149	-8.6%
2010	194	-26%	36	-75.8%
2011	181	-6.7%	56	+55.5%
2012	154	-14.9%	53	-5.4%
2013	151	-1.9%	49	-7.5%
2014	163	+7.9%	9	-81.6%
2015	145	-11%	14	+55.6%
2016	135	-6.9%	6	-57.1%
2017	**162**	**+20%**	**30**	**+400%**
2018	**169**	**+4.3%**	**20**	**-33.3%**

The table shows the total number of incidents for each year since the Division acquired ECW-style intermediate weapons.[146] In previous years, there have scenario-based exercises during yearly defensive tactics training to emphasize effective use of the ECW in various scenarios[147] as well as general in-service training topics to address de-escalation. Although ECW use rose in 2017 and 2018, there is a still a downward trend in the number of ECW incidents since the device was first issued in 2005. Incidents in 2017 and 2018 are still well below the mean for the study period (198) and at or below the median (169). This is despite the Columbus population growing and officers responding to more than half a million calls for service each year.

[144] *Id*.

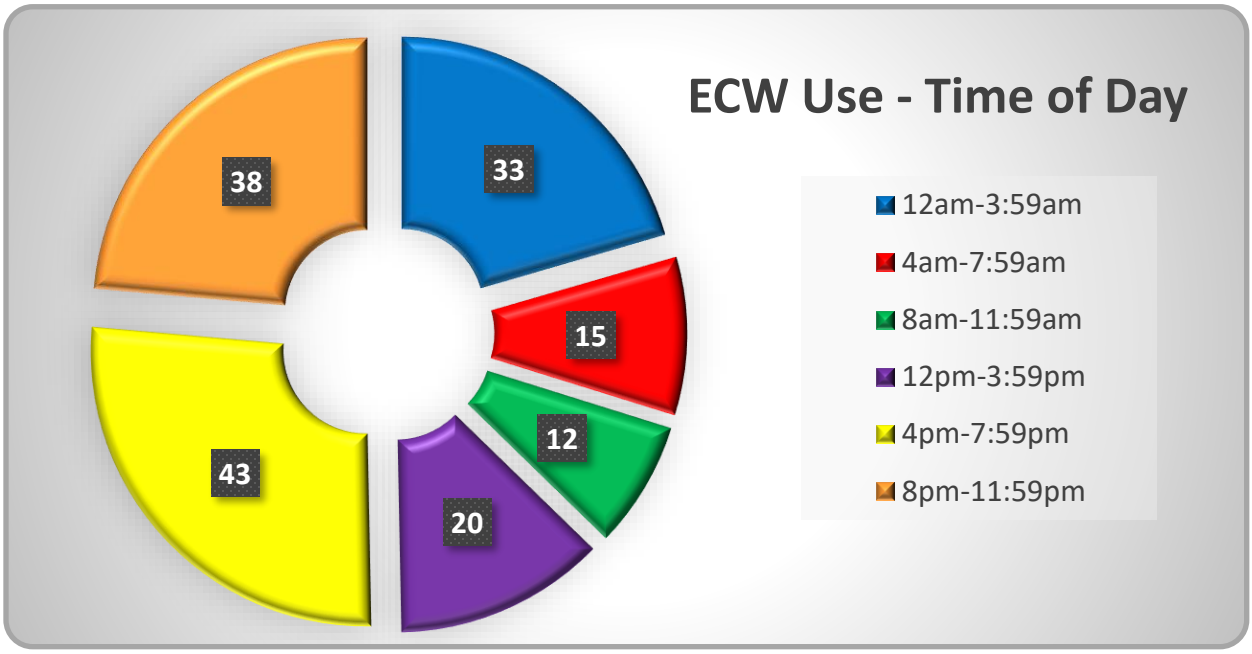
[145] Rhyne, *supra* note 101.

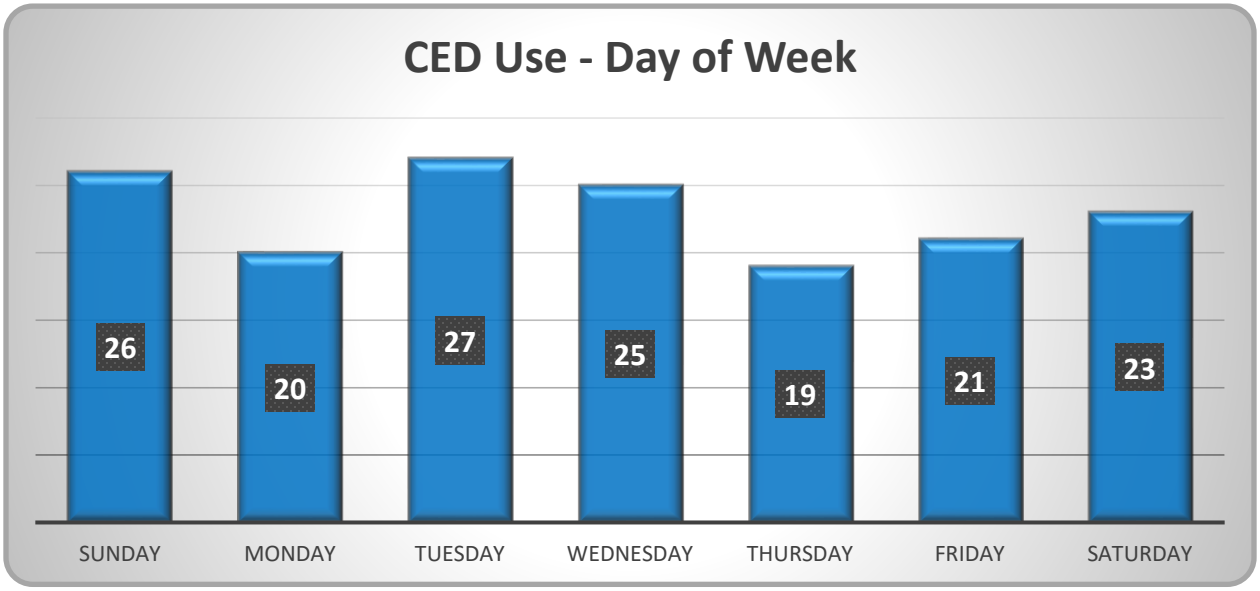
[146] Data for 2009 is missing and therefore not included in the table or in computations. The numbers cited above reflect the total usage by IAB files, not in-depth analysis (i.e., 169 in 2018, not the 162 examined in detail).

[147] Concepts such as the close quarter probe deployment, splitting the hemispheres, cuffing under power, verbal commands and de-escalation techniques, and handling ECW malfunctions have been incorporated into the annual training.

The average years of service for personnel deploying the ECW in 2018 and 2017 was 9.94 and 9.56 respectively. The average years of service for all patrol officers at the end of 2018 was 11.57. The ECW is routinely issued to/used by all Patrol personnel as well as the following personnel: SWAT, canine, community response, high school resource, court liaison, Traffic Bureau officers, and others.

Below is also a breakdown of the day of the time of day in 2018 (in four-hour blocks) and the day of week that these incidents occurred.





PART VIII – LE RELATED INJURY INCIDENTS

The following part examines two related topics: injuries to subjects and officers as a result of uses of force with a focus on Level 1 uses of force, and intentional assaults upon officers.

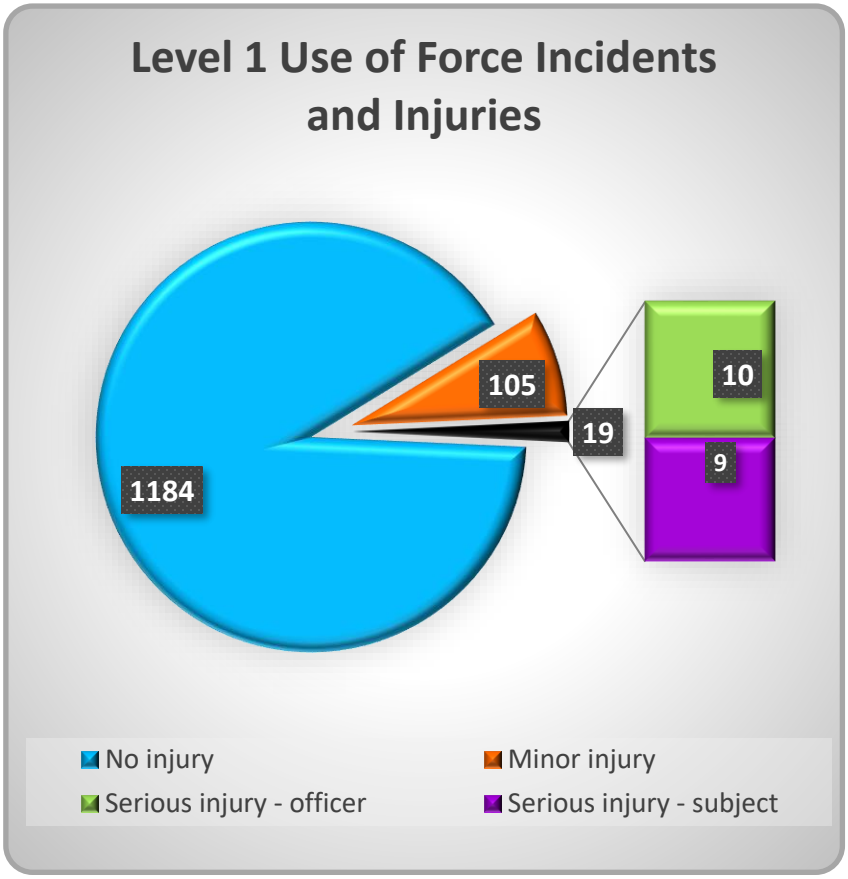
Injuries to Subjects and Officers

A review of law enforcement injury incidents is a recent addition to this annual report. It is anticipated that future reports will examine more or all uses of force in a year to get a more complete picture of incidents that result in injuries to either the officer(s) or subject(s) involved. There is a distinction drawn between a subject's injuries received as a result of the use of force, and those injuries prior to police contact and therefore not related to the use of force. For this year's report, a selection of Level 1 responses for 2018 were evaluated. Level 1 responses with no other use of force were examined.

A level 1 response is defined as empty hand control and includes pressure points, grounding techniques, joint manipulations, and pain compliance techniques.[148] The Division form U-10.128 includes the following categorizations and check boxes for officers to report a Level 1 response: mandibular angle (pressure point), escort position – locked out, arm bar take down, jugular notch (pressure point), transport wrist lock, wrist roll, hypoglossal (pressure point), physically placed on ground, and other.[149]

For this report, injury to an officer or subject is categorized by the authors based on the information contained in the arrest report narrative or the U-10.128. The categories for injury are: none, minor, serious. A minor injury is one that does not require treatment or requires only very cursory treatment (adhesive bandage, etc.). Examples of these types of injuries are cuts and scrapes that do not require sutures, abrasions, minor bruising, and other non-life-threatening injuries. These injuries include circumstances in which EMS response is requested, but the treatment is provided at scene with no transport or further treatment required. A serious injury is one that requires transport to a definitive care facility, is physically life-threatening, or otherwise requires substantial, complicated, or long-term care. Examples of these injuries are

[148] COLUMBUS DIVISION OF POLICE, *supra* note 1.
[149] *Id* (parenthetical information added).



broken bones, large lacerations requiring sutures, any injury resulting in loss of consciousness, or any other life-threatening injury.

Overall, there were 1,303 incidents in which a Level 1 use of force was reported not in combination with some other use of force. These incidents do not include any other use of force, i.e., these Level 1 responses were not *in addition to* hard empty hand control, etc. These incidents *do* include Level 0 responses, although those responses are not categorized or tabulated here.

Of the Level 1 incidents examined for this portion of the report, 975 involved male subjects, 333 involved female subjects. The average officer years of service was 8.99.

When examining Level 1 responses and comparing those demographics to all Level 2 through Level 8 Use of Force demographics, there are some differences noted. In Level 1 uses of force only, 74.54% were to males with 25.46% to females. But, for all other uses of force where sex was known, 85.34% were to males and only 14.66% to females. For ECW uses, 92.12% were to males and only 7.88% to females. The average officers' years of service for all Level 1 incidents was 8.99 years, compared to 11.57 years of service for all Patrol.

Race is not a metric collected on the U-10.128 Use of Force report, so the racial makeup of all subjects receiving force is not available unless an arrest is made and the arrest form which does indicate race is attached to the Use of Force reporting form.

In the 1,303 Level 1 only incidents, there were 68 injuries to subjects from the Level 1 use of force. Of those injuries, 9 involved hospital treatment. There were 56 officers injured in the same set of incidents, 10 requiring treatment.

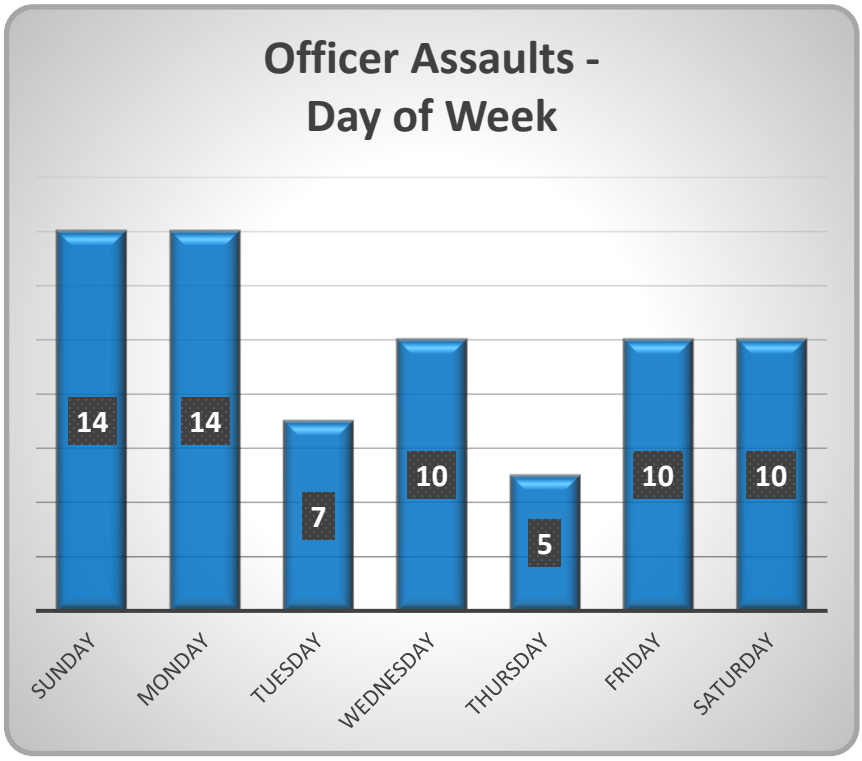
Assaults on Officers and Resulting Officer Injuries

This section examines intentional assaults on officers that were investigated by the Columbus Division of Police Crimes Major Crimes Bureau. The only incidents examined here are those violations specifically investigated for felony assault on a police officer where there is the potential for a suspect to be indicted. Therefore, incidents in which a suspect is unavailable for prosecution (unknown suspect or suspect deceased) are not included.

Incidents of minor assaults on officers are not included in this analysis. This is a result of both internal policy and state law. There is no misdemeanor code for "assault on a peace officer" in Columbus or the State of Ohio. There is, however, a misdemeanor charge for resisting arrest that results to harm on the officer.[150] In these cases, the individual officer(s) is responsible for handling those charges, not the Major Crimes Bureau.

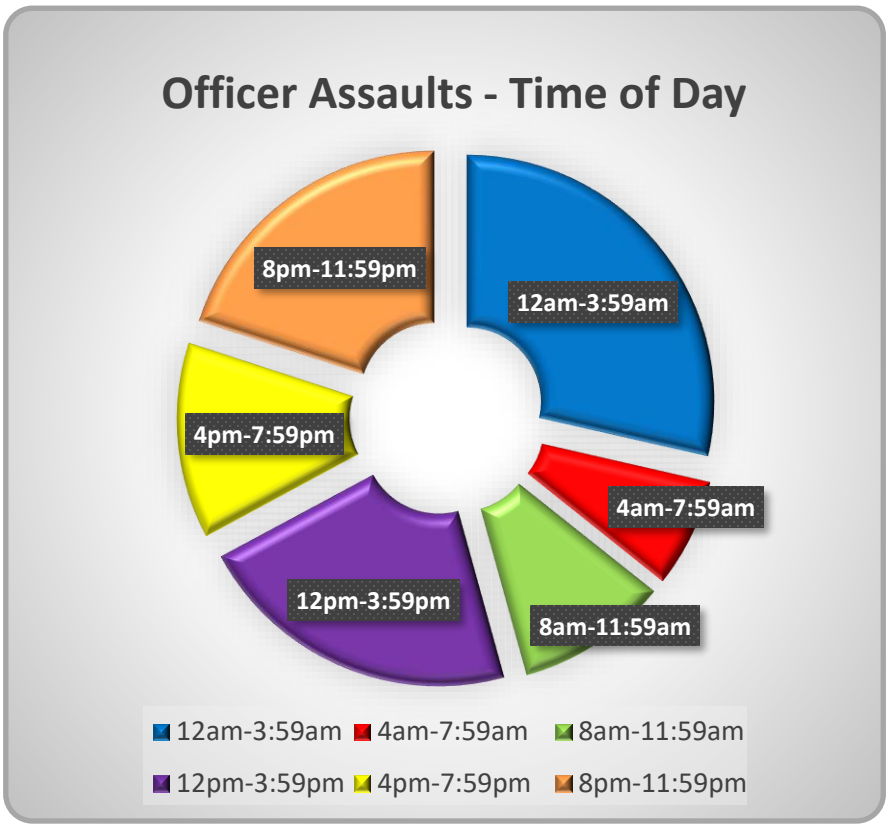
There is a felony obstructing official business charge that is used to charge subjects who engage in acts that do not rise to the level of intentional felony assault on a police officer.[151] Although these are felonies investigated by the Major Crimes Bureau, they are not included here as they are not charged as an assault.

Finally, the majority of incidents in which a suspect only threatens an officer with a deadly weapon are not included here as those are processed as a felony menacing charge, not an assault. The only incidents examined here are those contained in Chapter 2903 of the Ohio Revised Code involving a suspect who actually assaults or attempts to assault a peace officer.[152]



[150] R.C. 2921.33(B) (1997).
[151] R.C. 2921.31 (2000).
[152] *See* R.C. 2903.11 (2017). *See also* R.C. 2903.12 (2011). *See also* R.C. 2903.13 (2013).

In 2018 there were 61 incidents in which 70 officers were assaulted.[153] This is down from 84 incidents in 2017 in which 102 officers were assaulted.[154] The charts show the day of the week and time of day that these incidents occurred. There were nine female officers and 61 male officers assaulted. The officers assaulted had an average age of 35.59 years, and averaged 8.39 years of service.[155] The racial breakdown of the officers is as follows: one Asian, five black, 64 white.

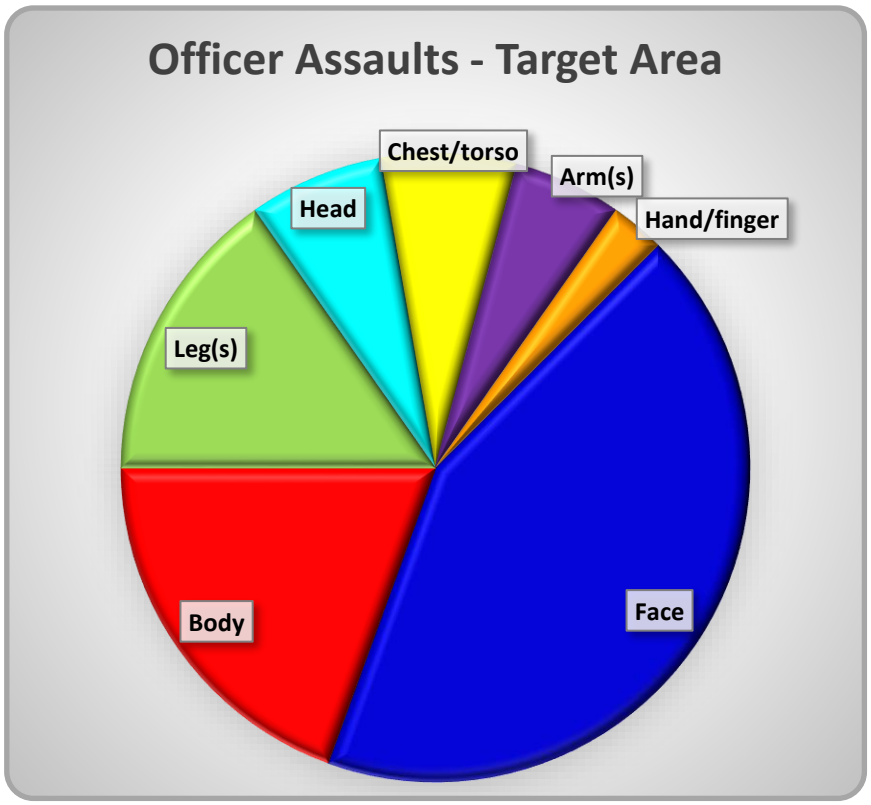


Suspects in these incidents ranged in age from thirteen to 55, with an average age of 28.26.[156] Of the 61 incidents, there were 53 suspects in which sex and race were known.[157] There were 38 males and 24 females who were investigated.[158] The racial makeup of the suspects is as follows: one Asian, 31 black, , four Hispanic, one other, 24 white.[159]

The charts that follow show the means in which officers were assaulted, and the primary target area. Officers in these incidents responded to the assaults with the following levels of force as defined in Division Directive 2.01: Level 1 (joint manipulations and grounding techniques) – 38; Level 2 (chemical spray) – 2, Level 3 (ECW) – 10, Level 4 (punch/kick/strikes) – 9. There were no higher levels of response.

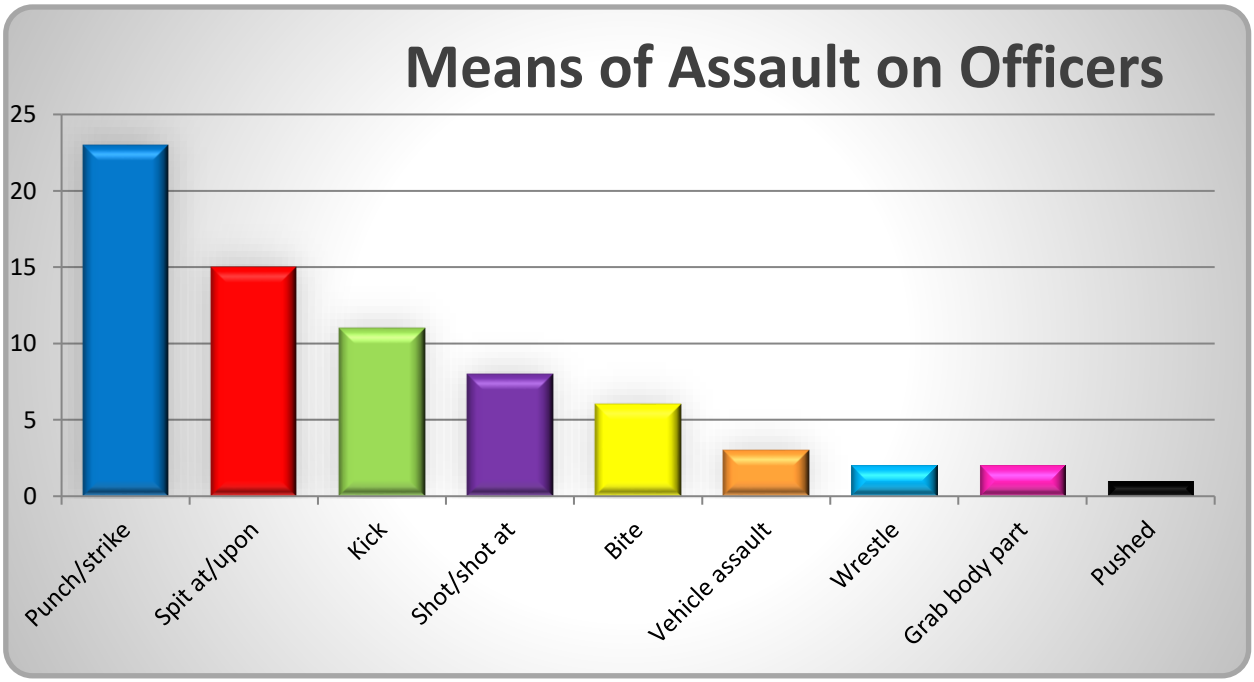
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[153] Catherine Kirk & Matthew Rhyne, *2018 PO Assaults* (July, 25, 2019) (unpublished internal document, Columbus Division of Police file with author Kirk).
[154] Meader et al., *supra* note 62.
[155] Kirk & Rhyne., *supra* note 153.
[156] Kirk & Rhyne, *supra* note 153.
[157] *Id*.
[158] *Id*.
[159] *Id*.



There were fourteen officers who did not record a response.[160] There can be different reasons for this: the officer was incapacitated and could not respond, more than one officer was present and controlled the suspect such that all officers present did not need to respond, the suspect was no longer be a threat and therefore the reasonable course of action did not require force, there was no identifiable suspect for force to be used on (i.e., officers shot at by unknown suspect).[161]

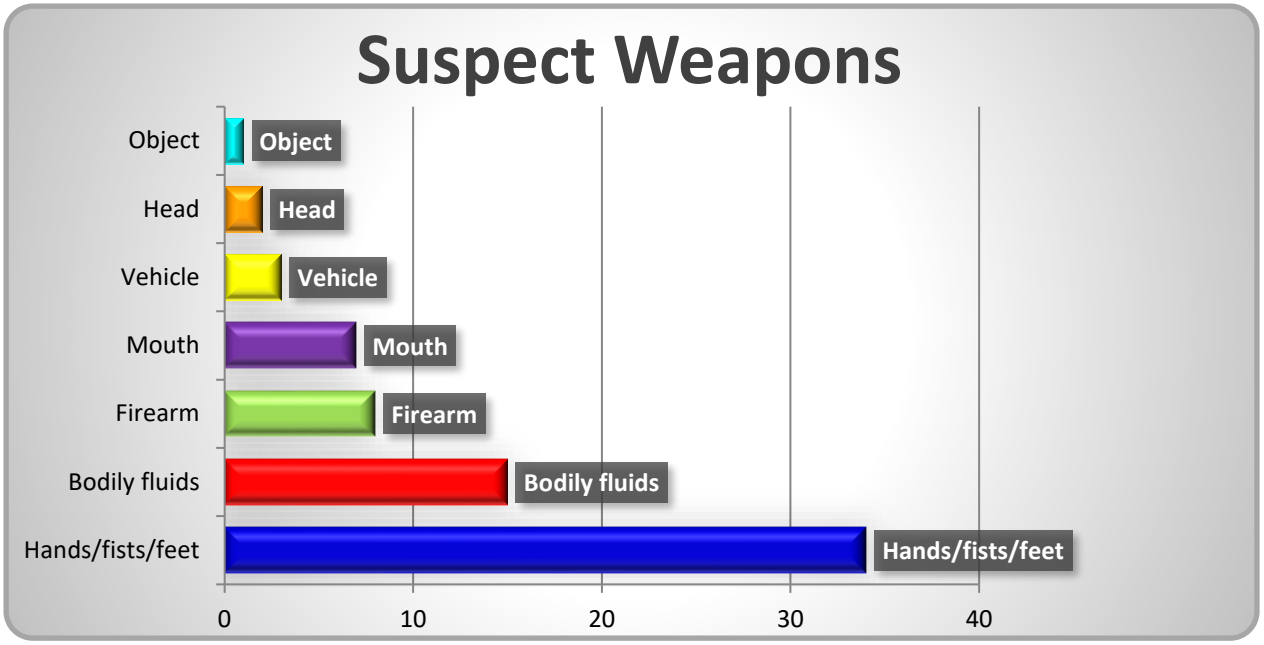
Suspect weapons included hands/fists/feet (34 instances), bodily fluids (15 instances) firearm (eight instances), mouth (7 instances), vehicle (three instances), head used to strike/headbutt



[160] *Id*.

[161] *See* CITY OF COLUMBUS, Training Bureau files, PO Assault Case Folders (last accessed July 25, 2019) (containing the case files for all officer assault cases investigated in 2017).

(two instances), hammer (one instance). There were at least six incidents in which a suspect used more than one means to assault an officer.



As a result of the 70 officer assault incidents, there were 18 officer injuries ranging from pain and swelling, to a fracture.[162] Injuries are summarized in the chart below. The categories are not mutually exclusive, and there is overlap among the listed injury categories. For example, of four officers injured from being bitten by suspects, two reported a bite injury (nonspecific), one reported bruising and swelling, and one reported pain, bruising, and swelling. One officer was treated at scene by responding medics, six officers sought medical treatment either at an emergency room or other medical facility/ The rest were self-treated with first aid measures.



[162] Kirk & Rhyne, *supra* note 153.

It may appear in media reports that force is used disproportionately more often against males and blacks. Attention may be called to the fact that while the estimated black population of Columbus is approximately 28.3%[163], 54.99% of the uses of force from 2018 were on subjects who identified or were described as black.[164] On a global scale, when uses of force are compared to the population at large, this disparity in use of force is true. However, when viewed in light of the contacts that officers are making, and *why* those contacts are made, a distinguishable pattern emerges. Instead of comparing use of force demographics to the population at large, it is more accurate to compare use of force demographics to the population with whom the officers are making contact with when force is used: suspects, arrestees, and, to a much smaller extent, victims and witnesses. This puts the uses of force in context with the nature of the contacts that officers are having. The following section of this report compares crime victim and suspect demographics from 2018 with use of force information from 2018.

Officers make contact with individuals for a variety of reasons and under many different circumstances. The contact may be the result of a self-initiated activity such as a traffic stop in which the officer has witnessed a traffic violation, or contact may be the result of having been dispatched to a location to investigate a specific crime or complaint. From the incident descriptions as reported by supervisors on the Data Processing Worksheet, form U-10.164, the five most frequent incidents in which force was used in 2016 are describes as "disturbance/fight," "crime committed," "calls for service," "traffic incident" and "mentally ill person."[165] These were followed by "domestic disturbance," "warrant served/arrest," and "routine/daily patrol" in roughly that order in 2016.[166] Numbers for the categories in 2016 and 2017 were similar. "Disturbance/fight" was the most frequent incident description in every year in the study period by a margin of at least two-to-one to the second most frequently reported incident description.[167] It is unclear from the Data Processing Worksheet data exactly how many of these incidents were purely self-initiated by the officer and how many were citizen-initiated (call for service, flagged officer down, etc.). What is clear is the number of overall runs and dispatched runs were down

[163] Columbus, Ohio information, *State & County Quick Facts*, *supra* note 27.
[164] *Infra* Part VI.
[165] *Id*.
[166] *Id.*
[167] *Id*.

in 2018, while officer-initiated incidents were up in 2018 when compared to previous years.[168] From 2012-2018 officers self-initiated about 30% of all incidents.[169]

While there are many different innocuous events that may be fairly described as a "disturbance" or "fight," or even "calls for service," there are several violent crimes that fall under these categories and would have to be categorized as such. An incident involving force against a robbery suspect could be categorized many different ways since "robbery" is not an available incident description.[170] For this reason, use of force demographics should be compared to suspect and arrestee data for all arrests, and compared to demographics for certain violent crimes as these individuals have demonstrated their violent nature upon another human being. These suspects account for many of the individuals that officers are seeking contact with and attempting to take in to custody when force is used.

In taking this information in to account, it is important to note that the single biggest category of arrestee data is for "all other offenses" in the group "B" offenses.[171] This category includes arrests that fall outside the certain violent crimes.[172] More importantly, this category includes resisting arrest[173] – one of the most prevalent reasons for an officer to have used force in the first place. "All other offenses" accounts for nearly half of all arrests in 2018.[174]

Of all reported crimes in Columbus, only suspect and arrestee demographics for aggravated assault, homicide, rape, and robbery were singled out from 2018.[175] These are the four crimes identified by the FBI's Uniform Crime Reports as "violent crimes."[176] Additionally, domestic violence statistics in Columbus from 2018 were also examined. There are a number of reasons to separate domestic violence incidents from the other defined "violent crimes" and other crimes in general. First, in order to classify an incident as domestic violence, there must have been some use or attempted use of actual violence upon the victim at some point.[177] Second, the parties *must* have some domestic relationship as defined in the Ohio Revised Code.[178] In other words, there are substantially fewer if any suspects who are unknown to the victim, and whose sex and

[168] *See infra* Part V.
[169] *See* Bowling, *supra* note 47.
[170] *See* CITY OF COLUMBUS, *supra* note 65.
[171] *See* Bowling, *supra* note 47.
[172] *Id*.
[173] *Id*.
[174] *Id*.
[175] Dale Thomas, *2018 Violent Crime Demographics* (June 13, 2019) (unpublished internal document, Columbus Division of Police) (on file with author Kirk).
[176] UNITED STATES DEPT. OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, UNIFORM CRIME REPORTING STATISTICS, http://www.ucrdatatool.gov (defining the UCR violent crimes as aggravated assault, homicide, rape, and robbery).
[177] Domestic violence reporting would also include alleged violations of a protection order where probable cause existed. For a protection order to be issued in a domestic violence case, there must have been some showing of the use or attempted use of violence upon the victim *at some point* even if it was not reported in the instant case.
[178] OHIO REV. CODE §2919.25(A)–(C) and (F) (Sept. 17, 2010).

race is unknown (0.02% and 1.56% respectively, compared to up to 1.49% and 5.25% unknown suspect sex and race in UCR violent crimes[179]). In any event, suspects and arrestees for the four UCR-defined violent crimes plus domestic violence combined accounted for 15,578 individuals in 2018, with domestic violence suspects and arrests accounting for nearly half (49.67%) of those individuals.[180]

In looking at the demographics for suspects and arrestees and for uses of force, there is a consistency when it comes to both sex and race. Of all arrestees in 2018, about 54.85% were categorized as black.[181] Of all arrestees in 2018, 42.70% were categorized as white.[182] The split between male and female was 75.49% and 24.47% respectively.[183] However, these figures do not take recidivism in to account. It is not possible to tell from the data how many of the 26,551 arrestees in 2018 were because the same individual person had been arrested multiple times in one year – something that can and does occur. Therefore, either race or sex categories may be disproportionately represented because of a group of active criminals.

Of all of the UCR violent crimes plus domestic violence suspects/arrestees listed in 2018 (n=15,578 when counted by suspect), race was known or reported for approximately 98.51% of the incidents.[184] In those incidents where suspect/arrestee race was known or reported, 62.57% were categorized as black, and 31.08% were categorized as white.[185] Of those suspects/ arrestees for which sex was known or identified in 2018, 76.02% were reported to be male, compared to 78.05% in 2016 and 83.32% in 2015.[186] As for uses of force in 2018, just over half (54.99%) were to blacks and over two thirds (72.3%) were to males.[187]

It is clear that males and blacks make up a greater number of use of force recipients as well as arrests. Males and blacks also make up a greater number and proportion of identified suspects/arrestees. This is true regarding locally reported UCR violent crimes as well as all arrestees in general (across all local crimes and incidents). This demonstrates some consistency in interactions that do not, initially, involve the police. When the police are interviewing a cooperative victim or witness, it is *that* victim or witness who provides the description of a suspect's sex and race. It is not the police who generally make that determination.

[179] Thomas, *supra* note 165.
[180] *Id*.
[181] Thomas, *supra* note 50.
[182] *Id*.
[183] *Id*.
[184] Thomas, *supra* note 165.
[185] *Id*.
[186] Meader et al., *supra* note 62, at 45.
[187] *Infra* Part VI.

The breakdown of victims in 2018 was 51.76% being identified or reported as black, and 45.08% identified or reported as white.[188] These percentages are almost exactly what they were in 2016.[189] The remainder were either unknown, Asian/Pacific Islander, or American Indian/Alaskan Native.[190] For domestic violence crimes in 2018, 54.15% of the victims were reported as black and 43.29% were reported as white.[191] In Columbus, the reporting of a suspects' or arrestees' race in all crimes in general, and of UCR crimes in particular, appears stable across all victims sampled, as indicated through the offense reporting system Premier One. Only when looking at domestic violence suspect/arrestee demographics does the data on race demographics change dramatically. In all domestic violence incidents during 2018, blacks made up 60.10% of suspects and arrestees while whites accounted for 37.10%.[192] These numbers include not only incidents in which an arrest was made, but also those incidents in which a suspect was identified by a victim or witness but no charges were filed or no arrest was made. As stated above, domestic violence victim and suspect statistics reflect near zero values for unknown race as the involved parties are generally known to each other.[193]

In Columbus in 2018, whites made up approximately 31.08% of suspects and arrestees for UCR violent crimes and domestic violence where race was identified.[194] In domestic violence incidents in 2018, whites account for 37.10% of suspects.[195] However, whites accounted for 42.70% of all arrestees in 2016.[196] From this, it can be concluded that while whites may not be identified by victims or investigated as suspects at the same rate as other races, they *are* arrested at a higher rate than those suspects identified as black, Asian, American Indian/Alaskan Native, or other races. In other words, the apparent disproportionate distribution of suspect demographics is not similarly reflected in arrest data.

	Uses of Force	UCR Crimes + DV	All Arrests
Female	12.42%	22.49%	24.47%
Male	72.30%	76.02%	75.49%
Black	54.99%	62.57%	54.85%
All other non-white	3.26%	1.1%	1.05%
White	26.07%	31.08%	42.70%
Unknown/crowd	15.68%	5.25%	1.40%

[188] Thomas, *supra* note 164.
[189] Meader et al., *supra* note 62, at 47.
[190] Thomas, *supra* note 164.
[191] *Id*.
[192] *Id*.
[193] *See supra* text accompanying notes 164-67.
[194] Thomas, *supra* note 164.
[195] *Id*.
[196] Thomas, *supra* note 50.


9.76%
fewer mace/chemical spray responses
98.4%
arrests in 2018 were made without force
1,303
Level 1 response incidents = 1,303 incidents where higher level of force was NOT USED
only 1 in 1,380
incidents involved a Use of Force
uses of force
8.67%
from average of previous 4 years

PART X – CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The Columbus Division of Police use of force against combative suspects is decreasing while the number of residents of the City of Columbus increases.[197] This juxtaposition should be highlighted as the number of citizens-to-officers ration inflates as the growth of the population far exceeds the growth of the number of Columbus Police Officers.[198] It is estimated that the city gained over 13,000 residents since July 1, 2017 – sixth year in a row for an increase of at least 12,000 new residents.[199] On December 31, 2018, there were 2,233 individuals were employed directly within the Division of Police.[200] This is 31 fewer individuals that at the end of 2017.[201]

In 2018 officers used force a total of 411 times in 568,173 incidents, which is a ratio of one in every 1,382 incidents or 0.07%.[202] The Columbus Division of Police has trained annually on Use of Force focusing on various force application. This annual training will continue with finite focus on selected areas as described below.

Recommendations

1. In order to be consistent with the current categories defined by the Federal Office of Management and Budget and the United States Census Bureau, it is recommended that all documenting and reporting of race on Division forms be expanded to include Hawaiian Native or Pacific Islander (P). It is further recommended that the ethnicity categories of "Hispanic or Latino origin" and "not of Hispanic or Latino origin," separate and distinct from race, be added as an identifier. This is consistent with NIBRS reporting and the current P1 reporting system. Consistent categories will allow for more consistent analysis with the population of the region as it changes. It will also allow for consistent comparison and analysis from one Division report to another, as well as comparison with other non-Division reports that follow the current race and ethnicity reporting categories of the United States Census Bureau.

[197] *See supra* text accompanying notes 8 and 30.
[198] *Id*.
[199] *Supra* text accompanying note 30.
[200] Email from Teresa Bowling, *supra* note 7.
[201] *See* CITY OF COLUMBUS, DIVISION OF POLICE, ANNUAL REPORT 23 (2016).
[202] *See supra* Part V and p. 23..

2. Training on punches, kicks, and impact weapons strikes will continue to focus on target acquisition. This specified training is to reduce or eliminate injuries to both suspects and officers.

3. Utilization of loud verbal commands will also continue to be a focus. Loud verbal commands provide the suspect with a clear and finite direction in a tense, fast-evolving incident. This will also provide better witnesses and a legal foundation for criminal charges.

4. De-escalation is now integrated with all use of force training in both classroom and scenario-based learning environments.

5. In 2018 there were 26,551 custodial arrests and there were 411 Level 2-8 Use of Force response events in 2018 involving 512 sworn police officers and more than 491[203] subjects.[204] This is a decrease of 6.16% in events from 2017. Overall, there has been a steady decline in use of force events since at least 2010.[205] Additionally, there were 2,628 firearms recovered by officers in 2018.[206] Consequently, training on pat downs and searches will be stressed.

6. Use of force on persons who suffer from mental illness will be emphasized. In 2018 there were 24 uses of force on the mentally ill,[207] though consistent in recent year's remains a focus of the Division and the Training Bureau.

7. The ECW was effective 72% of the time for all cycles and deployment modes delivered or attempted in 2018.[208] This is an increase in effectiveness from 2017 in which 69% of all cycles were deemed successful.[209] The 72% effectiveness in 2018 is slightly better than the unweighted average effectiveness in the previous four years as shown.[210] Any mode with a drive stun follow-up reached 100% effectiveness in 2018.[211] There were 26 deployments of the ECW in close quarter probe mode with a hit rate of 100%.[212] These positive results can be directly attributed to training as effectiveness and specifically drive stun follow up percentages have been down in recent years. Therefore, this year the Defensive Tactics Unit will specifically train on the fundamental of Probe Mode Deployment during a foot pursuit. In 2018 there were twenty-three taser deployments during a foot pursuit resulting in thirty-seven misses.[213]

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[203] In 2018, there were 416 males and female recipients of force, and 75 instances of unknown or crowd recipients.
[204] Bernhardt, *supra* note 60 (providing tabulated figures from all 2018 Data Processing Worksheets, U-10.164; only levels 2-8 are tracked by IAB except for officer-involved shooting events; Level 1 responses are tabulated separately). Nancy Cameron, *2018 OIS stats scan* (June 11, 2019) (providing the count and detailed information on officer-involved shooting events in 2018).
[205] Meader et al., *supra* note 54, at 8.
[206] Email from Ky Reed, Firearms Evidence Tech, Columbus Division of Police, to author Meader (Dec. 31, 2018).
[207] *Supra* p. 34.
[208] *Id*.
[209] Rhyne, *supra* note 101.
[210] *Id*.
[211] *Id*.
[212] *Id*.
[213] *Supra* pp. 34 – 5.

8. In recent years there has been an increase in use of deadly force by officers in plain clothes. Therefore, responding to calls for service in plain clothes and encountering plain clothes personnel training will be completed.
9. To underscore Body Worn Cameras and recent static training on body camera narration, scenario-based training on narration will be completed.

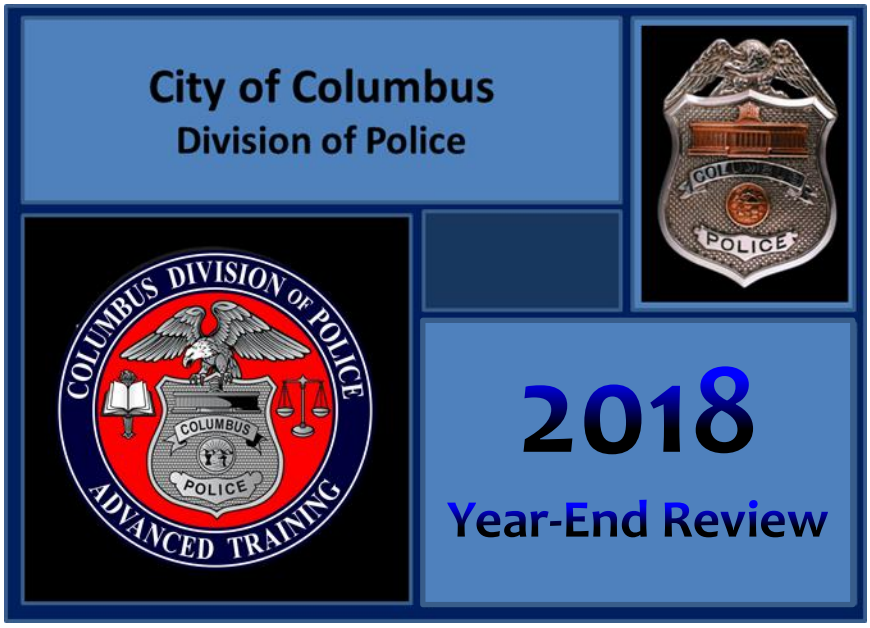
Safe and effective interaction
with the mentally ill will remain a focus of training

Scenario-based
Body Worn Camera
narration training will be completed



De-escalation
training will occur in both
classroom and scenario-based exercises

Using
Loud Verbal Commands
Will be a focus in upcoming training



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