

C O L U M B U S D I V I S I O N O F P O L I C E

2019

USE OF FORCE ANALYSIS — YEAR END REVIEW



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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

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July 01, 2020



2019

USE OF FORCE ANALYSIS – YEAR END REVIEW

TABLE OF CONTENTS

Executive Summary.....	i=iii
Part I – Introduction.....	1
Part II – Agency Statistical Snapshot.....	3
Part III – Division Training and Development.....	6
Part IV – Population Demographics.....	8
Part V – Incident and Arrest Data.....	10
Part VI – Use of Force Analysis.....	16
Part VII – ECW In-depth Analysis.....	32
Part VIII – LE Related Injury Incidents.....	44
Part IX – Crime Victim and Suspect Information.....	51
Part X – Conclusions and Recommendations.....	55

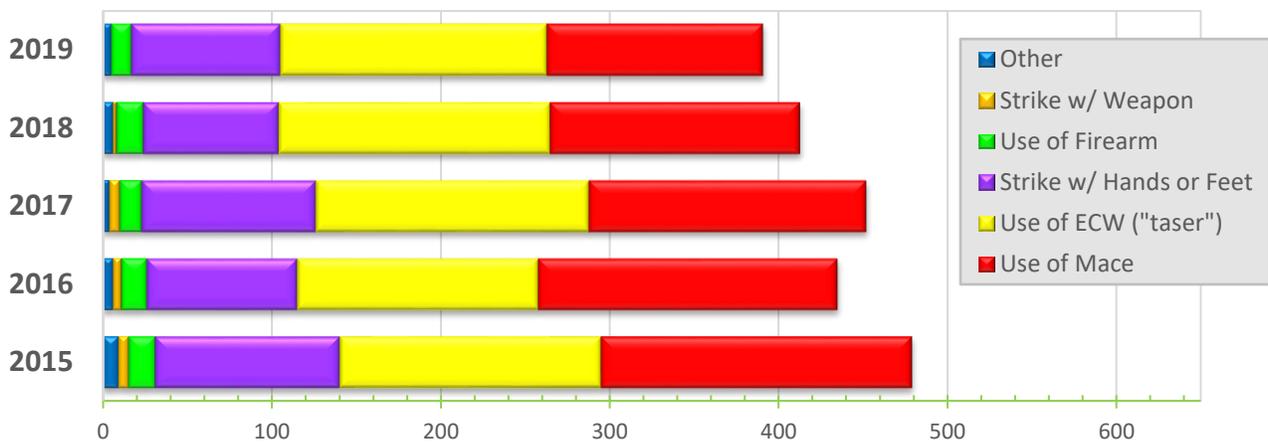
2019

USE OF FORCE ANALYSIS – YEAR END REVIEW

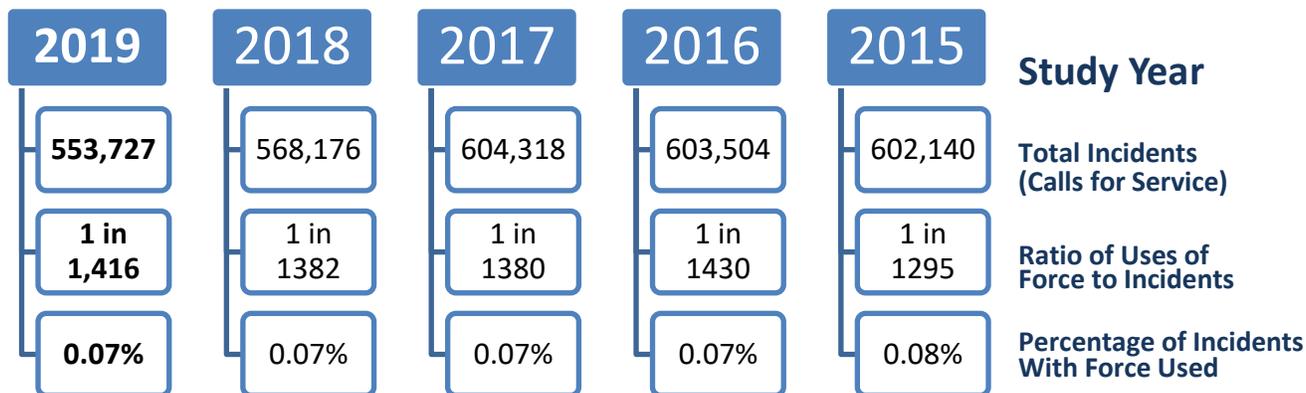
EXECUTIVE SUMMARY

	Response Events and Number of Officers Involved				
	2019	2018	2017	2016	2015
TOTAL (officers involved)	390 (470)	411 (512)	438 (529)	422 (481)	465 (593)
Canine Bite	0 (0)	0 (0)	2 (2)	1 (1)	2 (2)
Pushing/Causing Collision	5 (6)	6 (6)	2 (2)	5 (5)	7 (7)
Strike w/ Weapon	0 (0)	2 (2)	6 (6)	5 (5)	6 (6)
Strike w/ Hands or Feet	88 (109)	70 (80)	103 (119)	89 (101)	109 (126)
Use of ECW ("taser")	157 (176)	169 (188)	162 (176)	143 (151)	155 (170)
Use of Firearm	12 (13)	16 (29)	13 (16)	15 (25)	16 (21)
Use of Mace	128 (166)	148 (207)	164 (224)	177 (216)	184 (280)

Use of Force Response Events 2015-2019



- 553,727 total incidents/calls for service (911, 4545, and officer self-initiated combined)
- 26,294 custodial arrests (actual persons delivered to a detention facility)
- 391 Level 2-8 (“tracked”) use of force events in 2019 compared to incidents and arrests
 - o 99.93% of all incidents did not involve a tracked use of force event
 - o At least 95.25% of incidents did not involve an arrest
 - o About 1.49% of arrests involve a use of force event
- 1,689 exclusive Level 1 uses of force (an incident with *only* a Level 1 response). In other words, 1,689 times that low level force was used to de-escalate a situation.



In 2019, there were 391 tracked use of force response events that occurred in 358 incidents. “Tracked” refers to uses of force from Level 2 (Use of Chemical Spray) to Level 8 (Deadly Force). These uses of force are reported and tracked through the involved officers’ chains of command to Internal Affairs. The figures for 2019 are shown on the previous page along with the figures for previous years.

Exclusive Level 1 uses of force are those incidents in which *only* Level 1 or Levels 0 and 1 force was utilized. These incidents are accounted for separately, reviewed by a sergeant, and then forwarded to Internal Affairs Bureau. In 2019, there were 1,689 exclusive Level 1 uses of force. Level 1 uses of force include empty hand control, joint manipulations, grounding techniques, and 17 other techniques. The majority of the Level 1 responses were “placed on ground/tackle/leg sweep,” (774), “arm bar” (243), and “push” (159). Overall, officers reported 95.02% effectiveness of all Level 1 techniques applied.

“Total incidents” is the context for which uses of force events are viewed and includes dispatched (911 and non-emergency calls) and officer self-initiated calls for service. Sworn personnel responded to 553,727 incidents in 2019. The total number of incidents does not reflect the total number of contacts officers make as such a figure cannot reasonably be calculated.

In 2019, about 0.07% of all incidents involved a use of force event. This represents consistency since at least 2016. For 2019, this equals about one use of force incident in every 1,416 incidents.

There were 26,294 custodial arrests made in 2019. The custodial arrest figure represents the total number of times a human individual was arrested and delivered to a jail or detention facility. There

may be (and are) individuals who are represented more than once in that number because of multiple arrest incidents which occurred independently throughout the year.

Total incidents and the number of custodial arrests are the primary figures by which uses of force events are compared. Not all uses of force are delivered to an arrestee but comparing use of force events to arrest figures allows for consistent comparison over time. 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 an arrest being sought or greater force being reasonable). Or, force may be reasonably delivered to an individual who ultimately is not arrested or charged, or is able to evade capture.

In 2019, at least 98.51% of arrests were made without a tracked use of force event. 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. Therefore, the use of force percentage when compared to these metrics would drop significantly below the current figures for 2019: 1.49% of arrests involved force, and 0.07% of total incidents involved force.

In 2019, personnel responded to over 63 incidents or calls for service every single hour of the year (just over one incident a minute), or over 1,517 incidents every single day. Yet only 0.07% of the time did any personnel use force. On average, this equates to roughly one singular Level 2 through 8 use of force event per 24-hour period within the entire city.

The chart below compares demographics (when known) of use of force recipients, UCR violent crime suspects and arrestees (homicide, aggravated assault, rape, robbery) and domestic violence suspects and arrestees, and demographics for all arrests. Sworn personnel are seeking contact with individuals who are identified by victims and witnesses as being a suspect in a crime

2019	Uses of Force	UCR Crimes + DV	All Arrests
Female	12.55%	23.17%	23.80%
Male	73.62%	75.29%	76.20%
All other non-white	2.60%	0.90%	1.00%
Black	56.40%	66.50%	54.08%
White	41.00%	32.60%	42.91%

Each year, the Columbus Division of Police releases numerous publications to inform the public on the various activities of sworn and civilian personnel. This publication is a review of uses of force by sworn personnel from the previous calendar year. A report of this nature has been published annually for many years. Continuous developments in technology utilized by the Division have assisted in gathering, tracking, and monitoring various forms of information available. Not only does this allow for increasing data analysis from year to year, but also a correction of previous years' use of force data as needed. These technologies can also help 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, could greatly improve crime prevention strategies, and allows resources to be used more efficiently.

This report provides an analysis of the Use of Force Reports¹ and Use of Taser Reports,² and analyzes the use of electronic control weapons³ (hereinafter "ECW"⁴) for calendar year 2019. 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."⁵ This report generally covers uses of force from levels of control two ("[u]se of chemical spray") through eight ("[d]eadly force") as defined by the Division Directives.⁶ A small section of this report also examines Level 1 responses⁷ with respect to overall uses of force, and officer and subject injuries. This report does not examine most Level 0 responses because the majority of

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

⁴ Previous reports referred to the "electronic control weapon" as "CED" for conducted energy device, or "CED" 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 is 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 of this report has been added to the addendum.

⁵ CITY OF COLUMBUS, *supra* note 3 at (I)(A).

⁶ *Id.* at (I)(B).

⁷ *Id.* (enumerating Level 1 responses as "[e]mpty hand control, pressure points, grounding techniques, and joint manipulations").

those responses are not, by policy, reported by personnel.⁸ While this report does examine all reported uses of force, it is considered most detailed with respect to the use of an ECW, and least detailed with respect to deadly force – officer involved shooting incidents specifically. Officer-involved shooting incidents, deadly force incidents in which some other non-firearm instrument was used, 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 sworn Division personnel in the previous year. These reports are necessary to help 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.⁹

This report starts with an examination of the statistics and demographics of the Division of Police personnel in Part II. Annual in-service training, defensive tactics training, 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 2019, and compares those figures to the past five years.

Part VI of this report compares uses of force from 2015 to 2019 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 use of force. Conclusions and recommendations are discussed in Part X.

⁸ *Id.* at (III) (stating the procedures for reporting Level 0 responses applies only to “Sparking a Taser for Compliance” in (III)(A) and “Level of Control 0 . . . with a Complaint of an Injury Caused by the response – No Serious Harm to a Human” in (III)(B)).

⁹ 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.

2019

USE OF FORCE ANALYSIS – YEAR END REVIEW

PART II – AGENCY STATISTICAL SNAPSHOT

On December 31, 2019, there were 2,357 individuals were employed directly within the Division of Police as either sworn officers, non-sworn police recruits,¹⁰ or civilian employees.¹¹ Police cadets are not included in this figure. There were 17 cadets (classified internally as “Student



Intern” for Civil Service Classification). This was 124 more employees than in 2018, and 93 more than staffing levels at the end of 2017.¹² Of these 2,357 employees, 1,878 were sworn personnel, 85 non-sworn police recruits, and 394 were civilians. In 2019, two classes of police recruits (the 130th and 131st) graduated, and a total of 81 new officers were added to the Division.¹³ Two other classes of 85 total recruits (the 132nd and 133rd) began their training in 2019. Most of these recruits will graduate in 2020.

The sworn ranks are comprised of approximately 89% men and 11% women.¹⁴ The racial breakdown of sworn personnel is as follows: 87% are white; 10% are black; approximately 1% (each) are Asian, Hispanic, and Indian; and less than 1% each identify as Other.¹⁵ The national average for women serving as a sworn police officer is 12.6% for all law enforcement agencies in the United

¹⁰ Police recruits are those individuals who have completed the Civil Service testing process to become a sworn officer, and are completing their State-mandated and City/Division-mandated training before being sworn.

¹¹ Email from Denise Ferguson, Officer, Columbus Division of Police, to author Kirk (May 7, 2020, 10:39 AM) (providing Division demographic information to be printed in the yet-to-be-published 2018 annual report) (on file with author Kirk).

¹² See CITY OF COLUMBUS, DIVISION OF POLICE, ANNUAL REPORT 23 (2016) (showing Division demographics cited in the 2017 USE OF FORCE ANALYSIS (2018)).

¹³ Ferguson, *supra* note 11.

¹⁴ Denise Ferguson, *Division Demographics 12312019* (May 7, 2020) (unpublished internal document, Columbus Division of Police, on file with the Advanced Training Operations Unit).

¹⁵ *Id.*

States.¹⁶ But, women account for 16.4% of personnel in agencies serving a population from 500,000 to 999,999.¹⁷ The national average racial makeup of officers is 72.8% white, but only 59.9% white when corrected for population.¹⁸ In all local police departments in the United States, black or African American officers account for about 12% of the sworn personnel.¹⁹ This has remained steady since about 2007.²⁰ Overall sex and racial diversity within the Columbus Division of Police is unchanged from the last two years at about 11% female and 13% overall non-white. However, there has been increasing diversity among the last four classes of police recruits. Nearly one quarter of the classes started in 2018 are a sex or racial minority.²¹ Over 30% of the two recruit classes that started their training in 2019 are a sex or racial minority.²²

Sworn personnel are broken down in to the following ranks (from highest to lowest): Chief: 0; Deputy Chief: 6; Commander: 18; Lieutenant: 58; Sergeant: 225; Officer: 1571.²³ About 58% of sworn personnel are assigned to two patrol subdivisions – Patrol North and Patrol South. In 2018, about 62% of sworn Division personnel were assigned to Patrol. Restructuring in 2019 led to many operational assignments being diverted to non-Patrol subdivisions. A portion of the 10.17% of officers assigned to the Community Response, Special Services, and Wellness Bureaus have new or existing operational assignments akin to a traditional patrol function such as mobile crisis interventionists, therapy dog handlers, and youth services officers.²⁴ About 20% of sworn personnel are assigned to different Subdivisions containing Bureaus whose primary function is investigative.²⁵



¹⁶ Erin Duffin, *Gender Distribution of full-time U.S. law enforcement employees 2018*, STATISTA.COM (Oct. 10, 2019) <https://www.statista.com/statistics/195324/gender-distribution-of-full-time-law-enforcement-employees-in-the-us/> (last visited June 9, 2020).

¹⁷ BRIAN A. REAVES. LOCAL POLICE DEPARTMENTS, 2013: PERSONAL, POLICIES, AND PRACTICES. NCJ DOC. NO. 248677 (2015).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Email from Teresa Bowling, Officer (ret.), Columbus Division of Police, to author Kirk (June 11, 2019, 9:01 PM) (providing Division demographic information to be printed in the 2018 Division annual report).

²² Ferguson, *supra* note 14.

²³ Ferguson, *supra* note 11.

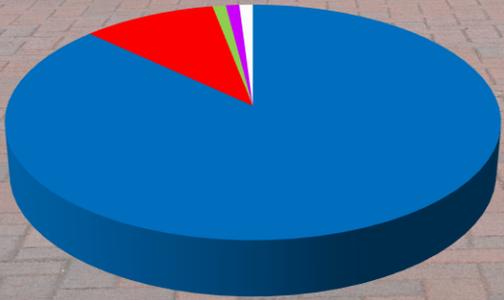
²⁴ Ferguson, *supra* note 14.

²⁵ *Id.*

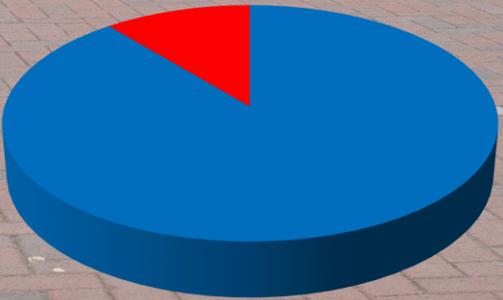


TOTAL PERSONNEL – 2,357
SWORN – 1,878
POLICE RECRUITS – 85
CIVILIAN - 394
(as of 12/31/19)

Sworn personnel – RACE and SEX



■ White	■ Black	■ Asian
■ Indian	■ Hispanic	■ Other



■ Male	■ Female
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2019

USE OF FORCE ANALYSIS – YEAR END REVIEW

PART III – TRAINING AND DEVELOPMENT

Training within the Division of Police is broadly divided into two different categories: recruit training which is all the training at the beginning of an officer’s career including the initial field training period; and advanced training which is all training received after the initial training period (roughly the first probationary year). The City of Columbus has not allowed lateral transfers of any kind for police officers to ensure that every sworn officer in Columbus has attended and graduated from the Division’s Recruit Training Program at the beginning of their sworn career. The Recruit Training 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 2013.²⁶ The OPOTC mandate in 2018 was 728 hours.²⁷ As of 7/1/2019, OPOTC mandated 737 hours.²⁸ Beginning in 2016, new recruits receive a minimum of 1,160 total hours of State-mandated and City-mandated training before being sworn in and graduating.²⁹ These new officers then have a total of 15 weeks of field training, divided in to four periods called 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 the topics of domestic violence enforcement updates, Narcan administration, legal updates, traffic control, juvenile justice, peer assistance and wellness, public corruption task force, pursuit policy, and communications.³⁰

Annually, all sworn officers receive a variety of advanced training and continuing professional development. The minimum number of hours mandated, topics to be covered, and practical application exercises required varies depending from where the mandate originates. All sworn personnel must complete training as mandated

²⁶ CITY OF COLUMBUS, *supra* note 12, at 30.

²⁷ 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).

²⁸ OHIO ATTORNEY GENERAL, HOW TO BECOME A POLICE OFFICER IN OHIO (July 1, 2019), <https://www.ohioattorneygeneral.gov/How-to-Become-a-Peace-Officer-in-Ohio>.

²⁹ Email 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).

³⁰ Email from Keith Barker, Sergeant, Columbus Division of Police, to author Kirk (May 7, 2020, 7:27 AM) (providing a list of training topics and hours given to probationary officers near the conclusion of their probationary year) (on file with author Kirk).

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 2019, officers attended two one-day in-service training sessions that covered all required OPOTC and CALEA training except defensive tactics and firearms. During the first quarter of 2019, all officers received seven contact hours of training on the following topics: Stopping Tactics and Pursuit Policy (one hour); Domestic Violence (one hour); Crime Scene Search Unit Capabilities (one hour); EEO in the Workplace (one hour); Body Worn Camera Narration (one hour); Ethics, Bias, and De-escalation (two hours).³¹ Third quarter 2019 continued professional training for uniformed officers included the following topics in seven contact hours: Reorganization of the Division (one hour); Human Terrain Mapping and Behavioral Pattern Recognition (a course to emphasize ethical choices and de-escalation tactics when appropriate) (two and one half hours); Medical Marijuana updates (one hour); Legal Updates (two hours).³²

Since 2013, officers received a minimum of nearly 28 face-to-face hours of ethics and bias training, eight 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.³³ These topics are also covered in annual defensive tactics training as well as various mandatory online training.³⁴

Annually, personnel typically attend five firearms qualification phases to shoot a minimum score on the OPOTC course (Phase I), shotgun courses (OPOTC and City) (Phase II), City of Columbus off-duty course (Phase III), the “decision” course (target acquisition/recognition; shoot/don’t shoot) (Phase IV), and the City of Columbus duty course (Phase V). In 2019, there were only four firearms qualification phases. All officers transitioned to a new duty weapon near the end of 2019 in Phase V. This required substantially more range time to complete the conversion process Division-wide, and therefore Phase IV “decision” course was not run as a separate qualification. Additionally, personnel must demonstrate sufficient knowledge of firearms policy and chemical spray policy in order to pass the policy exam which is given either during firearms phase or defensive tactics training. Finally, officers attend annual defensive tactics training to demonstrate proficiency in use of force and defensive tactics, and demonstrate policy knowledge.

³¹ See CITY OF COLUMBUS, Training Bureau drive “S:\Advanced Training Unit\In-service\2019 In Service” (last accessed June 10, 2020) (filing of 2019 first quarter in-service materials for including number of hours on each lesson plan or course video).

³² See CITY OF COLUMBUS, Training Bureau drive “S:\Advanced Training Unit\In-service\2019_3rd quarter” (last accessed June 10, 2020) (filing of 2019 third quarter in-service materials for including number of hours on each lesson plan or course video).

³³ See *generally* CITY OF COLUMBUS, Training Bureau files (last accessed June 10, 2020) (showing a tabulation of in-service and on-line training topics and hours).

³⁴ *Id.*

PART IV – POPULATION DEMOGRAPHICS

The City of Columbus is the largest incorporated area in Ohio³⁵ and the 14th largest city in the nation.³⁶ The city is comprised of more than 217 square miles of land³⁷ and nearly 6 square miles of water.³⁸ While the majority of the city is within Franklin county, there are also portions of the city within Delaware and Fairfield counties.³⁹ The city and the 10-county metro area continues to grow, even as other Ohio cities and metro areas experience steady population decreases.⁴⁰



As of July 1, 2019, the city's estimated resident population was over 898,500.⁴¹ It is estimated that the city gained over 13,000 new residents since July 1, 2017 – the seventh year in a row for an increase of over 5,000 new residents.⁴² The number of people in the Columbus metro area grew to more than 2.1 million people by mid-2018.⁴³ The greater Columbus metro area has shown greater than 10% growth since 2010⁴⁴ and has surpassed the Cleveland metro

³⁵ Doug Caruso, *Columbus now bigger than San Francisco, Census Bureau says*, THE COLUMBUS DISPATCH (May 23, 2019, 1:38 PM), <https://www.dispatch.com/news/20190523/columbus-now-bigger-than-san-francisco-census-bureau-says>.

³⁶ *Columbus Remains America's 14th Largest City*, 90.5 WCBE, <https://www.wcbe.org/post/columbus-remains-americas-14th-largest-city> (last visited June 10, 2020).

³⁷ Columbus, Ohio information, *State & County Quick Facts*, UNITED STATES CENSUS BUREAU, [https://www.census.gov/quickfacts/fact/table/columbuscityohio/PST045218%20\(last%20visited%20July%207,%202019\)%20\[hereinafter%20Quick%20Facts%20PST045218](https://www.census.gov/quickfacts/fact/table/columbuscityohio/PST045218%20(last%20visited%20July%207,%202019)%20[hereinafter%20Quick%20Facts%20PST045218) (last visited June 10, 2020) [hereinafter *Quick Facts*].

³⁸ Columbus, Ohio information, *State & County Quick Facts*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/columbuscityohio/PST045218> (as visited July 7, 2019) (showing information in July 2019 not available in 2020).

³⁹ 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).

⁴⁰ 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>.

⁴¹ *Quick Facts*, *supra* note 37.

⁴² *Id.*

⁴³ 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>

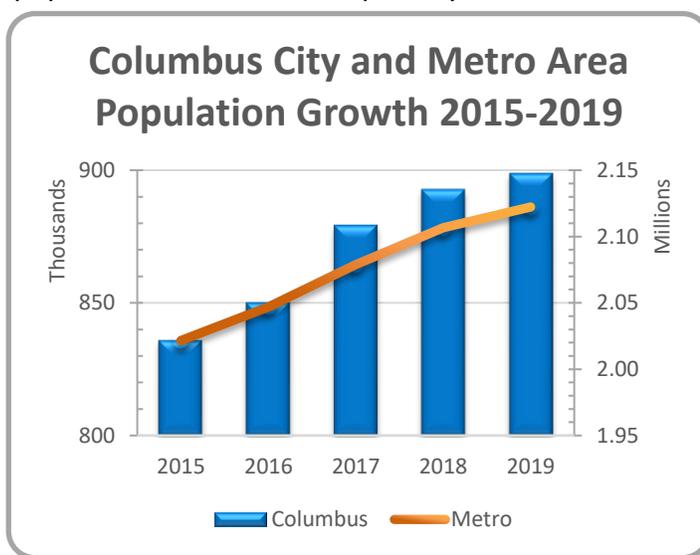
⁴⁴ *Id.*

area as the state's second largest.⁴⁵ It is expected that the region will surpass the greater Cincinnati area by 2025.⁴⁶ The Mid-Ohio Regional Planning Commission expects the Columbus metro area to add as many as one million people between 2010 and 2050.⁴⁷ The figure below demonstrates the continued population growth in the Columbus area from 2015 through 2019.

Based on the 2019 U.S. Census estimates, the Columbus population is 59.5% white, 28.5% black, and 5.7% Asian.⁴⁸ All others accounted for 6.3%.⁴⁹ There was about 6% of Columbus' population that identified as being of Hispanic or Latino descent.⁵⁰ About 12.5% are foreign born, compared to just 4.5% in all of Ohio.⁵¹ The national average of foreign born individuals is 13.5%.⁵²

There are estimated to be 352,543 households in Columbus as of July 1, 2019, with a median income of \$51,612. The median income rose slightly from 2018.⁵³ However, it is estimated that more than 20% of the Columbus resident population was below the poverty level.⁵⁴ In Franklin County, 15.5% live below the poverty level.⁵⁵ The national average is 11.8%.⁵⁶

Over 89% of Columbus residents 25 years or older have a high school diploma, and over 35% have at least a bachelor's degree.⁵⁷ 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.⁵⁸ Over one third of all businesses in the city are minority-owned, and 40% are women-owned.⁵⁹



⁴⁵ *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>.

⁴⁶ *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>.

⁴⁷ *Id.*

⁴⁸ *Quick Facts*, *supra* note 37.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

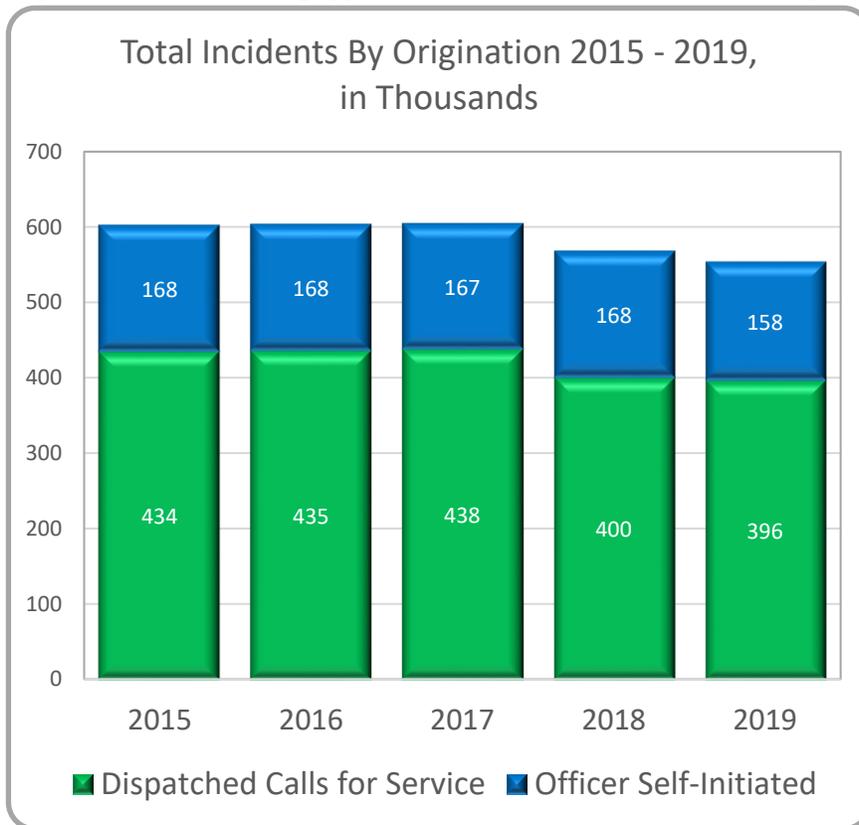
⁵⁹ *Id.*

2019

USE OF FORCE ANALYSIS – YEAR END REVIEW

PART V – INCIDENT AND ARREST DATA

The Columbus Division of Police responded to 553,727 incidents in 2019.⁶⁰ This is a 2.54% decrease overall from 2018.⁶¹ The 2018 figure was a 5.98% decrease overall from 2017. However, unlike in 2018 in which the decrease was entirely from outside calls for service, both outside calls for service and officer self-initiated calls for service were down in 2019, 0.98% and 6.26% respectively. From 2012 to 2017 there had been a downward trend in officer-initiated incidents before climbing slightly (about 1%) in 2018.⁶² However, the steady downward trend in all calls for service and officer-initiated calls for service continues. The numbers shown in the chart at left represent the following types of incidents: calls for service/requests for police response received



by phone including 911 or similar platforms, alarm interfaces, calls for service received via non-emergency lines or platforms, all text requests for service/response; and officer-initiated activity from all sources.

In 2019, about 0.07% of all incidents involved a use of force event.⁶³ This equals about one use of force incident in every 1,416 incidents. The 0.07% figure represents consistency since at least 2014.

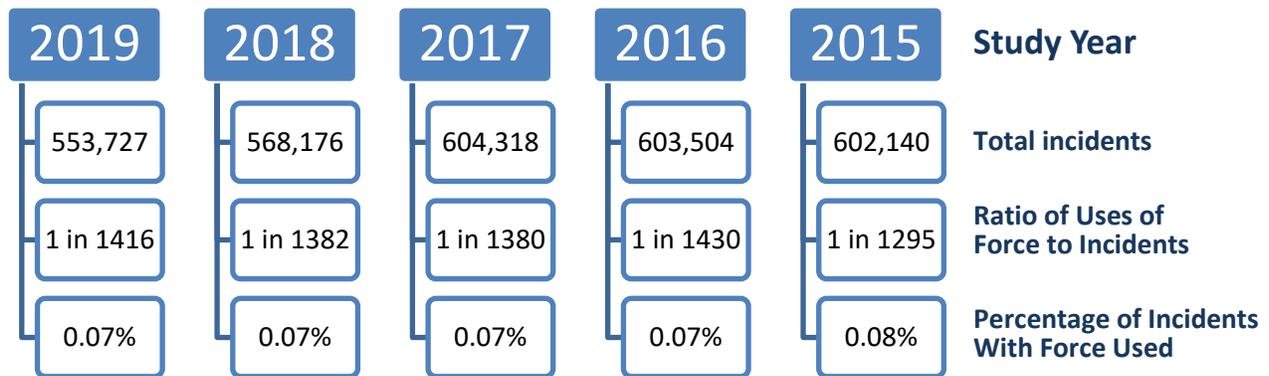
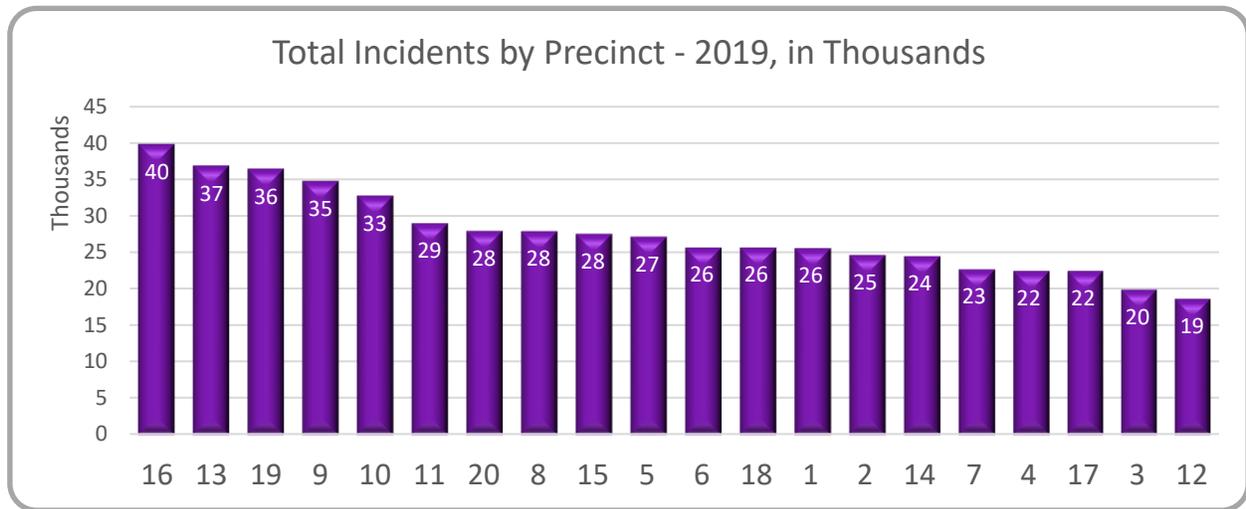
⁶⁰ CITY OF COLUMBUS, DIVISION OF POLICE, 2019 ANNUAL REPORT (2020).

⁶¹ *Id.*

⁶² *Id.*

⁶³ See *infra* Part VI (citing the total number of use of force events in 2019 as 390, and the total incidents in which any force was used as 358).

The first figure below shows the total number of incidents by precinct in 2019. The figure following summarizes total incidents in each year from 2015 through 2019, as well as the frequency of incidents that resulted in a use of force in each year of the study period.

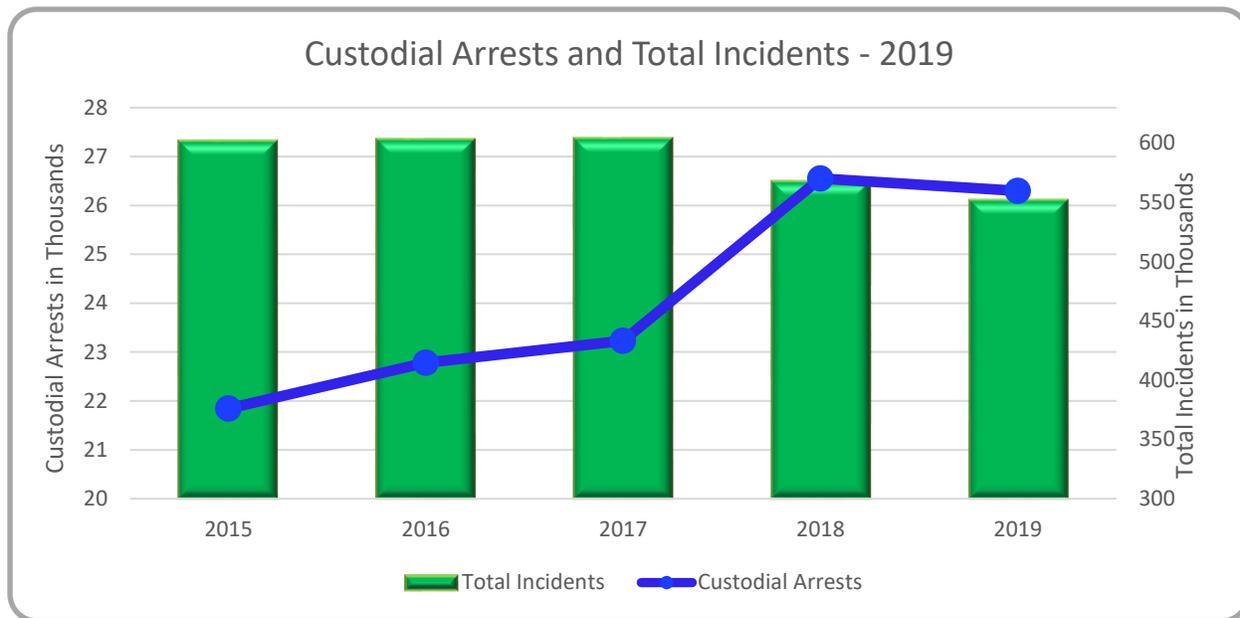


The total number of incidents cited throughout this report does not reflect the true number of citizen contacts officers have each year. Instead, this is based on the total calls for service/requests for police response which includes officer-initiated activity. Total calls for service were down 2.54% in 2019. This included decreases in both outside calls for service and officer-initiated runs. The percentage of all incidents that resulted in a use of force was 0.07% - a number that has been nearly consistent over the past five years.

There were 26,294 custodial arrests made by Division personnel in 2019.⁶⁶ The custodial arrest figure represents the total number of human individuals arrested, as opposed to the number of individual charges filed. An arrestee may be charged with one or multiple statute violations, depending on law and policy, which could skew the numbers and affect the comparison from one

⁶⁶ Dale Thomas, *2019 Arrestees_S_R_A_OBRCategory_Ranged* (May 13, 2020) (unpublished internal document, Columbus Division of Police) (depicting a Premier One data report) (on file with author Kirk).

year to another. The custodial arrest figure represents human individuals arrested in any one criminal incident regardless of the number of individual charges filed.



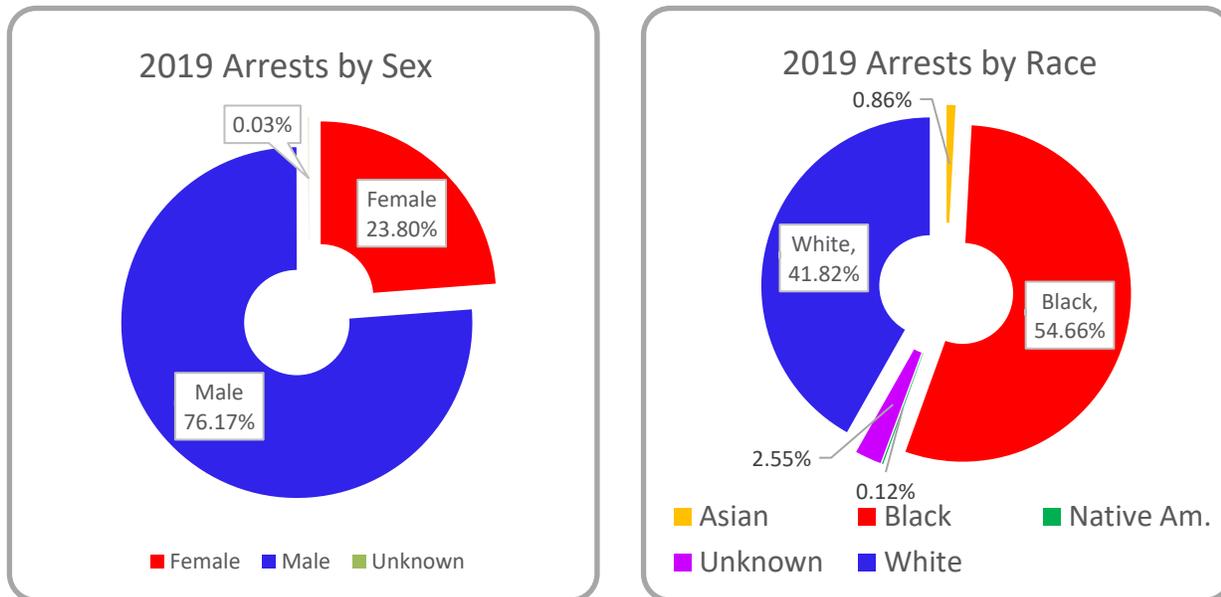
The number of custodial arrests is the primary figure by which uses of force are measured in this report each year. In 2019, at least 98.52% of arrests were made without a use of force event as reported in this analysis. This is slightly lower than the 98.87% of arrests made without a use of force in 2016, but higher than the percentage in 2015, 2017, and 2018: 97.87%, 98.11%, and 98.45% 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 event percentage when compared to these metrics to drop significantly below the current 1.48% of use of force events per arrests, and 0.07% use of force events per total incidents for 2019. Whereas the condition of having been arrested may not be applicable to a use of force event, 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.⁶⁷ 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 all together. Finally, due to other administrative record-keeping functions, the number of custodial arrests is a figure that is easily

⁶⁷ For example, mace and ECW “sparking” have been approved techniques to disperse an unruly or violent 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.

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 2019 are broken down and categorized by sex (female, male, unknown) and race (Asian, black, Native American, white, unknown).



The information shown graphically above for years 2015-2019 is shown in the chart that follows, as well as the percentage of change from the year prior.⁶⁸ Arrestees of Hispanic or Latino ethnicity or origin are not a separate category for purposes of 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 that follows 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 yearly percentage breakdown 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.” There are eight arrests from 2019 excluded for the same reason. This represents 0.04% of all arrests in 2018 and 0.03% of all arrests in 2019. However, all arrests from 2018 and 2019 are reflected in the race categories, including “unknown.”

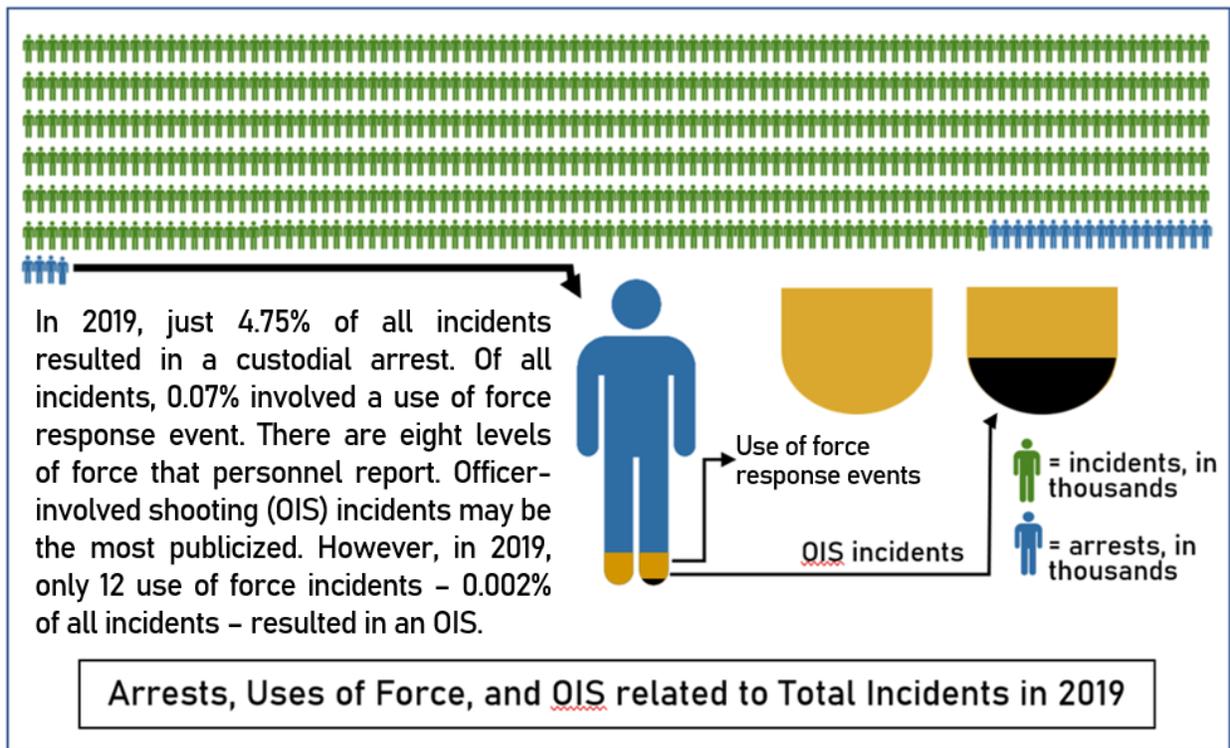
It is important to emphasize that the vast majority of incidents each year and police-citizen interactions do not result in a custodial arrest, let alone a use of force. Of the nearly 554,000 incidents in 2019, only 4.75% resulted in a custodial arrest, and just 0.07% of all incidents involved a use of force event. When looking only at arrests, no more than 1.48% involved a use of force event in 2019 (compared to 1.55% in 2018). On average in 2019, personnel responded to over 1 incident every single minute of the year, or over 1,517 incidents every single day. Yet in only

⁶⁸ Thomas, *supra* note 64.

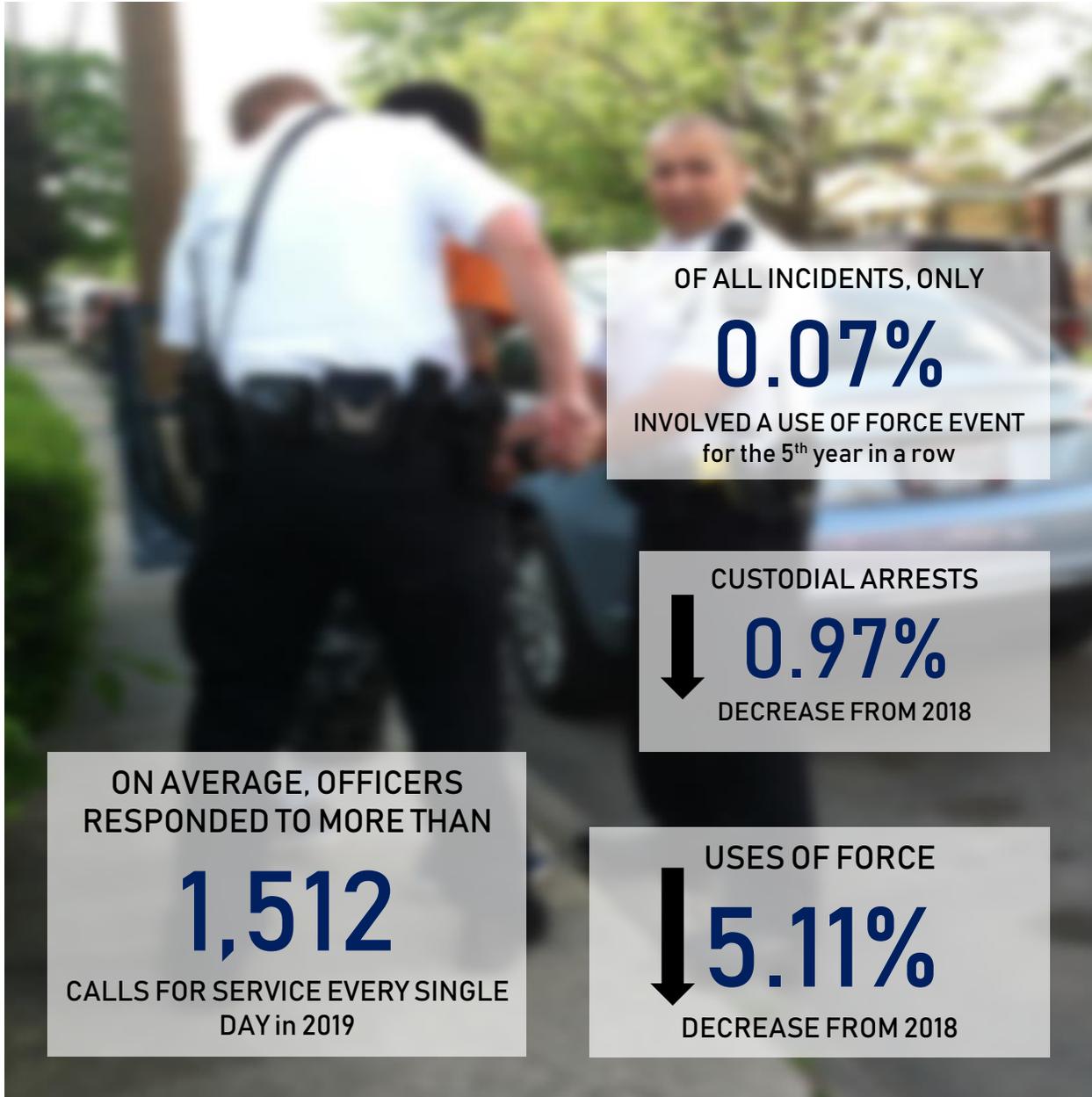
0.07% of those incidents did any personnel use force – on average, roughly one singular level 2 through 8 use of force event per 24-hour period within the entire city.

Custodial Arrest Demographics 2014-2018					
	2019	2018	2017	2016	2015
TOTAL (change)	26,294 (-0.97%)	26,551 (+14.31%)	23,228 (+1.96%)	22,781 (+4.28%)	21,846 (-7.78%)
Female	23.80%	24.47%	27.35%	26.57%	25.77%
Male	76.17%	75.49%	72.65%	73.43%	74.23%
American Indian/ Alaskan Native	0.12%	0.09%	0.11%	0.11%	0.03%
Asian/Pacific Islander	0.86%	0.96%	0.74%	0.55%	0.52%
Black	54.66%	54.85%	53.09%	53.81%	52.84%
Unknown	2.55%	1.40%	1.33%	1.07%	1.56%
White	41.86%	42.70%	44.73%	44.46%	45.05%

The infographic below depicts custodial arrests, uses of force response, and officer-involved shootings. The total number of incidents represented by the green figures does not reflect the true number of citizen contacts that officers have each year. It is based on total incidents which includes officer-initiated activity. However, the vast majority of incidents are for calls for



service/requests for police response – phone calls to 911, texts to 911, call transfers, non-emergency calls, other means of a request for police services.



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* or total *incidents*, are more relevant for the first portion of this part. The total of response events during a single incident is dependent upon the severity of resistance, effectiveness of the tactic utilized, the number of subjects and officers present, 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 as an incident progresses.



For example, assume two officers are dispatched to a disturbance at a residence (one *incident*). Upon arrival, they see three people actively fist fighting in the front yard. Despite officers announcing their presence, the three parties continue actively fighting and assaulting one another. One officer uses chemical spray in the area of all three subjects. This is a “Use of Mace” response event

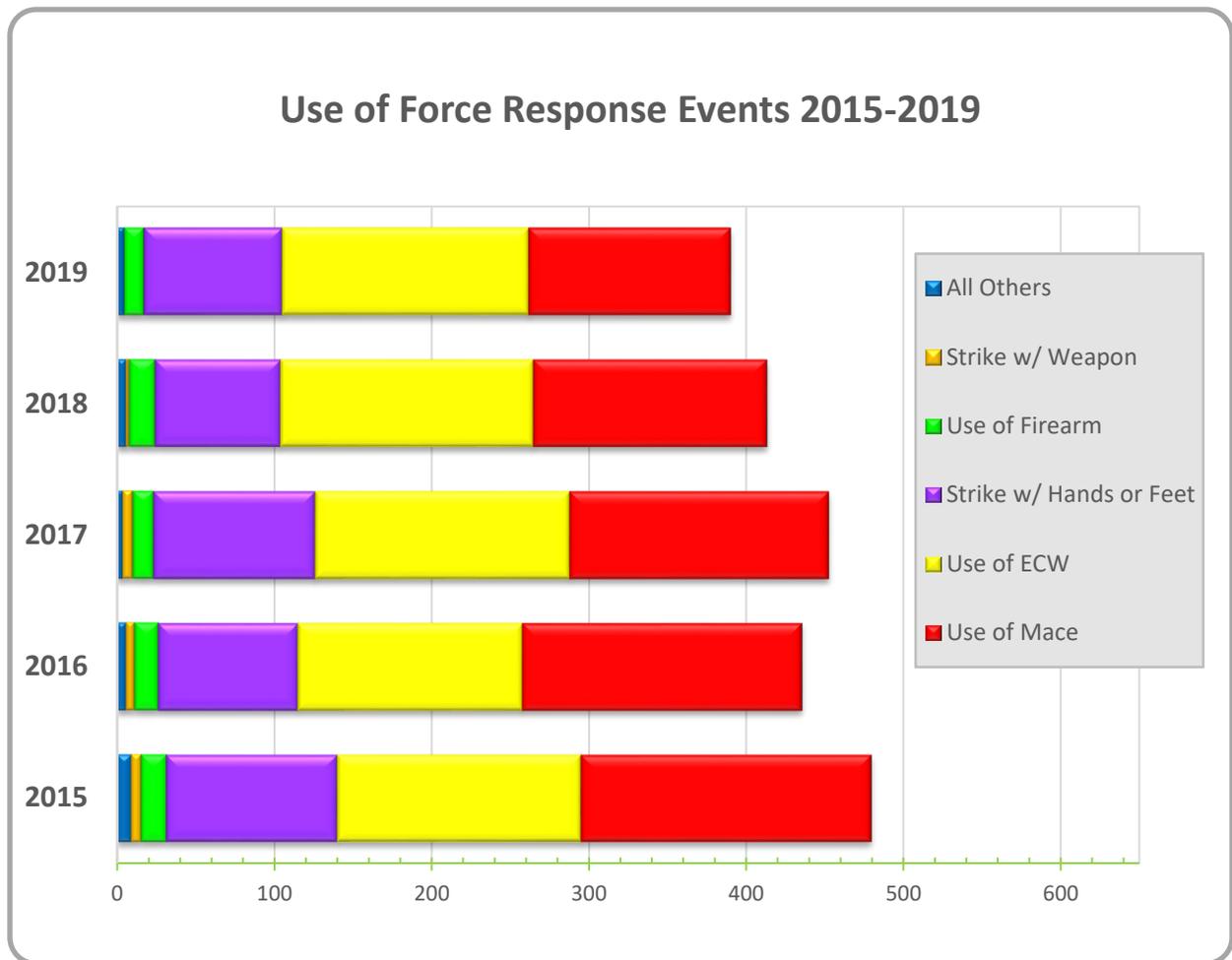
involving one officer and three subjects. Two individuals stop fighting and follow officers’ commands but the third individual balls up his fist and attempts to strike one of the officers. One officer attempts to strike the subject while the second officer uses an ECW on the subject. This is still one 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 aggressive and resisting subject. This is still one incident with a “Use of Mace” event involving one officer, a “Use of ECW” event involving 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 attempted 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 in this report.⁶⁹ The total number

⁶⁹ 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 one particular type (i.e., chemical spray) may be used in one event (i.e., chemical spray event), and more than one

of tracked uses of force for each year in the study period is shown in different ways – either as response events or as an incident which involved some use of force – in the pages that follow. “Tracked” refers to uses of force from Level 2 (Use of Chemical Spray) to Level 8 (Deadly Force). These uses of force are reported by the involved officer (or on the officer’s behalf), and such report is tracked through the involved officer’s chain of command.

In 2019, there were 390 tracked use of force response events involving at least 541 suspects: 466 described suspects, 75 unknown/undescribed suspects, or crowds. The 390 response events involved 469 officers delivering or attempting some force.⁷⁰



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).

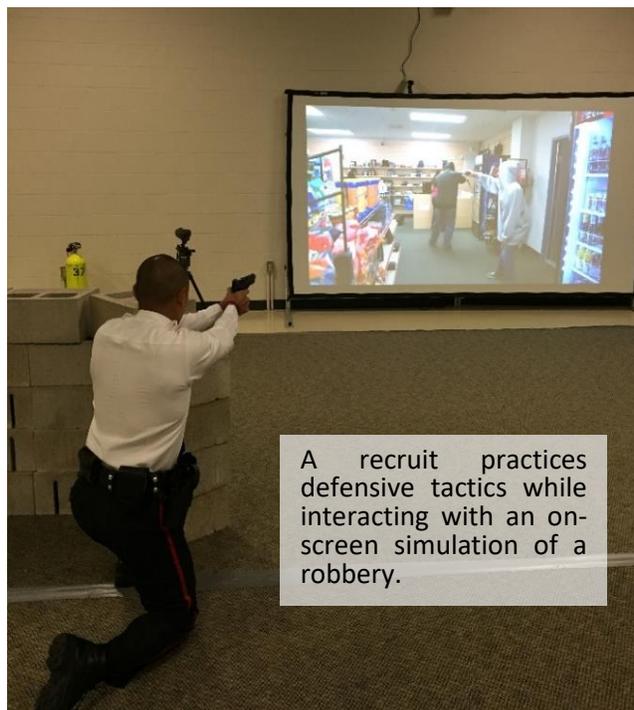
⁷⁰ See Bela Bernhardt, *2019 IAB Use of Force Stats Final Report* (June 12, 2020) (unpublished internal document, Columbus Division of Police, on file with the Advanced Training Operations Unit) (providing tabulated figures from all 2019 Data Processing Worksheets, U-10.164; only levels 2-8 are tracked by IAB except for officer-involved shooting events; Level 1 responses are tabulated separately). See also Eric Pilya, *Summary of 2019 Police Involved Situations* (Dec. 16, 2019) (providing count and detailed information on officer-involved shooting events in 2019).

By comparison, there were 411 tracked use of force response events in 2018 involving 512 police officers and more than 491⁷¹ subjects.⁷² There was a 5.11% decrease in use of force response events in 2019 when compared to 2018, and a decrease of 6.16% in events from 2018 compared to 2017. Overall, there has been a steady decline in use of force events since at least 2010.⁷³

The number of use of force response events for purposes of this report is 390. However, the total number of use of force response events or total officers involved for calendar year 2019 may not be known for as long as two years after 2019. Use of force response events and incidents, as well as individual responses, are not cataloged completely until there is a final disposition, i.e., until the documentation has been “tracked” completely and finalized. 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 the involved officer’s chain of command and for a final disposition to be reached at a chief’s hearing. While the number of use of force response events will change for 2019 as it does slightly for every year, it is not expected to change so substantially so as to greatly affect this or future analysis.

It must be noted that historical figures used in this report could be different than figures from previous years’ reports due to updated counts; and, that future reports may indicate a different number of response events for 2019. The exception to this is more fully discussed in Part VII. Generally historical numbers will not be updated each year unless there are extenuating circumstances. Such was the case with 2017 use of ECW data.⁷⁴ 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 have not changed here.

As in previous years, the three most frequent use of force responses in 2019 were Level 2 - Use of Mace (128 response events), Level 3 –



⁷¹ In 2018, there were 416 males and female recipients of force, and 75 instances of unknown or crowd recipients.

⁷² 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).

⁷³ Meader et al., *supra* note 68, at 8.

⁷⁴ 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 ECW (157 response events), and Level 4 “hard empty hand control” – Striking with Hands or Feet (88 response events).⁷⁵ In 2019 like in 2018, use of ECW was the most frequent force response. Previously, use of mace had been the most frequently used response.⁷⁶ The remaining uses involved Use of Firearm (12 response events),⁷⁷ and Pushing/Causing Collision (five response events).⁷⁸ 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.

Response Events and Number of Officers Involved					
	2019	2018	2017	2016	2015
TOTAL	390	411	438	422	465
(officers involved)	(469)	(512)	(529)	(481)	(593)
Canine Bite	0	0	2	1	2
	(0)	(0)	(2)	(1)	(2)
Pushing/Causing Collision	5	6	2	5	7
	(6)	(6)	(2)	(5)	(7)
Strike w/ Vehicle	0	0	0	0	0
Strike w/ Weapon	0	2	6	5	6
	(0)	(2)	(6)	(5)	(6)
Strike w/ Hands or Feet	88	70	103	89	109
	(109)	(80)	(119)	(101)	(126)
Use of ECW*	157	169	162	143	155
	(175)	(188)	(176)	(151)	(170)
Use of Firearm	12	16	13	15	16
	(13)	(29)	(16)	(25)	(21)
Use of Mace	128	148	164	177	184
	(166)	(207)	(224)	(216)	(280)

*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 2,304 estimated residents in 2019. This is a slight change from 2018 where there was one use of force for every 2,172 estimated residents. Whereas the resident population is an estimate of actual residents within the city limits, there is no reliable estimate to account for the

⁷⁵ Bela Bernhardt, *2019 IAB Use of Force Stats Final Report* (June 12, 2020) (unpublished internal document, Columbus Division of Police, on file with the Advanced Training Operations Unit).

⁷⁶ Meader et. al., *COLUMBUS DIVISION OF POLICE 2018 USE OF FORCE ANALYSIS – YEAR END REVIEW 21*.

⁷⁷ Eric Pilya, *Summary of 2019 Police Involved Situations* (Dec. 16, 2019) (providing count and detailed information on officer-involved shooting events in 2019).

⁷⁸ Bernhardt, *supra* note 74.

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 events compared to total daily population ratio is substantially lower than that of response events to estimated resident population, there may be no accurate way to quantify this.

In 2019, the average officers involved in each response event fell to 1.20 officers. 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.⁷⁹ From 2014 to 2019, the figures fall within a less than 0.08 spread. The average officers per incident from 2014-2018 was 1.23. 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 “tracked” Use of Force response recipients. The youngest/oldest/average age (where age was known) of all subjects receiving any tracked level of force in 2019 was 12/67/31.93. The figures (where age was known) of all subjects receiving the use of ECW (with or without another tracked level of force) was 12/65/32.55. The figures for some responses were further broken down by sex. The figures for the response “pushing/causing collision” were: females – 39/61/51.33, males – 23/51/34.11. The figures for the response “use of chemical spray” were: females – 12/62/24.56, males – 14/67/29.52. The figures for the response “use of ECW” broken down by sex were: females – 21/61/33.91, males – 12/65/33.90. The figures for “strike with hands/fist/feet” were: females – 18/61/34.73, males – 18/52/30.95. The age demographics for

Demographics: Level 2-8 Use of Force Response recipients 2015-2019					
	2019	2018	2017	2016	2015
TOTAL responses	390	411	438	422	465
Female	12.38%	12.42%	11.63%	12.2%	10.3%
Male	73.75%	72.30%	69.38%	68.4%	68.6%
Unknown or Crowd/Group	13.86%	15.27%	18.99%	19.4%	21.1%
Asian	0.37%	0.6%	0.39%	0.6%	0
Black	48.06%	54.99%	51.36%	49.6%	48.5%
Hispanic	1.48%	2.65%	1.16%	1.9%	1.2%
Other	0.37%	0	1.74%	1.1%	0
Unknown or Crowd/Group	14.97%	15.68%	19.38%	19.0%	21.4%
White	34.75%	26.07%	25.97%	27.8%	28.9%

use of firearm is detailed in the Firearms Review Board report.⁸⁰

The category “unknown” for both sex and race represents different situations. The reporting officer may have been unable to report the individual’s race and sex either because such a

⁷⁹ See Meader et al., COLUMBUS DIVISION OF POLICE 2017 USE OF FORCE ANALYSIS 24 (2018).

⁸⁰ Pilya, *supra* note 76.

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 for the officer to choose. The category “unknown” also refers to situations involving groups or crowds when chemical spray is deployed, an ECW is sparked, or nonlethal munitions are used (not as a distraction or diversion). These situations can 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.⁸¹ Of important note is that the total incidents by description (as well as the total of incident locations and precinct of occurrence) does not equal the same figure as the total 390 response events stated earlier. In any one incident, there may be more than one response event, thus the counts of the two metrics will not be identical. Still, given the total of incidents descriptions is 360 compared to the total of 390 response events, it is clear that the majority of use of force incidents involve only one response event. By far, the most common incident type is the “Disturbance/fight” in all years in the study. This has been consistent since at least 2011.⁸²

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.⁸³ With respect to “unknown” locations in both charts, this occurs either because that box on the U-10.164 Data Processing Worksheet⁸⁴ 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 2019 or 2018, and only one in 2017.



Level 2 – Use of Mace was the second most often used response in 2018 and 2019. But personnel responded with chemical spray less in 2019 than in 2018, and all years since 2014.

⁸¹ Bernhardt, *supra* note 74.

⁸² Meader et al., *supra* note 68.

⁸³ *Id.*

⁸⁴ See CITY OF COLUMBUS, DIVISION OF POLICE, FORM U-10.164 DATA PROCESSING WORKSHEET (July 2014).

Category	Incident Description				
	2019	2018	2017	2016	2015
Administrative Issue	0	1	0	0	0
Calls for service	60	52	46	46	49
Chain of Cmnd Rev	2	N/A	N/A	N/A	N/A
Crime committed	45	52	50	50	59
Demonstration/riot	0	0	1	2	4
Disturbance/fight	112	122	162	133	152
Domestic Disturbance	20	23	29	24	42
Investigation	9	7	5	7	2
Juvenile Complaint	1	1	2	1	2
Mentally ill person	25	24	21	27	19
Narcotics complaint	1	6	4	2	3
Other	6	10	4	4	3
Radio Transmission	1	0	0	0	0
Routine/daily patrol	12	17	14	20	21
Tactical deployment	17	8	10	9	7
Traffic Incident	34	37	32	32	32
Vice complaint	1	2	4	5	7
Warrant served/arrest	14	21	25	21	21
Unknown	0	0	1	0	0



“Demonstration/riot” and “Juvenile Complaint” had consistently been the least often reported incident description. In 2019, there were four descriptions that each had only one entry: juvenile complaint, narcotics complaint, radio transmission, and vice complaint. “Chain of Command Review” and “Radio Transmission” are new categories. Many incidents can be categorized with more than one description. It is up to the investigating

supervisor to choose how best to 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	2019	2018	2017	2016	2015
Bar	31	31	26	29	29
Business building/ property	33	39	26	30	35
Hospital	1	0	1	2	2
Jail/correction facility	0	0	0	0	1
Other	11	18	5	4	2
Police HQ	0	0	0	0	2
Police substation	0	2	2	0	2
Police vehicle	1	2	0	3	2
Private residence/property	121	132	158	128	153
Property room	0	0	0	0	1
Public building/property	25	31	32	41	39
Street/alley	135	126	155	147	156
Unknown	1	0	1	0	0

A breakdown by precinct is shown in the table that follows. 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 a use of force initiated by an off-duty officer outside the city limits of Columbus. A police action with a use of force outside of jurisdiction and while the officer is off-duty could be the result of intervening in an incident in which the officer is bound by law or Division Directive to intervene, for example, child abuse or an on-view crime of violence. Such circumstances are rare. An “unknown” precinct designation is likely the result of the default in the data system when an option is left blank.

The Precincts with the three highest number of uses of force in each year of the study period are highlighted in yellow in the chart below (there may be more than three precincts highlighted due to duplicate numbers). While the precincts with the highest number of uses of force varies

somewhat from year to year, 4 Precinct, 5 Precinct, 9 Precinct, 16 Precinct, and 19 Precinct have consistently been at or near the top three since at least 2011.

Also notable is the total of calls for service (“run volume”) on those listed precincts. Run volume on 9 Precinct, 16 Precinct, and 19 Precinct are at or near the top of the list, while 5 Precinct is near the median.⁸⁵ 4 Precinct is consistently below the median in each year of the study period.⁸⁶ In terms of run volume, 4 Precinct was fourth from the bottom in 2019⁸⁷ and third from the bottom in 2018.⁸⁸

Incident Precinct of Occurrence					
	2019	2018	2017	2016	2015
1	13	12	11	17	10
2	18	15	26	22	26
3	6	6	5	15	15
4	29	25	27	29	47
5	28	20	30	27	32
6	13	18	13	13	13
7	17	25	19	25	20
8	14	23	16	13	11
9	18	42	30	20	36
10	15	18	22	10	23
11	28	18	17	29	22
12	9	14	21	11	31
13	20	23	18	23	26
14	14	14	9	17	22
15	5	7	4	9	5
16	39	30	69	46	30
17	11	7	8	2	4
18	17	17	16	13	11
19	33	35	33	29	17
20	10	14	10	9	16
Foreign	1	0	2	3	1
TOTAL	358	383	406	382	418

Use of force incidents 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.⁸⁹ In 2019, response events on 16 Precinct rose 30%, but the total was still the lowest level since at least 2011.⁹⁰ 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.⁹¹ The top three busiest precincts based on total run volume in 2019 were 16 Precinct, 13 Precinct, and 19 Precinct in that order.⁹² 16 Precinct had nearly 3,000 more calls for service than the next busiest precinct for the fourth

⁸⁵ Ferguson, *supra* note 60.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ See Meader et al., *supra* note 68.

⁹⁰ Meader et. al., Columbus Division of Police, 2015 Use of Force Analysis 13 (2016).

⁹¹ Ferguson, *supra* note 60.

⁹² *Id.*

year in a row.⁹³ 16 Precinct had the most officer-initiated runs in 2019 – nearly double the next closest precincts.⁹⁴ 13 Precinct and 19 Precinct, although having far fewer officer-initiated runs than 16 Precinct, had the highest counts of calls for service/requests for police response from both 911 and non-emergency inputs.⁹⁵

Incident Precinct of Occurrence by ZONE					
Zone/Precinct	2019	2018	2017	2016	2015
Zone 1	54	54	48	45	38
1 Precinct	13	12	11	17	10
6 Precinct	★ 13	18	13	13	13
17 Precinct	★ 11	7	8	2	4
18 Precinct	17	17	16	13	11
Zone 2	62	93	67	69	100
9 Precinct	★ 18	42	30	20	36
13 Precinct	20	23	18	23	26
14 Precinct	14	14	9	17	22
20 Precinct	★ 10	14	10	9	16
Zone 3	67	83	75	61	56
8 Precinct	★ 14	23	16	13	11
10 Precinct	★ 15	18	22	10	23
15 Precinct	★ 5	7	4	9	5
19 Precinct	33	35	33	29	17
Zone 4	81	66	88	93	120
2 Precinct	★ 18	15	26	22	26
3 Precinct	6	6	5	15	15
4 Precinct	★ 29	25	27	29	47
5 Precinct	★ 28	20	30	27	32
Zone 5	93	87	126	111	101
7 Precinct	★ 17	25	19	25	20
11 Precinct	★ 28	18	17	29	22
12 Precinct	★ 9	14	21	11	31
16 Precinct	★ 39	30	69	46	28

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

The chart above shows use of force incidents on each precinct, grouped by Patrol Zone. The 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 (at least a 15% change from the previous year) in 2019 compared to 2018 are noted with a yellow star. Change from year to year can indicate a trend – such as the steady increase in uses of force on Zone 1 from 2016 to 2018. Thirteen of the patrol precincts throughout the city either remained the same or had a decrease in use of force incidents in 2019. Of the seven precincts that had an increase, four of those precincts increased by four or fewer response incidents.

At the Zone level, the determinate factor for background color was based on 2019 total incidents per Zone compared to the average incidents from 2015-2018. Every Patrol Zone in the city had fewer use of force incidents in 2019 when compared to the average of the previous four years.

The following precincts had a decrease of at least 25% from 2018 to 2019: 9 Precinct (-57.14%); 8 Precinct (-39.13%); 12 Precinct (-35.71%); 7 Precinct (-32.00%), both 15 Precinct and 20 Precinct (-28.57%), and 6 Precinct (-27.78%). The following precincts had increases of at least 25% in 2019: 17 Precinct (57.17%); 11 Precinct (55.56%); 5 Precinct (40%); and 16 Precinct (30%); and 2 Precinct (20%). Of these five precincts, only one (17 Precinct) had a greater number of incidents in 2019 than any other year in the study. The other four precincts, although they saw a steep increase, did not have the highest number of responses in 2019 than some other year in the study period.

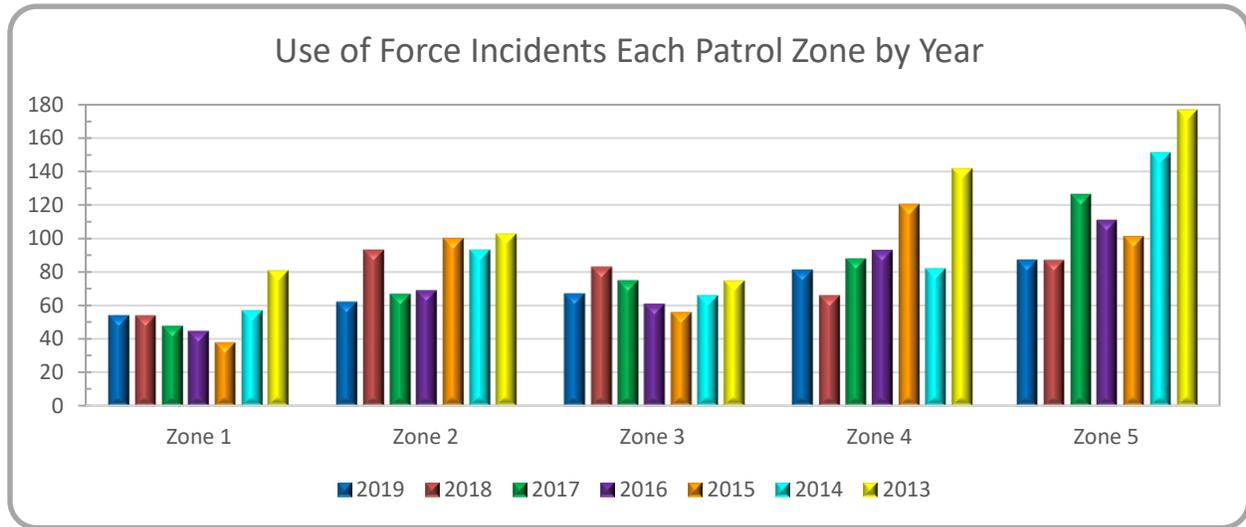
Mathematically, the 57.14% increase on 17 Precinct appears to be dramatic. However, there were only 7 total incidents in 2018 and 11 incidents in 2019. The figure of 2019 – 11 total incidents – places 17 Precinct at the bottom quarter of all precincts in the city for use of force incidents.

Examining the numbers on a Zone level more closely, four patrol zones – Zone 1, Zone 2, Zone 3, and Zone 5 – had decreases in use of force incidents from 2018. Only Zone 4 saw a one-year increase. However, out of the last five years, 2019 is the second lowest total of incidents.

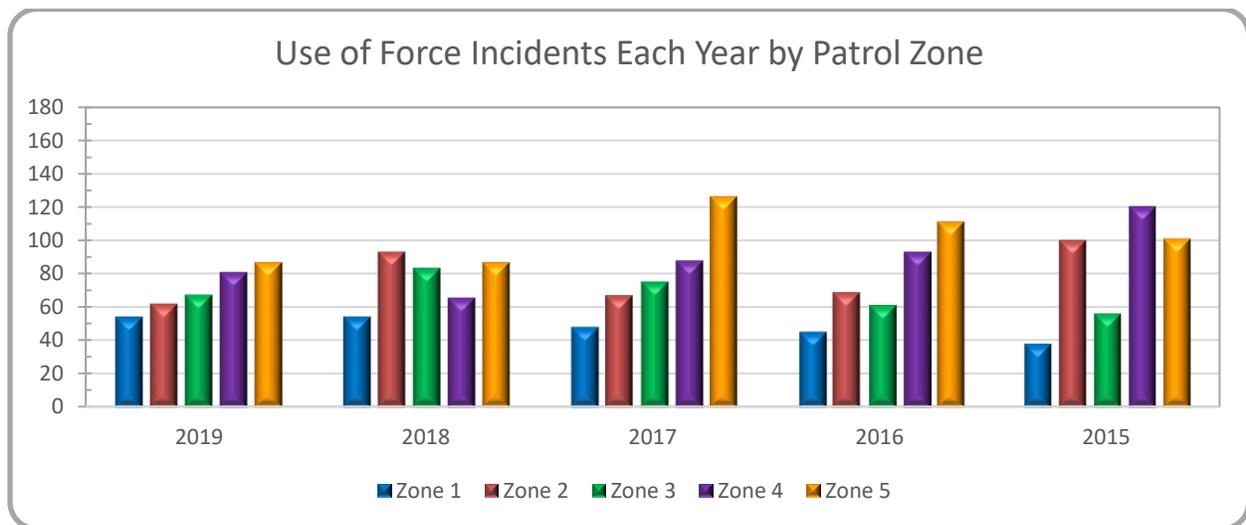
Each Patrol Zone showed a decrease in total use of force incidents in 2019 when compared to the average total of incidents 2015-2018. There is a downward trend on every Patrol Zone despite an increase on one individual precinct. It is important to note that wide-scale Patrol redistricting occurred in 2010 in which a new precinct was added and many boundaries were changed. However, there have been ongoing precinct boundary changes since that time. Such changes can result in a particular location in one year being on a different precinct or zone the following year. Therefore, it is as important to look at the information at a Zone-wide level.

The next graphics show this information two different ways: incidents on each Zone for each of the last seven years; and, incidents in each of the last five years by Zone.

On the first graphic, the change on each Zone since 2013 is evident. While there is an increase on one Zone in 2019, the overall trend both city-wide and for each Zone is a decrease from 2013.

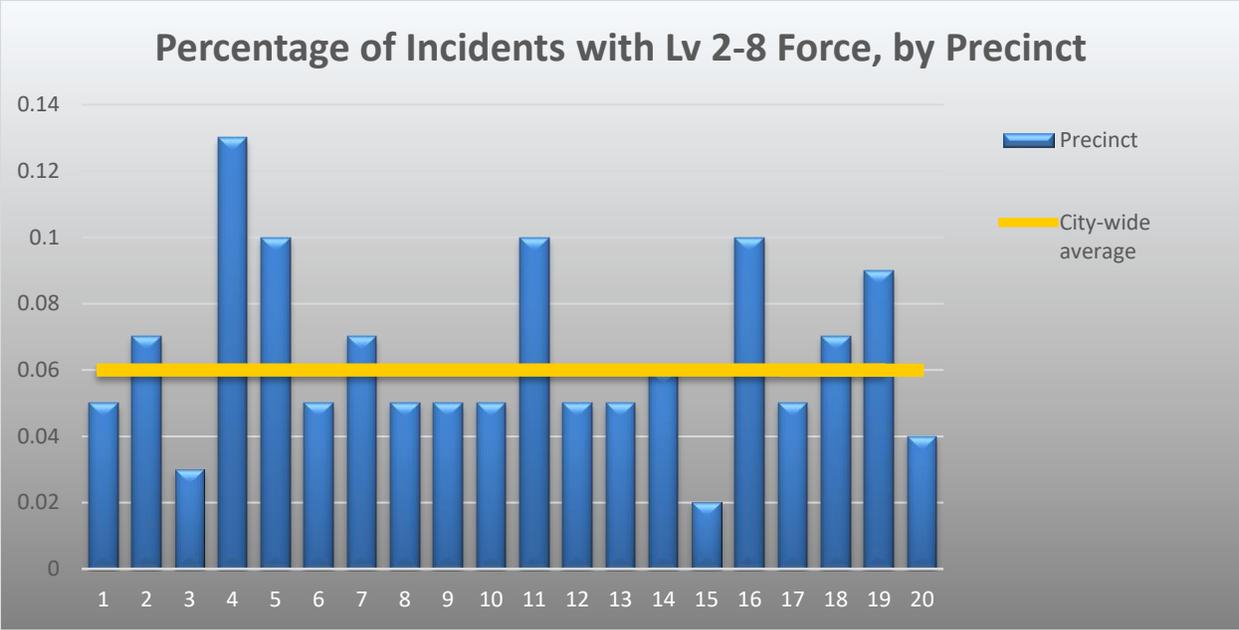


The infographic below depicts the uses of force on each Zone grouped together by year. Here, it is evident in each year which patrol zone had more uses of force than others.



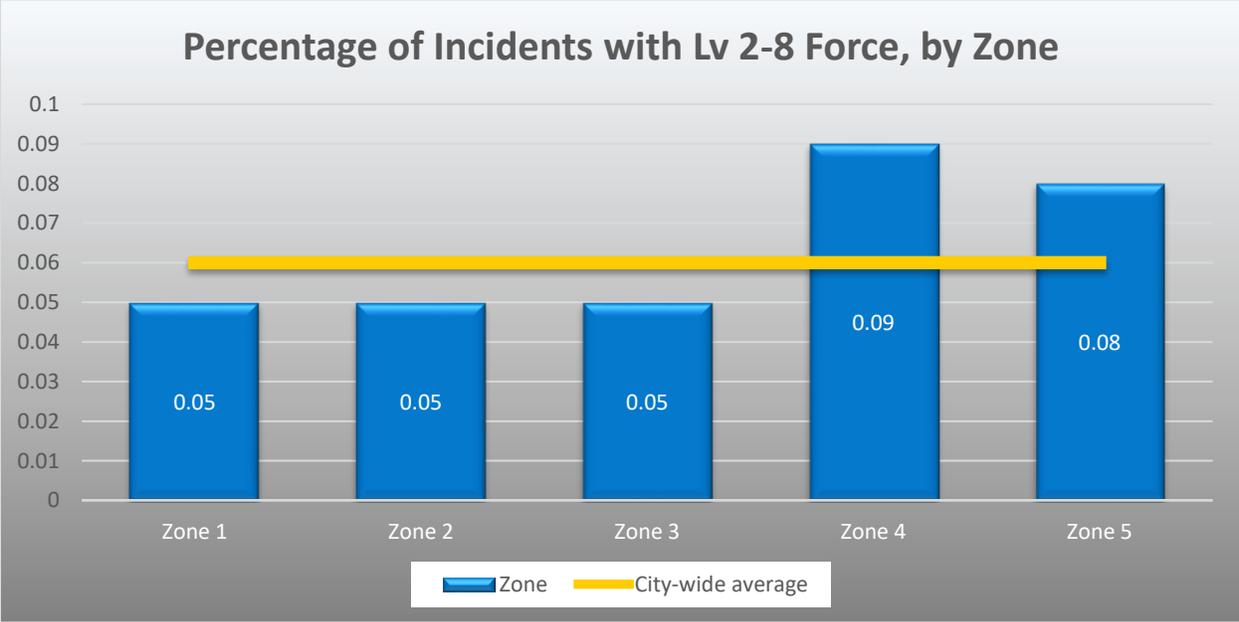
The next chart shows the percentage of incidents on each precinct that resulted in a use of force, and which precincts were above or below the city-wide average. The city-wide percentage of incidents that resulted in a use of force is 0.06% (a slightly lower figure than the 0.07% quoted earlier in this report which was use of force *events* compared to total incidents). There were 12 precincts under the 0.06% level, and eight above. Of those above the city-wide average, three precincts were at 0.07%, one was at 0.09% (19 Precinct), three were at 0.10% (5 Precinct, 11 Precinct, and 16 Precinct), and finally 4 Precinct was the highest at 0.13%.

This information is also presented for each Zone. Three Patrol Zones – 1, 2, and 3 – were under the city-wide average and all at 0.05%. Zone 4 (0.09%) and Zone 5 (0.08%) both fell above the city-wide average.



On the precinct level, 4 Precinct has the highest percentage of incidents with a use of force. There are a number of unique qualities of that precinct that should be considered including that the majority of “off-campus housing” for the third largest institution of higher learning in the nation – The Ohio State University – and the third largest college football stadium (hallmarked by large crowds and heavy alcohol consumption) are within this precinct’s boundaries.

Six of the eight precincts with above average percentages are on Zones 4 and 5. Each Zone has four individual precincts. Three of four precincts on Zone 4 and Zone 5 had above average percentages. These six precincts are also in close geographic proximity to one another. Each of these precincts are adjacent to more than one other high-percentage precinct.



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.”⁹⁶ 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 in 2019. This was true in 2018 and 2017 as well.⁹⁷ However, the topic of verbal de-escalation has also been incorporated in many other live and online trainings provided to Division personnel including: annual defensive tactics training⁹⁸; annual ethics training; deaf and hard of hearing community; legal updates; pursuits and stopping tactics; overdoses and death scenes; public corruption task force; body worn camera updates; juvenile diversion; medical marijuana; LRAD system; sworn mental health and wellness.⁹⁹

The use of force response events noted and charted in this report have historically excluded Level 1 and Level 0 response events and total responses. Included in Level 0 and Level 1 responses are de-escalation techniques among other tactics. While there were 359 tracked use of force incidents involving 390 tracked response events in 2019, there were 1,689 circumstances in which a Level 1 response was the highest level used in 2019.¹⁰⁰ The overall effectiveness of all 2019 Level 1-alone responses was 95.02%¹⁰¹, a slight increase over the 93.9% effectiveness in 2018.¹⁰² That means in 2019 there were over 1,600 circumstances in which personnel were able to resolve a situation without resorting to a higher level of force. There was an 8.76% increase in Level 1 responses in 2019 compared to 2018. For every Level 2-8 use of force response event, there are 4.33 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 thereby not requiring any “hands on” force at all.

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) are reported.¹⁰³ 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. Only the following Level 1 responses were studied:

⁹⁶ LOS ANGELES POLICE DEPARTMENT, USE OF FORCE YEAR END REVIEW 2016, 3 (2017).

⁹⁷ See Meader et. al., *supra* note 75. See also Meader et. al., *supra* note 78.

⁹⁸ See generally CITY OF COLUMBUS, Training Bureau, Defensive Tactics Unit Files (last accessed June 19, 2020) (showing training topics for calendar year 2019).

⁹⁹ See generally CITY OF COLUMBUS, Training Bureau, Advanced Training Project Files (last accessed June 19, 2020) (showing a tabulation of in-service and on-line training topics and hours).

¹⁰⁰ Matthew Rhyne, *2019 Level 1*, (Apr. 8, 2020) (unpublished internal document with the Columbus Division of Police) (on file with author Kirk).

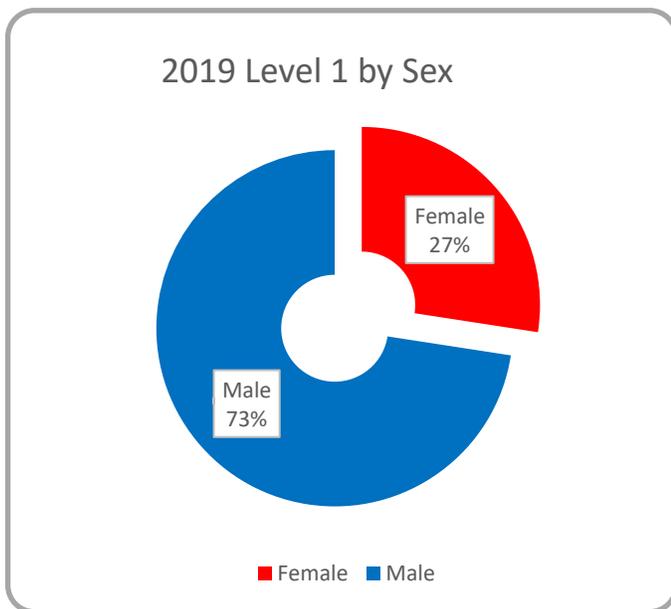
¹⁰¹ *Id.*

¹⁰² Matthew Rhyne, *2018 Level 1's* (July 9, 2019) (unpublished internal document with the Columbus Division of Police) (on file with author Kirk).

¹⁰³ COLUMBUS DIVISION OF POLICE, *supra* note 3, at (I)(B).

incidents involving *only* a Level 1 response; and incidents involving a Level 3 – Use of ECW that also involved a Level 1 response. These Level 1 responses are discussed separately.

With respect to incidents involving only a Level 1 response events – 1,689 in total – 1058 involved male suspects, 400 involved female suspects.¹⁰⁴ The remainder involved unknown suspects. Where suspect sex was known, 72.57% were male and 27.43% were female. Where suspect sex was known for all tracked use of force response events, 85.62% were male and 14.38% were female. It appears from this data that females may be more compliant at lesser levels of force.



The average years of service of personnel involved was 8.36 years.¹⁰⁵ This is lower than the 8.99 average years of service reported in the 2018 year-end-review.¹⁰⁶ 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).¹⁰⁷ 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 1,689 Level 1 responses, there were 57 officers injured and 99 suspects injured.¹⁰⁸ The vast majority of these injuries to both officers and suspects were very minor: minor scrapes and scuffs, bruises, and small cuts requiring an adhesive bandage.¹⁰⁹ There were ten officer injuries that required medical care (hospital or physician), and ten suspect injuries that required medical care.¹¹⁰ There were 33 officers and seven suspects who were treated at-scene by medics and required no further treatment.

¹⁰⁴ Rhyne, *supra* note 98.

¹⁰⁵ *Id.*

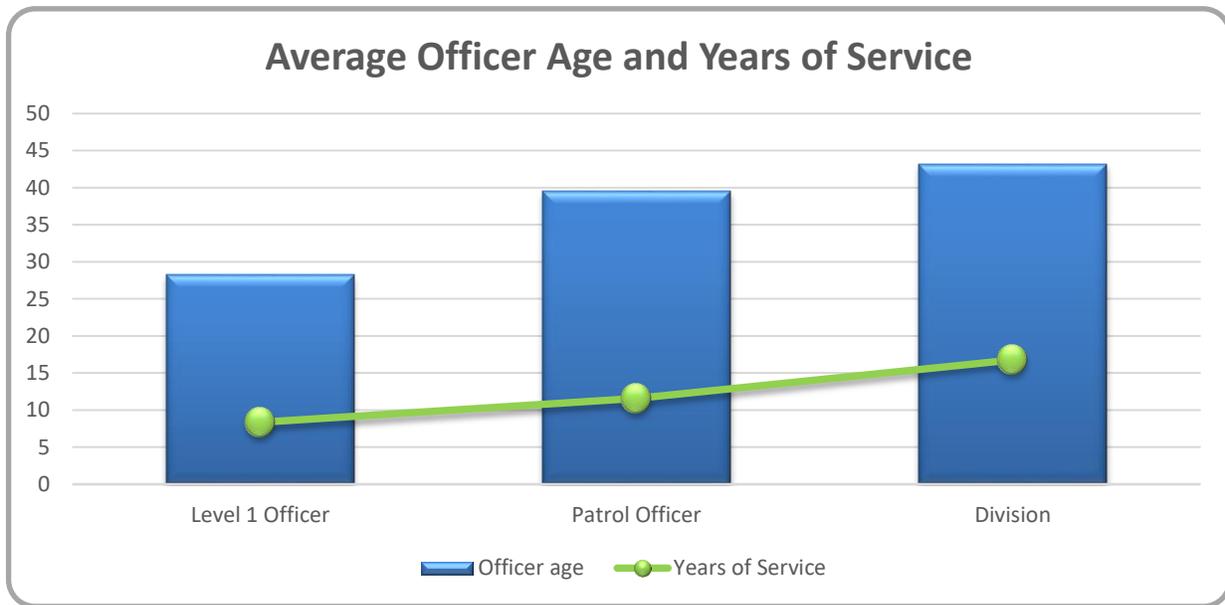
¹⁰⁶ Matthew Rhyne, *2018 Level 1s* (July 9, 2019) (unpublished internal document with the Columbus Division of Police) (on file with author Kirk).

¹⁰⁷ 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).

¹⁰⁸ Rhyne, *supra* note 98.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*



Of the 144 Level 3 – Use of ECW incidents¹¹¹ examined in depth, 23 reports indicated that there was also another level of force used. Of those 23, 21 incidents indicated a Level 1 response such as “physically placed on the ground.” There were only two ECW incidents in which some other higher level of force was used: both involved a Level 2 Use of Chemical Spray. ECW incidents are discussed in greater detail in the next section.



¹¹¹ 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 an 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.¹¹² 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.¹¹³

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.¹¹⁴ 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.¹¹⁵ 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.¹¹⁶

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 personnel¹¹⁷; 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

¹¹² CITY OF COLUMBUS, DIVISION OF POLICE, DIVISION DIRECTIVE 2.04 (II)(B) (Dec. 30, 2019). *See also* CITY OF COLUMBUS, DIVISION OF POLICE, *supra* note 3 (Dec. 30, 2017) (defining “use of force”).

¹¹³ *Id.*

¹¹⁴ *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).

¹¹⁵ *Id.*

¹¹⁶ *Id.*

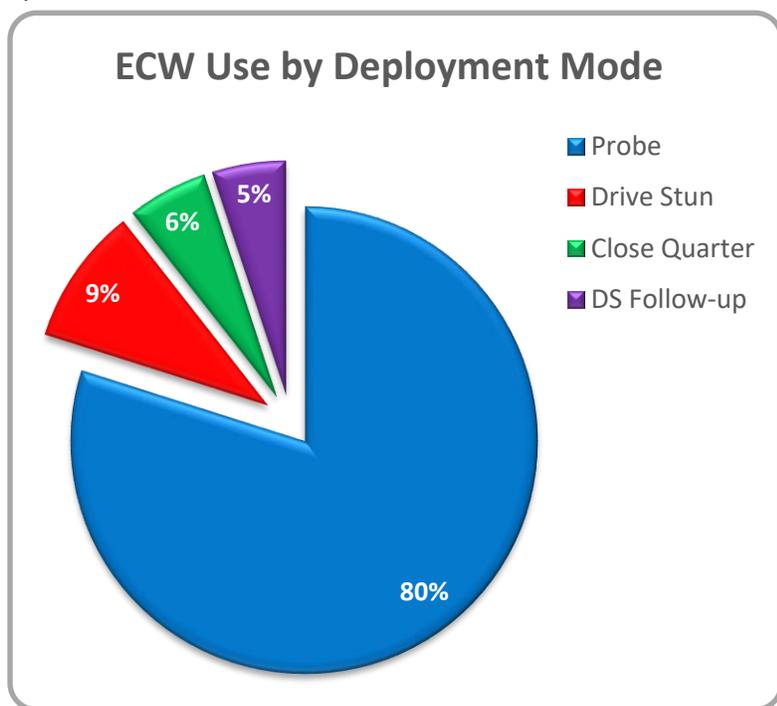
¹¹⁷ Matthew Rhyne, *2019 Final Taser Report*, (June 18, 2020) (unpublished internal document with the Columbus Division of Police) (on file with author Kirk).

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 or even full NMI can be achieved, the subject can still have 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 or there are other factors present.

ECW Usage in 2019

A total of 144 incidents in 2019 in which an ECW was used by personnel on 143 human subjects were examined in detail for this report.¹¹⁸ One incident of ECW use in which the ECW unit was sparked was directed at a crowd.¹¹⁹ In all other incidents, there was only one subject recipient of



the ECW use of force.¹²⁰ In the 144 incidents in 2019, the ECW was deployed¹²¹ 185 times, including six times in which the ECW was sparked for compliance.¹²² A majority of the incidents, 116 incidents or about 81%, involved only one deployment method on a subject.¹²³ One of the 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. The other multiple-mode incidents involved one or more types of probe deployment (regular probe deployment, close quarter probe

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ 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).

¹²² Rhyne, *supra* note 115.

¹²³ *Id.*

deployment) or a combination of a drive stun without probes and some form of a probe deployment. The ECW was sparked a total of seven times in six different incidents, with six incidents being effective in completely and fully de-escalating the encounter.

In the 144 incidents and 185 attempted deployments of a ECW on 143 individual subjects and one crowd, there were a total of 201 cycles delivered or attempted to/on a subject.¹²⁴ Overall, there were an average of 1.28 deployments per subject and an average of 1.40 cycles (7.0 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	# deployments	# cycles
Deployments resulting in 1 cycle to a subject	171	171
Deployments resulting in 2 cycles to a subject	12	24
Deployments resulting in 3 cycles to a subject	2	6
Deployments resulting in 4 or more cycles*	0	0
Totals	185	201

In 2019, there were no incidents in which a deployment method was used to deliver four or more cycles to a subject. This is in contrast to 2018 when there were nine incidents in which a subject received more than four cycles.¹²⁵ There were two incidents in 2014 in which the subject received more than four cycles.¹²⁶ In 2015, there were nine incidents in which the subject received more than four cycles.¹²⁷ There were four incidents in 2016 of this nature.¹²⁸ In 2017, there were zero incidents in which a suspect received more than three cycles.¹²⁹ 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 used. The reasons included heavy clothing, insufficient probe spread, probe misses, and multiple ECW's used.¹³⁰ Similar reasons were noted for 2018: six incidents involving heavy or excessively baggy clothing; two incidents involving a malfunction

¹²⁴ *Id.*

¹²⁵ Matthew Rhyne, *2018 Taser Stats*, (July 11, 2019) (unpublished internal document with the Columbus Division of Police) (on file with author Kirk).

¹²⁶ Meader et al., *supra* note 68, at 14 (explaining cycle count in 2014).

¹²⁷ Meader et al., *supra* note 88, at 17.

¹²⁸ Cmdr. Robert Meader et al., 2016 COLUMBUS DIVISION OF POLICE USE OF FORCE REPORT 18 (2017).

¹²⁹ Meader et al., *supra* note 78, at 18.

¹³⁰ See Meader et al., *supra* note 68, at 14 (explaining cycle count in 2014). See also Meader et al., *supra* note 78, at 18 (explaining cycle count in 2017 and previous years).

or defect; one incident involved wires that broke; one incident involved the probes being too close.

There were no incidents in 2019 in which a subject was affected by more than one ECW cartridge at one time.¹³¹ In all but one incident in 2018, each suspect was subjected to only one ECW cartridge at a time. The one incident in 2018 involved SWAT personnel.¹³² 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.¹³³ There were no incidents of this nature in 2017.¹³⁴

The ECW was effective 77.61% of the time for all deployments and cycles attempted.¹³⁵ This is a continued improvement over the 72% effectiveness for deployments and cycles attempted in 2018¹³⁶ and 69% effectiveness in 2017.¹³⁷ The nearly 78% effectiveness in 2019 is well above the 69% unweighted average effectiveness of 2015-2018. Furthermore, the percentage of effective cycles for close quarter mode and drive stun mode continues to be high. There was a significant drop in the effectiveness of the drive stun follow-up with any other mode. In past years with low drive stun or drive stun follow-up deployment, effective counter pressure was identified as the training issue.

Deployment Mode	Total Actual Deployments	# Cycles	Effective % 2019	Effective % 2018	Effective % 2017	Effective % 2016	Effective % 2015
Probe Mode	143	147	75%	63%	64%	75%	68%
Close Quarter Mode	10	14	100%	94%	90%	83%	46%
Drive Stun (DS)	17	21	81%	95%	69%	100%	76%
Any Mode W/ DS Follow-Up	9	12	67%	100%	80%	80%	*
Sparking for Compliance	6	7	86%	75%	*	*	*
Totals	185	263	77%	72%	69%	79%	59%

*This parameter not assessed or calculated in that year

¹³¹ Rhyne, *supra* note 115.

¹³² Meader et al., *supra* note 75 at 19.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ Rhyne, *supra* note 115.

¹³⁶ Rhyne, *supra* note 75.

¹³⁷ Rhyne, *supra* note 78.

For all ECW uses in 2019 in which the probes were deployed (i.e., probe mode and close quarter deployment mode), there was a hit rate of just over 83%.¹³⁸ Of 306 probes actually expelled from the ECW 143 probe mode deployments and 10 close quarter deployments, 254 made contact with a subject. Of the 52 misses, 48 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 143 times in 2019. There were 147 total cycles delivered when the ECW was deployed in probe mode.¹³⁹ Of those cycles delivered, 75%, were deemed effective.¹⁴⁰ Among those cycles deemed effective there were examples of the ECW probes partially missing or completely missing the subject but the use of the ECW was deemed effective.¹⁴¹ 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, 24 incidents involved a foot chase resulting in 48 missed 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 10 deployments of the ECW in close quarter probe mode with a hit rate of 100%.¹⁴² A total of 14 cycles were delivered to the subjects.¹⁴³ There were 14 effective cycles for an effective percentage of 100%.¹⁴⁴

The close quarter deployment mode, implemented in 2006, has since proven to be the most consistently effective method of deployment.¹⁴⁵ Since 2014, the close quarter probe deployment method and the cycles delivered therein have had an average effective rate of over 80%.

ECW Use in Drive Stun Mode

There were 17 total deployments involving the use of the drive stun by itself. There were nine deployments when the drive stun was used as a follow up with some other deployment mode.¹⁴⁶ There were 33 total cycles delivered, 17 of which were delivered as a drive stun with no other deployment method, and 8 which were delivered as a follow up. The effectiveness was 81% and 67% respectively.¹⁴⁷ In 2015, it was noted that of the four ineffective cycles that year, three were

¹³⁸ Rhyne, *supra* note 115.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ See generally Meader et al., *supra* note 75. See also Meader et. al., *supra* note 68.

¹⁴⁶ Rhyne, *supra* note 115.

¹⁴⁷ *Id.*

due to a lack of counter pressure being applied by the officer.¹⁴⁸ 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. Seeing that effectiveness of the drive stun follow-up deployment method drop in 2019 may indicate the need to re-train this particular aspect of the tactic. 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 then, and can be successful in the future.

Demographic Data on Subjects

The average overall age of a subject who received an ECW cycle in 2019 was 32.55. The average male was 32.88, and the average female was 26.99. When looking at the average age by race, the average black recipient was 32.41 years (n=85), the average white recipient was 34.07 years (n=53). There were only five additional individuals who were categorized as either Hispanic (n=3) or “other” (n=2). The average age was 38 and 28 respectively, but with so few cases, and conclusion about age as a factor could lead to errors.

The average overall age in 2018 for ECW subjects in 2018 was 31.27 years.¹⁴⁹ In 2017, the average age was 31.55 years.¹⁵⁰ In 2016, the average age was 29.57¹⁵¹, and in 2015 in which the average age was 29.72 years.¹⁵² Of the 143 individual subjects that the ECW was deployed on in 2019, 135 or 94.4% were male.¹⁵³ The figure below shows a breakdown by race and sex of the subject.

	Male	Female	TOTAL by race
Black	81	4	85
White	50	3	53
Hispanic	3	0	3
Asian	1	1	2
TOTAL by sex	135	8	143

ECW Usage 2019 – Subject Demographics, not including one spark deployment to a crowd

¹⁴⁸ Meader et al., *supra* note 88.

¹⁴⁹ Meader et. al., *supra* note 75.

¹⁵⁰ Meader et al., *supra* note 78.

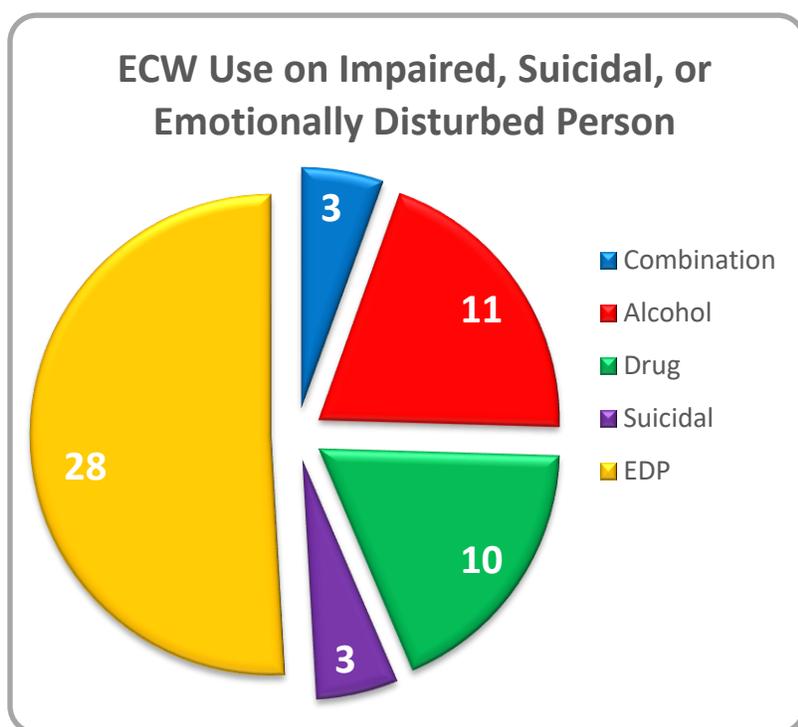
¹⁵¹ Meader et al., *supra* note 126.

¹⁵² Meader et al., *supra* note 88.

¹⁵³ Rhyne, *supra* note 115.

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 emotional disturbance or distress, or are suicidal. In 2019, the use of the ECW on such individuals accounted for 38.46% of total individual subjects.¹⁵⁴ This is down from 46.67% of the total subjects in 2018.¹⁵⁵ This number has been steadily decreasing at least since 2016.¹⁵⁶ See the table below for additional information.



In 2019 there were 55 subjects who exhibited some presence of intoxication, chronic or acute mental illness or disturbance, suicidal behavior or intentions, or some combination of these factors.¹⁵⁷ Drug and alcohol influence may be determined by the reporting officers based on personal observation, subject statements, or witness statements. There were 21 subjects who were classified as being under the influence of alcohol or drugs.¹⁵⁸ There were 31 individuals who were classified as being either emotionally disturbed and/or suicidal.¹⁵⁹ There were three

subjects who exhibited some combination of mental or emotional disturbance and/or were suicidal, and who were also under chemical influence.¹⁶⁰

Regarding the use of the ECW on an individual exhibiting the signs and symptoms of excited delirium, it is cautioned due to the increased likelihood of serious medical complications or even death to the subject. However, the use of the ECW is not contraindicated. Instead, the use of the ECW is regarded as the most effective way to gain control of a subject displaying signs of excited delirium. It is the preferred method for gaining control of that subject while limiting injury to both responding officers and potential bystanders, as well as the subject himself. Furthermore, it is not until such a subject is well controlled that critical medical assistance can be provided. There were no incidents in 2019 in which the ECW was used on a subject who displayed signs and

¹⁵⁴ *Id.*

¹⁵⁵ Meader et al., *supra* note 75.

¹⁵⁶ *Id.*

¹⁵⁷ Rhyne, *supra* note 115.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

symptoms indicative of excited delirium.¹⁶¹ The most recent incident of this nature was 2014 in which there was one incident involving a suspected case of excited delirium.¹⁶² 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.

Factor	# Incidents/# subjects	% of Total Incidents
Chemical impairment	21	14.69%
Alcohol only	11	
Drug use only	10	
Mental or Emotionally Disturbed Person	31	21.68%
EDP (but not suicidal)	28	
Suicidal	3	
Chemical Influence and EDP or Suicidal	3	2.09%
TOTAL	55	38.46%

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.¹⁶³ The trained target area on a subject’s back is from the base of the neck to the subject’s heel.¹⁶⁴ Aiming the ECW in this manner results in a higher probability of probe contact with large muscle groups on the subject.¹⁶⁵ It also reduces the probability of a close “dart-to-heart” distance as recommended by Axon, the manufacturer of the ECW used by Columbus Division personnel.¹⁶⁶ Contact with large muscle groups can be crucial to the effective use of the ECW resulting in neuro-muscular incapacitation (NMI) when deployed in probe mode or close quarter mode.¹⁶⁷

The target and probe contact locations have been divided into 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-

¹⁶¹ *Id.*

¹⁶² Meader et al., *supra* note 68.

¹⁶³ 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.

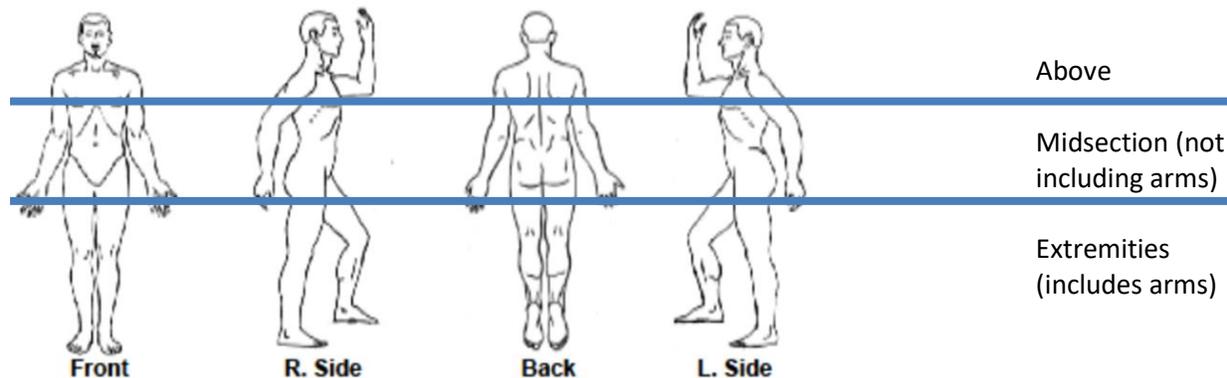
¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.* at 33–34.

¹⁶⁷ *Id.* at 9.

10.128T, with the addition of dividing lines to indicate the regions described above (except that the form lists the “below” area as “extremities”).¹⁶⁸



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.¹⁶⁹ 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 due to how the area is recorded.

Target or contact area	% of Total (2019)	% of Total (2018)	% of Total (2017)	% of Total (2016)	% of Total (2015)	% of Total (2014)
BACK	60.44%	56.9%	60.4%	60%	60%	52.3%
FRONT	29.12%	28.3%	25.4%	26.2%	26.2%	38.7%
SIDE (left or right)	10.44%	14.8%	14.2%	13.8%	13.8%	9%
Above	15.66%	15.7%	13.8%	**	**	**
Midsection	72.89%	77.9%	74.5%	**	**	**
Extremities	11.45%	6.4%	11.7%	**	**	**

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

Deadly Force Incidents

There were no incidents in 2019 in which the ECW was used in lieu of deadly force. In order for the ECW to be used in lieu of deadly force, personnel must satisfy the five-prong test for such use as defined in training and policy. The five prongs of the test for the use of an ECW in lieu of deadly force are: personnel have reasonable time to deploy the ECW, personnel have sufficient distance from the subject, personnel have some barrier between them and the subject, there is lethal

¹⁶⁸ See CITY OF COLUMBUS, *supra* note 2.

¹⁶⁹ 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.

force back-up in the event the ECW is not effective as intended, and the belief that such use of the ECW is reasonable.

In 2018 there was one notable incident in which the taser was used in lieu of deadly force¹⁷⁰ in which the five-prong test for such use was met. 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 deploying their ECW's. The incident was resolved without serious harm to the individual, the officers involved, or bystanders.



In 2017 there were four incidents in which the ECW was used in lieu of deadly force.¹⁷¹ The ECW was used on four individuals who were deemed to be suicidal.¹⁷²

These incidents in which officers used the ECW in lieu of deadly force or with individuals who demonstrated suicidal or homicidal 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.¹⁷³ 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.¹⁷⁴ In one incident involving

¹⁷⁰ Rhyne, *supra* note 123.

¹⁷¹ 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).

¹⁷² Meader et al., *supra* note 78.

¹⁷³ *Id.*

¹⁷⁴ Meader et al., *supra* note 88.

an attempted probe deployment where one probe missed the subject, the ECW was deemed effective solely on the basis of pain compliance.¹⁷⁵ The notes contained in each use of ECW packet in 2019 do not indicate that this phenomenon occurred during that calendar year.

In 2019, there were two reported uses of an ECW against a dog.¹⁷⁶ 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.

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%
2019	144	-14.79%	26	+30%

The table shows the total number of incidents for each year since the Division acquired ECW-style intermediate weapons.¹⁷⁷ In previous years, there have been scenario-based exercises during yearly defensive tactics training to emphasize effective use of the ECW in various scenarios¹⁷⁸ as well as general in-service training topics to address de-escalation. Although ECW use rose in 2017 and 2018, there is still a downward trend in the number of ECW incidents since

¹⁷⁵ *Id.*

¹⁷⁶ Rhyne, *supra* note 115.

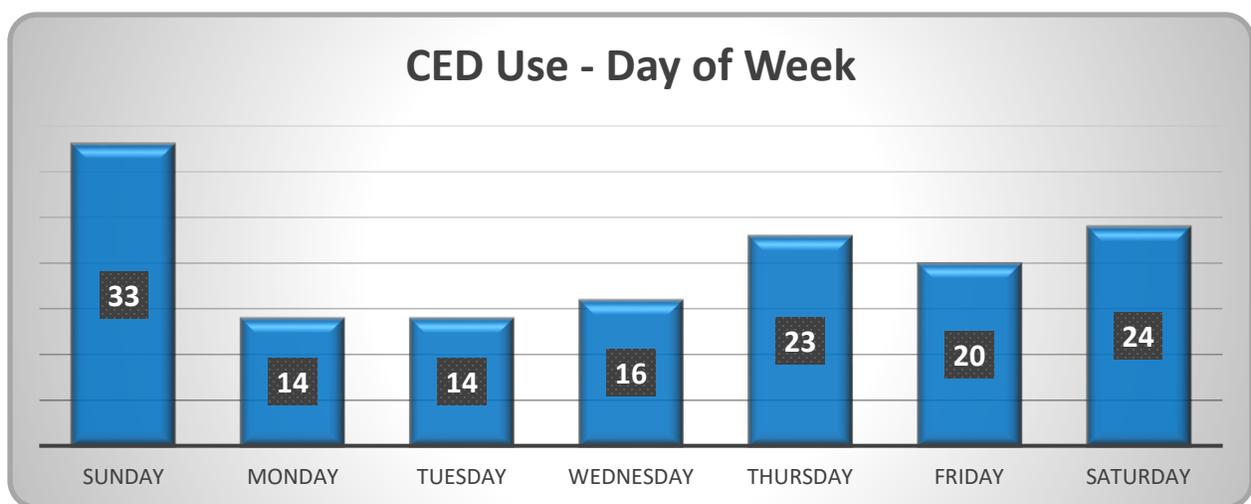
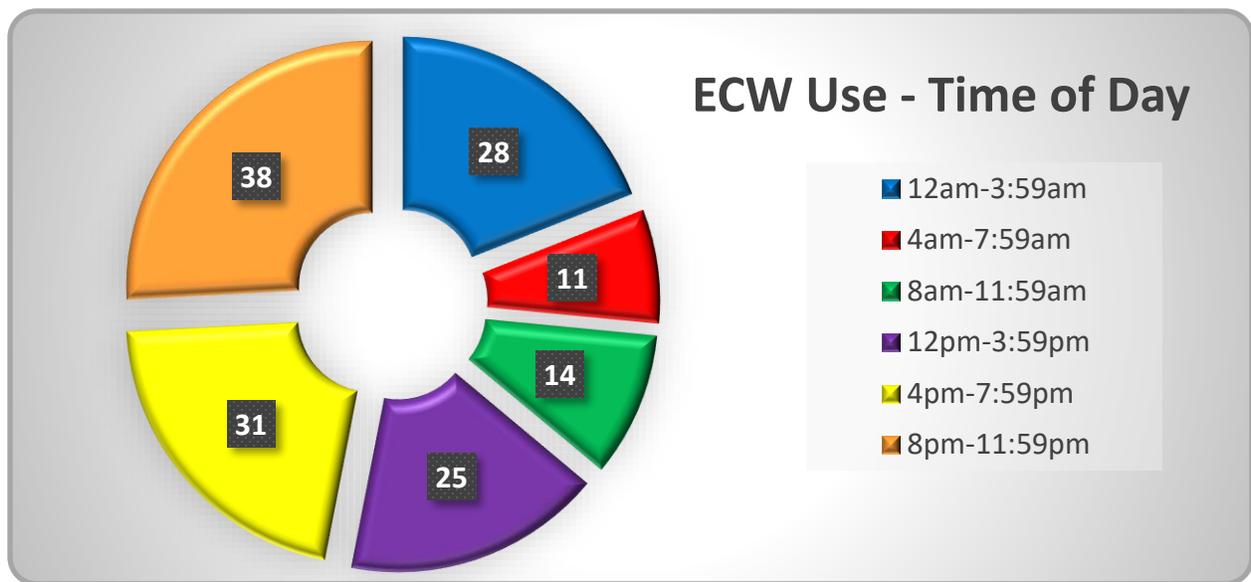
¹⁷⁷ Data for 2009 is missing and therefore not included in the table or in computations.

¹⁷⁸ 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 device was first issued in 2005. This is despite the Columbus population growing and officers responding to more than half a million calls for service each year.

The average years of service for personnel deploying the ECW in 2019 was 11.1¹⁷⁹ 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, the time of day (in four-hour blocks), and the day of week that these incidents occurred in 2019. Note: there are 144 incidents but 147 total time periods depicted in the chart due to deployments occurring in different time periods.



¹⁷⁹ Rhyne, *supra* note 115.

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

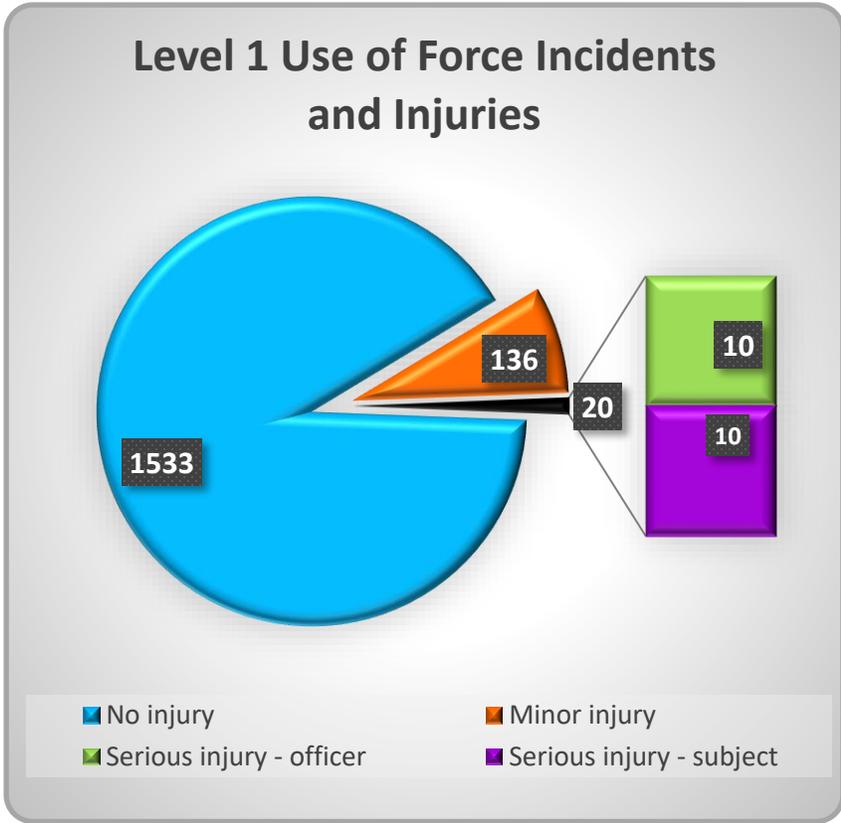
A review of law enforcement injury incidents is a somewhat recent addition to this annual report. This section first appeared in the 2017 year-end review. Currently, due to data collection and changes with the reporting system utilized by the Division, only injury incidents resulting from Level 1 uses of force and intentional assaults are examined. It is anticipated that future reports will examine more or all levels 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, Level 1 responses in 2019 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.¹⁸⁰ 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.¹⁸¹ The U-10.128 form is included in the addendum to this report.

For this report, an 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.) typically provided at scene. 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

¹⁸⁰ COLUMBUS DIVISION OF POLICE, *supra* note 1.

¹⁸¹ *Id* (parenthetical information added).



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

Overall, there were 1,689 incidents in which there was a Level 1 use of force 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* Level 4 hard empty hand control, etc. These incidents *do* include Level 0 responses, although those

responses are not categorized or tabulated in this report.

Of the Level 1 incidents examined for this portion of the report, 1,058 involved male subjects, 400 involved female subjects. The remainder involved unknown subjects. When examining Level 1 responses and comparing those demographics to all Level 2 through Level 8 Use of Force demographics where demographic information was known, there are some differences noted. In Level 1 uses of force where sex was known, 72.57% were to males with 27.43% to females. But, for all other uses of force where sex was known, 85.62% were to males and only 14.38% to females. For ECW uses, 94.41% were to males and only 5.59% to females. It appears from this information that females may be more amenable to compliance at lower levels of force than males. Simply stated, situations involving females can be deescalated more often and at lower levels of force than incidents involving males.

The average officers' years of service for all Level 1 incidents was 8.36 years, compared to 11.57 years of service for all Patrol. In 2018, the average Level 1 officer years of service was 8.99. As stated in Part VI above, 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.

Race is not a metric collected on the U-10.128 Use of Force report. Often age may be unknown even when sex and race are known or presumed. So the age and racial makeup of all subjects receiving force is not always available unless an arrest is made and the arrest form or other documentation, which does indicate race, is attached to the Use of Force reporting form.

In the 1,689 Level 1 exclusive incidents, there were 99 injuries to subjects from the Level 1 use of force. Of those injuries, ten subjects required hospital treatment and 33 subjects were treated at scene by responding medics. There were 57 officers injured in the same set of incidents, ten requiring hospital treatment and seven who were treated at scene.

Assaults on Officers and Resulting Officer Injuries

This section examines intentional assaults on officers that were investigated by the Columbus Division of Police 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 also not included in this analysis. This is a result of both internal policy and state law. There is no misdemeanor code section for “assault on a peace officer” in Columbus or the State of Ohio. There is, however, a misdemeanor charge for resisting arrest that results in harm to the officer.¹⁸² In these cases, the individual officer(s) is responsible for handling those charges, not the Major Crimes Bureau. Therefore, those comparatively minor incidents are not included.

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.¹⁸³ Although these felonies are investigated by the Major Crimes Bureau, they are not included here as they are not charged as an assault.

Finally, incidents in which a suspect threatens an officer with a deadly weapon are not included here as those are processed as a felony menacing charge, or some other non-assault charge. It is important to note that such conduct can and does result in the officer discharging his or her firearm. In the twelve officer-involved-shooting incidents in 2019, six of the incidents involved a felony assault on an officer and were processed as such in cases where the suspect was available for prosecution. However, the other six incidents involved non-assault crimes such as robbery

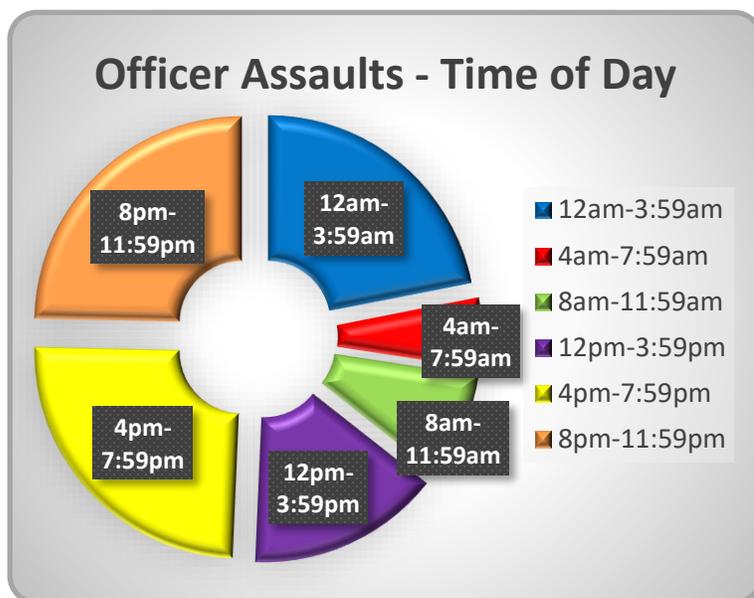
¹⁸² R.C. 2921.33(B) (1997).

¹⁸³ R.C. 2921.31 (2000).

and weapons under disability. In each of these incidents a suspect was armed with a firearm and brandished or threatened the officer(s). Those incidents are not included in the analysis of this section. 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.¹⁸⁴

In 2019 there were 56 total incidents in which 73 officers were assaulted.¹⁸⁵ The number of officers assaulted went down for the second year in a row. There were 61 incidents in which 70

officers were assaulted in 2018¹⁸⁶, and 84 incidents involving 102 officers in 2017.¹⁸⁷ The charts show the day of the week and time of day that these incidents occurred in 2019. There were seven female officers and 66 male officers assaulted. The officers assaulted had an average age of 36.68 years and 8.42 years of service.¹⁸⁸ In 2018, the average officer age was 35.59 years, and averaged 8.39 years of service.¹⁸⁹ The racial breakdown of the officers is as follows: one Asian,



nine black, one Hispanic, and 62 white.¹⁹⁰ The percentages of officers assaulted by race are: white 84.93%, black 12.33%, Asian and Hispanic 1.37% each. For the Division as a whole, as discussed in Part II, the racial breakdown of officers is: 87% white, 10% black, and approximately 1% each Asian and Hispanic. White officers were the most often assaulted, but were a slightly lower percentage of all officers assaulted in 2019 (84.93% in 2019 compared to 91.43% in 2018). The number of black officers assaulted in 2019 increased by over 72% from 2018. In 2018, five black officers out of a total of 70 total who were assaulted. In 2019, nine black officers out of a total of 73 were assaulted. The number of Asian officers assaulted remained the same (n=1). In 2019, one Hispanic officer was assaulted. There were no Hispanic officers assaulted in 2018.

¹⁸⁴ See R.C. 2903.11 (2017). See also R.C. 2903.12 (2011). See also R.C. 2903.13 (2013).

¹⁸⁵ Matthew Rhyne, *PO Assaults 2019* (May 13, 2020) (unpublished internal document, Columbus Division of Police, on file with author Kirk).

¹⁸⁶ Catherine Kirk & Matthew Rhyne, *2018 PO Assaults* (July, 25, 2019) (unpublished internal document, Columbus Division of Police, on file with author Kirk).

¹⁸⁷ Meader et al., *supra* note 62.

¹⁸⁸ Rhyne, *supra* note 183.

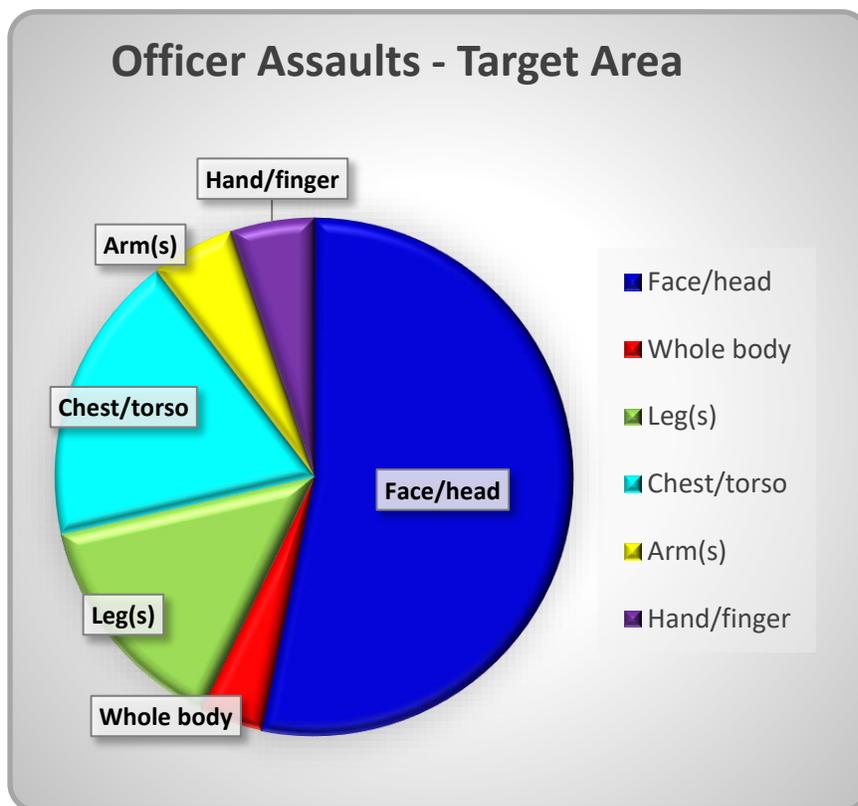
¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

Suspects in these incidents ranged in age from nine to 56, with an average age of 28.97.¹⁹¹ Of the 56 incidents there were 73 suspects.¹⁹² There were 44 male and 29 female suspects involved.¹⁹³ Male suspects were involved in 60.27% of the assaults; females were involved in 39.73%. These percentages are close to those from 2018: 61.39 males, 38.71 females.¹⁹⁴ The racial makeup of the suspects is as follows: 45 black; 24 white; three Hispanic; one unknown.¹⁹⁵ Black suspects accounted for 62.5% of suspects where race was known; white accounted for 33.33%.

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 0 (officer presence, verbal and non-verbal commands, searching and handcuffing) – 27; Level 1 (joint manipulations and grounding techniques) – 37;

Level 2 (chemical spray) – 3, Level 3 (ECW) – 2, Level 4 (punch/kick/strikes) – 6; Level 8 (deadly force) – 6.



There were five officers who did not respond with force. There can be a number of reasons for this: the officer was incapacitated and could not respond; the suspect's actions were controlled by fewer officers than were actually present such that all officers present/the assaulted officer did not need to respond; the suspect was no longer 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., officer shot/shot at by an unknown or unseen suspect).¹⁹⁶

¹⁹¹ Rhyne, *supra* note 183.

¹⁹² *Id.*

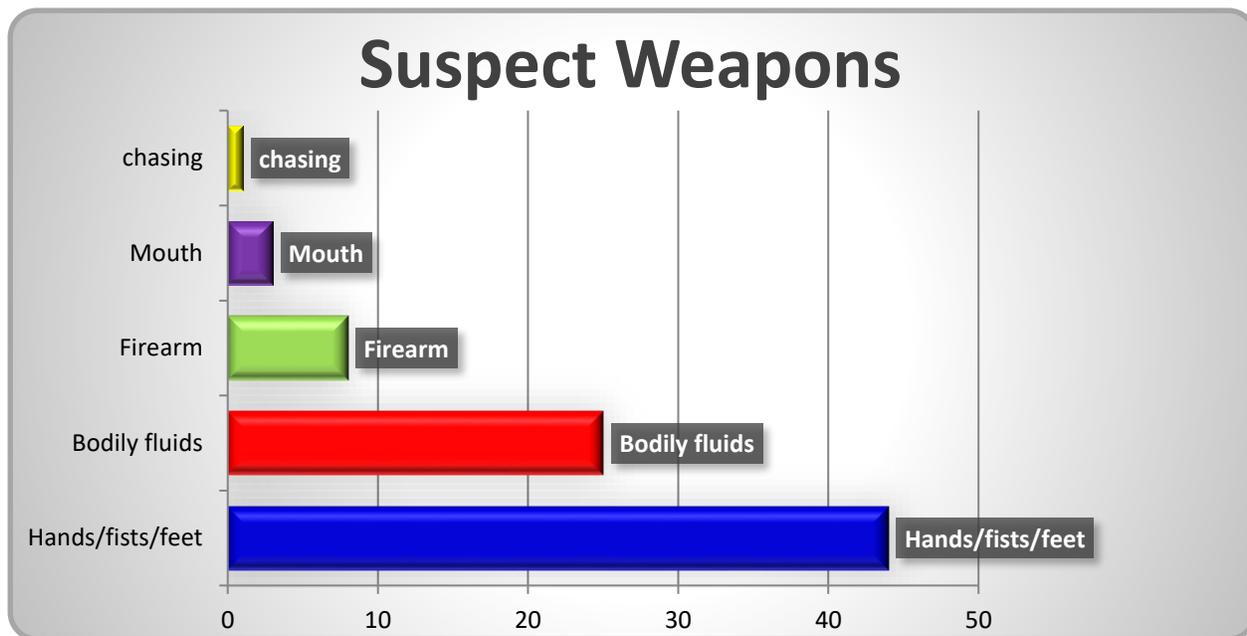
¹⁹³ *Id.*

¹⁹⁴ Rhyne, *supra* note 184.

¹⁹⁵ Rhyne, *supra* note 183.

¹⁹⁶ See CITY OF COLUMBUS, Training Bureau files, PO Assault Case Folders (last accessed June 26, 2020) (containing the case files for all officer assault cases investigated in 2019).

Suspect weapons included hands/fists/feet (44 instances), bodily fluids (25 instances) firearm (8 instances), mouth (3 instances), and chasing officer (1 instance). Officers were assaulted by various means: bodily substance (25); punch (21); kick (13); scratch (4); shot or shot at (8); bit (3); strangle (2); tackle (2); shove (1); slap (1); chasing (1).¹⁹⁷

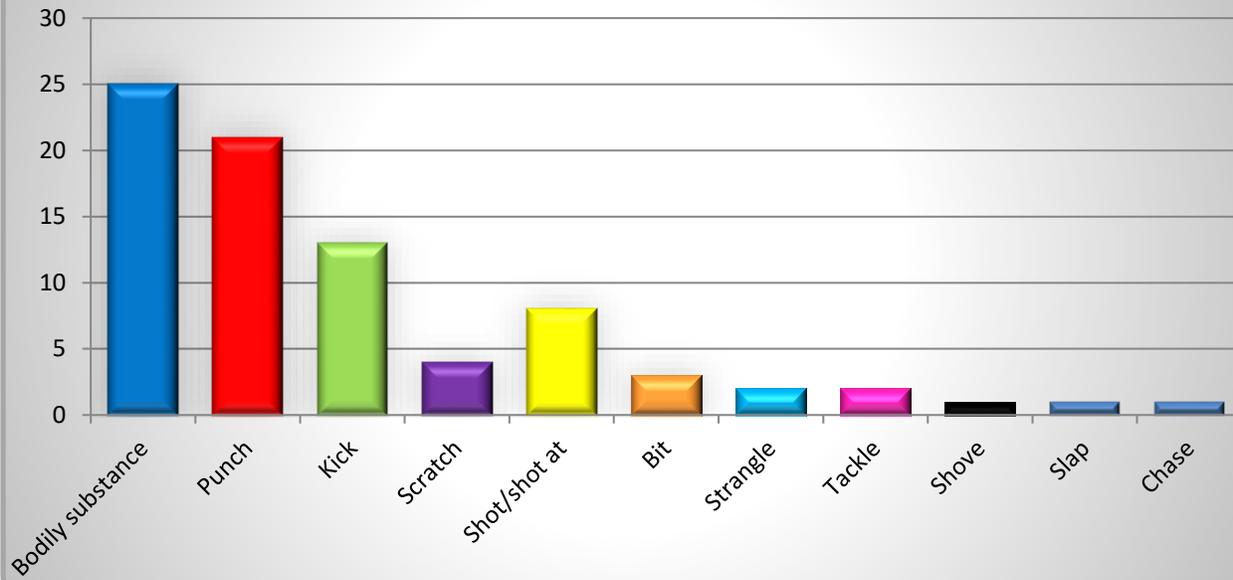


As a result of the 56 officer assault incidents and 73 officers assaulted, there were 43 officer injuries ranging from pain and swelling, cuts and lacerations, to a gunshot wound or other severe injury.¹⁹⁸ Injuries are summarized in the chart below. The categories are not mutually exclusive, and there is overlap among the listed injury categories. For example, if four officers were injured from being bitten by suspects, two could report a bite injury (nonspecific), one could report bruising and swelling, and one could report pain, bruising, and swelling.

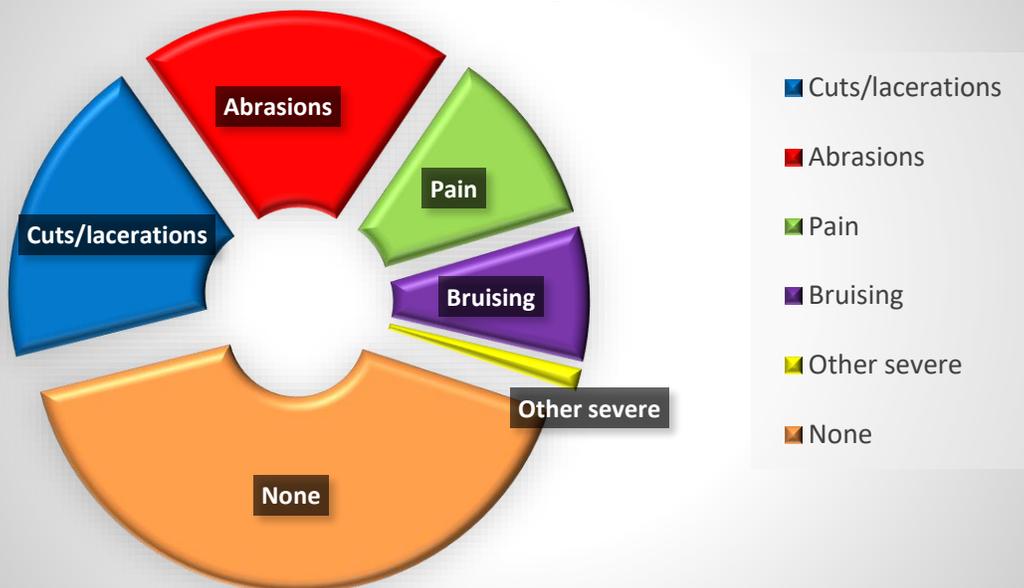
¹⁹⁷ Ryne, *supra* note 183.

¹⁹⁸ *Id.*

Means of Assault on Officers



Officer Injuries



PART IX – VICTIM AND SUSPECT INFO

It appears 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 28.5%¹⁹⁹, 48.06% of the uses of force from 2019 were on subjects who identified or were described as black.²⁰⁰ 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. Officers do not have contact with the entire population. In fact, a significant portion of the general population may have no contact with police, and no opportunity for being involved in a use of force incident. 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 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 some crime victim and suspect demographics from 2019 with use of force information from 2019.

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. Dispatched calls for service are by far the more common circumstance that officers have contact with members of the community.²⁰¹ 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 2019 are describes as “disturbance/fight,” “calls for service,” “crime committed,” “traffic incident” and “mentally ill person” in that order.²⁰² Numbers for the categories in 2016, 2017, and 2018 were similar. “Disturbance/fight” was the most frequent incident description in every year in the study period by a margin of roughly two-to-one to the second most frequently reported incident description.²⁰³ 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

¹⁹⁹ *Quick Facts*, *supra* note 37.

²⁰⁰ *Infra* Part VI.

²⁰¹ *Infra* Part V (detailing the number of requests for police response compared to officer self-initiated activity showing that requests for police response are nearly 3.5 times more numerous than officer-initiated activity).

²⁰² *Infra* Part VI.

²⁰³ *Id.*

service, flagged officer down, etc.). What is clear is the number of overall runs were down in 2019 but that calls for police response outnumber officer-initiated activity by a margin of nearly 3.5 to 1. From 2012-2019 officers self-initiated about 30% or fewer of all incidents.²⁰⁴

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.²⁰⁵ 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.²⁰⁶ This category includes arrests that fall outside the certain violent crimes.²⁰⁷ More importantly, this category includes resisting arrest²⁰⁸ – 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 2019.²⁰⁹

Of all reported crimes in Columbus, only suspect and arrestee demographics for aggravated assault, homicide, rape, and robbery were singled out from 2019.²¹⁰ These are the four crimes identified by the FBI’s Uniform Crime Reports as “violent crimes.”²¹¹ Additionally, domestic violence statistics in Columbus from 2019 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.²¹² Second, the parties *must* have some domestic relationship as defined in the Ohio Revised Code.²¹³ In other words, there are substantially fewer if any suspects who are unknown to the victim, and whose sex and

²⁰⁴ Ferguson, *supra* note 60.

²⁰⁵ See CITY OF COLUMBUS, *supra* note 65.

²⁰⁶ See Thomas, *supra* note 64.

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ 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).

²¹² 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.

²¹³ OHIO REV. CODE §2919.25(A)–(C) and (F) (Sept. 17, 2010).

race is unknown. In any event, suspects and arrestees for the four UCR-defined violent crimes plus domestic violence combined accounted for 16,173 individuals in 2019 (15,080 victims), with domestic violence suspects and arrests accounting for over half (51.48%) of those individuals.²¹⁴

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 2019, about 54.66% were categorized as black.²¹⁵ Of all arrestees in 2019, 41.86% were categorized as white.²¹⁶ The split between male and female was 76.17% and 23.80% respectively.²¹⁷ However, these figures do not take recidivism into account. It is not possible to tell from the data how many of the 26,294 arrestees in 2019 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 2019 (n=16,173 when counted by suspects), race was known or reported for approximately 93.52% of the incidents.²¹⁸ In those incidents where suspect/arrestee race was known or reported, 62.20% were categorized as black, and 30.48% were categorized as white.²¹⁹ Of those suspects/arrestees for which sex was known or identified in 2019, 78.24% were reported to be male²²⁰, compared to 76.02% in 2018, 78.05% in 2016 and 83.32% in 2015.²²¹ As for uses of force in 2019, less than half (48.06%) were to blacks and over two thirds (73.75%) were to males.²²²

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.

The breakdown of victims in 2019 where race was reported was 54.32% being identified or reported as black, and 44.43% identified or reported as white.²²³ The remainder were either

²¹⁴ Dale Thomas, *Violent Crime Demographics 2019* (May 12, 2020) (unpublished internal document, Columbus Division of Police) (on file with author Kirk).

²¹⁵ Thomas, *supra* note 64.

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ Thomas, *supra* note 212.

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ Meader et al., *supra* note 75, at 45.

²²² Bernhardt, *supra* note 74.

²²³ Thomas, *supra* note 212.

unknown, Asian/Pacific Islander, or American Indian/Alaskan Native.²²⁴ For domestic violence crimes in 2019, 55.64% of the victims were reported as black and 40.08% were reported as white.²²⁵ 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 2019, blacks made up 62.40% of suspects and arrestees while whites accounted for 36.68%.²²⁶ 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.²²⁷

In Columbus in 2019, whites made up approximately 30.48% of suspects and arrestees for UCR violent crimes and domestic violence where race was identified.²²⁸ In domestic violence incidents in 2019, whites account for 36.68% of suspects.²²⁹ However, whites accounted for 42.91% of all arrestees in 2019 where race was known, and 41.86% of all arrests including those with unknown race.²³⁰ 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.

The chart below compares demographics, including racial unknowns but not unknown sex, of use of force recipients, UCR violent crimes (homicide, aggravated assault, rape, robbery) and domestic violence suspects and arrestees, and all arrestees.

	Uses of Force	UCR Crimes + DV	All Arrests
Female	12.55%	23.17%	23.80%
Male	73.62%	75.29%	76.17%
Black	48.06%	62.20%	54.66%
All other non-white	2.22%	0.84%	0.98%
White	34.75%	30.48%	41.86%
Unknown or crowd	14.94%	6.48%	2.55%

The remainder of this section is pending additional data analysis.

²²⁴ *Id.*

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ See *supra* text accompanying notes 197-201.

²²⁸ Thomas, *supra* note 212.

²²⁹ *Id.*

²³⁰ Thomas, *supra* note 64.

**PART X – CONCLUSIONS AND
RECOMMENDATIONS**

Conclusions

In 2019, officers used force 390 times while responding to 553,727 incidents which equates to 1 use of force in every 1,416 incidents. Only 0.07% of incidents resulted in a use of force. Further, 12 incidents, or 0.002%, resulted in an officer discharging their firearm at another person.

Annual training continues to focus on various aspects of using force including de-escalation and officer safety.

Recommendations

1. Revised policy requires officers to intervene when they witness excessive force. The Training Bureau will incorporate scenarios to reinforce this policy.
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. Several firearm related incidents have highlighted the need for officers to be more cognizant of the area behind their intended target. Training will remind officers to be aware of crossfire and other people in their line of fire.
4. De-escalation is now integrated with all use of force training in both classroom and scenario-based learning environments.
5. Use of force on persons who suffer from mental illness will be emphasized. In 2019 there were twenty-five uses of force on the mentally ill²³¹, though consistent in recent year's remains a focus of the Division and the Training Bureau.
6. "The ECW was effective 77% of the time for all cycles and deployment modes delivered or attempted in 2019.²³² This is an increase in effectiveness from 2018 in which 72% of all cycles were deemed successful.²³³ The 77% effectiveness in 2019 is slightly better than the unweighted average effectiveness in the previous four years. Any mode with a drive stun follow-up again reached 100% effectiveness in 2019. There were 10 deployments of the ECW in close quarter probe mode with a hit rate of 100%.²³⁴" 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

²³¹ Supra page 25.

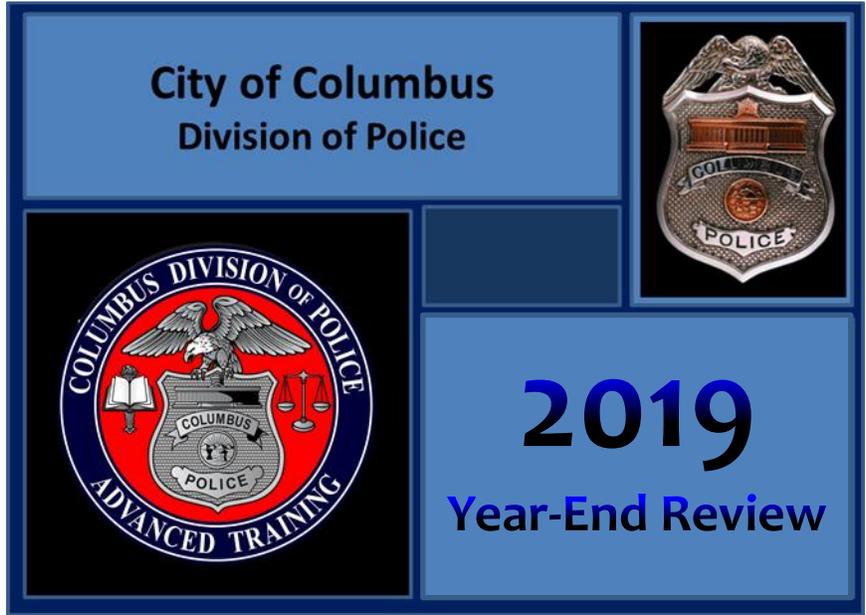
²³² *Id.*

²³³ Rhyne, *supra* note 115.

²³⁴ *Id.*

Unit will continue to train on the fundamental of Probe Mode deployment during a foot pursuit.

7. 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.
8. The use of Body Worn Cameras to document the incident and the observations of the involved officers will continue in 2019.



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