

U City Police Department Office Policy Manual

CHAPTER: 03 - Administration

TITLE: LAW ENFORCEMENT ROLE AND AUTHORITY

TOPIC: USE OF FORCE

POLICY#: 3-01

EFFECTIVE DATE: 06/25/2020

UNIVERSITY CITY MISSOURI POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL		
TITLE: LAW ENFORCEMENT ROLE AND AUTHORITY	GENERAL ORDER: 3-01	
TOPIC: USE OF FORCE		
STANDARDS: 9.1, 9.5, 9.6, 19.3, 21.13, 29.2, 29.3		
EFFECTIVE DATE: 06/25/2020	REVISION DATE: 06/2020	DISTRIBUTION: ALL PERSONNEL
CANCELLED PUBLICATIONS: GENERAL ORDER 3-01 EFFECTIVE 10/01/2017		NUMBER OF PAGES: 16
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POLICY: It is the policy of the University City Police Department that a police officer use no more force, either deadly or non-deadly, than is absolutely necessary to effect their lawful objectives, and they follow all guidelines stated in the Department Use of Force Policy.

PURPOSE: To reinforce and state the Department's policy for the use of force, lethal and non-lethal.

DEFINITIONS:

ADMINISTRATIVE LEAVE: A temporary on or off-duty assignment, other than the normal duty assignment as determined by the Chief of Police.

DEADLY FORCE: Physical force which the actor uses with the purpose of causing or which is known to create a substantial risk of causing death or serious physical injury.

LESS LETHAL MUNITIONS: These munitions are designed and developed to be launched at human targets, with a lower probability of producing fatal results. The munitions can cause similar injuries as traditional police impact weapons (i.e. batons) and can be referred to as "Extended Range Impact Weapons".

LETHAL WEAPON: Any weapon that has the capability of and was designed to cause death.

NON-DEADLY FORCE: That force which is necessary to overcome resistance or accomplish a lawful objective which, when properly used, would not likely cause death.

NON-LETHAL WEAPON: Any weapon designed to repel resistance but not designed to cause serious physical injury or death.

POLICE OFFICER: A commissioned police officer of the University City Police Department.

PPCT: Pressure Point Control Tactics.

REASONABLE BELIEF: The facts or circumstances the officer knows, or should know, are such as to cause a prudent person to act or think in a similar way under similar circumstances.

SERIOUS PHYSICAL INJURY: A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long term loss or impairment of the functioning of any bodily member or organ.

VEHICULAR PURSUIT: An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.

I. USE OF FORCE:

A. Control is required in making an arrest. In most instances, the officer's tone of voice, demeanor, and actions will suffice. However, when a suspect resists arrest, officers shall use the force necessary to overcome that resistance to effect the arrest. Officers shall use an escalating scale of force. The force used by the officer shall be determined by the level of resistance used, and the threatened use of physical force or physical interference, by the suspect.

B. This escalating scale of force, also known as the "FORCE CONTINUUM," ranges from mere presence of the officer up to and including the use of deadly force. The following is the force continuum:

1. Officer Presence (Professional, respectful, attentive and observant)
2. Voice/Request (De-escalation skills and problem solving techniques)
3. Command (Directives given to remedy the situation)
4. Soft Empty Hand Control (non-pain compliance, guidance)- NO CHOKEHOLDS, STRANGLEHOLDS, OR VASCULAR NECK RESTRAINTS.
Example: Escorting subject holding an arm or wrist. Subject is not resisting.
5. Pressure Points (pain compliance) such as the PPCT Mandibular Angle Pressure Point (base of ear lobe).- NO CHOKEHOLDS, STRANGLEHOLDS, OR VASCULAR NECK RESTRAINTS.
6. Pepper Mace/ OLEORESIN CAPSICUM (O.C.) SPRAY- NO MOUTH TARGETS.

7. Taser Model X26—Less Lethal- NO HEAD SHOTS.
8. Hard Empty Hand Control (joint locks/wrestling/take downs).- NO CHOKEHOLDS, STRANGLEHOLDS, OR VASCULAR NECK RESTRAINTS.
9. Physical Strikes (empty hands and feet).
Examples: PPCT/Punch/Kick.
10. Expandable Baton.
11. Less Lethal weapon (Bean bag shotgun, etc.)
12. Firearm (DUTY WEAPON OR CHIEF APPROVED WEAPON ONLY).

C. Appropriate medical aid will be rendered after the use of lethal and less lethal weapons. Any arrested person exposed to pepper mace will be examined by paramedics upon arrival at the police station.

D. In all instances wherein the use of physical force, the use of lethal, less lethal, or non-lethal weapons, or any other action resulting in injury or death is employed by an officer, a police report will be submitted.

II. DEADLY FORCE:

A. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.

B. Firearms, when involving deadly force, whether on or off-duty, are to be discharged in the proper performance of police duty, only under the following circumstances:

1. To destroy seriously injured or dangerous animals when no other method is practical.
2. In the necessary defense of the police officer's life, or the life of another person.
3. In the defense of any person in immediate danger of serious physical injury.

4. To effect an arrest, to prevent an escape, or to recapture an escapee, after all other means have failed in each situation, of a felony suspect only when:

a. The crime for which the arrest is sought involved conduct including the use or threatened use of deadly force, AND

b. There is substantial risk that the person whose arrest is sought will cause death or serious bodily injury if the apprehension is delayed.

III. NON-LETHAL WEAPONS:

A. Less Lethal Munitions: The Department has two (2) Remington 12 gauge 870 shotguns outfitted with orange fore and rear stock. These shotguns are mounted and secured in the trunks of the supervisors' vehicles, cars 11 and 12, and can be released from the electronic firearm mount by pressing the activation button.

1. Specialty Munitions: Department issued less lethal ammunition is Combined Tactical Systems (CTS), super sock bean bag impact round, 12 gauge, 2 ¾ inch round. This ammunition is launched from a standard Remington 12 gauge shotgun.

2. Persons authorized to utilize Specialty Munitions: Because of the specialized nature of these devices and the training necessary to properly deploy them, their use shall be restricted to trained personnel from the Department. In order to remain authorized to use these munitions, personnel shall successfully complete a refresher course annually.

3. Authorization for Use: Except in extreme emergencies (i.e. life-threatening situations), Specialty Munitions shall not be used without prior authorization of the Shift Commander/Supervisor.

4. Justification for Use: Specialty Munitions may be considered for use whenever time is available to properly plan for and execute a tactical mission in order to reduce the risk to officers, innocent citizens and/or suspects.

5. Examples of situations that may call for the use of less lethal impact munitions would be:

- a. Violent suspect who is armed with a "non-traditional weapon" (i.e. baseball bat, crow bar, garden shovel, etc.).
- b. Jail or civil disturbances.
- c. Suspect who is armed with a knife or similar weapon.
- d. Armed suicidal person who may force officers into shooting him/her to achieve suicide.

6. Precautions:

- a. Safety is paramount – both of officers and innocent citizens.
- b. Generally the less lethal munitions should not be used by an individual officer without cover officers or a tactical plan.
- c. Only factory loaded ammo should be used during actual operations.
- d. Specialty rounds will be utilized only by properly trained personnel.
- e. Less Lethal Impact Munitions should not be used when the suspect is in danger of falling from a significant height.
- f. Each Specialty round will be inspected prior to being loaded into the weapon. All weapons will be generally stored in an unloaded condition unless prior planning has occurred.
- g. Special consideration should be given when information indicates that the suspect has pre-existing physical or medical conditions which could exacerbate the effects of the specialty munitions.

7. Medical Treatment:

- a. Once an individual has been struck with one or more Specialty rounds, he/she should be examined by a paramedic and transported to a contract hospital for medical examination or treatment prior to booking or final disposition.

- b. In critical cases, it may be necessary to transport to the nearest medical facility.
- c. Each impact area on the suspect's body should be photographed to document the existence or lack of visible injury.

8. Reporting Procedures and Notification:

a. For reporting procedures and notification for the use of Less Lethal Munitions/Special Munitions, follow procedures in VI and VII of this General Order.

B. The Expandable Baton: The intent of the baton is to temporarily immobilize an aggressive person or to discourage the person from pressing the attack. Therefore, it is vital that officers avoid striking the subject in the head. A blow delivered to the head may result in serious or fatal injury. It is mandatory that the Department issued baton be carried when in uniform, whether on or off-duty, on radio calls, or while working secondary employment. The exception is the on-duty officer assigned to the station who has the discretion to carry or not carry the baton while in the work area. In all other instances however, the officer assigned to the station while in uniform will carry the issued baton. The baton is to be carried in its holder attached to the duty belt until a potentially dangerous situation arises. The patrol officers are issued the ASP brand 21" expandable baton.

- 1. Officers assigned to plain clothes assignments, the tele-serve officer, or as authorized by the Chief of Police, are to carry the Department issued ASP brand 16" collapsible/telescopic baton. Its use is guided by the same rules that apply to the Expandable Baton.

C. Pepper Mace: Should be used at a distance of no less than three feet and no further than eight feet, with 36" being the ideal distance. The product is to be deployed directly towards the eyes and nose. The mouth should not be directly targeted. The manufacturer recommends two, one second bursts. The canister should be held in the weak hand in the upright position. Pepper mace is to be carried in its holder attached to the duty belt or in any other manner approved by the Chief of Police. The Department is also now equipped with a large canister of pepper spray with a wand attachment, for use when there is only a narrow opening available for deployment (such as under a door for a barricaded subject).

D. Taser Model X26, see General Order 3-01a.

E. Proficiency in the use of the Department baton and mace is required prior to approval to carry such weapons. Recruits while attending the academy receive instruction on these specific weapons and must demonstrate proficiency based on academy standards. In addition, officers on field training will receive further hands-on instruction on these weapons, as well as instruction and training on the Department force continuum, which includes non-lethal weapons.

F. The following guidelines will be followed by the paramedics when treating a prisoner who has had an exposure to Mace/Pepper Spray:

1. Assure scene safety.
2. Determine airway status and treat appropriately if compromised.
3. Observe patient for any allergic reaction (redness, hives, bumps, etc.).
 - a. If none of the above, give the patient an 8 x 12 Bio Shield moist towelette and have them wash their face thoroughly.
 - b. Advise prisoner they can also use water to flush the eyes if they wish after using the towelette.
 - c. A Missouri Ambulance Reporting Form (M.A.R.F.) will be completely filled out on all prisoners seen by the paramedics.
 - d. If a prisoner refuses treatment, make sure a refusal form is signed and witnessed and attach it to the completed M.A.R.F.

G. Training is provided on non-lethal weapons prior to the officers' authorized carry and use to ensure the proper use.

IV. AUTHORIZED DISCHARGE OF FIREARM, NON DEADLY-FORCE:

A. Firearms not involving deadly force, are to be discharged in the proper performance of police duty, whether on or off-duty, only under the following circumstances:

1. At an approved firing range.
2. At a sporting event to include hunting and organized shooting matches.
3. Target practice on privately owned land with the permission of the owner.
4. Any of the above where the discharging of a firearm is not in violation of any law or ordinance and all safety procedures can be followed.

V. UNAUTHORIZED DISCHARGE OF FIREARMS:

A. Firearms are not to be discharged under the following circumstances:

1. When any other means of capture without seriously endangering the officer or an innocent person is available.
2. As a warning shot while pursuing or attempting to arrest any misdemeanant or felon.
3. In any misdemeanor or city ordinance case, including traffic violations, unless it is part of a total series that includes reasonable grounds for believing a felony has been committed.
4. At or from a moving vehicle, unless the occupant(s) of the vehicle represent a direct and immediate threat to the life or safety of the police officer or an innocent person, and then only as a last resort.
5. Into a crowd or a situation where it appears likely that an innocent person may be injured.

B. All incidents involving a discharge of a weapon will be reviewed by the Commander of the Bureau of Field Operations to determine if Department policy was followed.

VI. USE OF FORCE INCIDENT, REPORTS REQUIRED:

A. A written police report is required in the following types of use of force incidents:

1. Anytime a firearm is discharged, or pointed directly at any individual.

2. Force was used that resulted in, or is alleged to have resulted in, injury or death of another person.
3. Force was applied through the use of lethal, less lethal, or non-lethal weapons.
4. Physical force was applied by use of the hands or by any other means to include but not limited to:
 - a. Handcuffing where a struggle resulted or force was used.
 - b. Takedowns.
 - c. Soft empty hand controls.
 - d. Any other force used by the hands where the probability of an injury will result.

B. The "Use of Force Notification Form" (see form attached to this order) will be forwarded to the Commander of the Bureau of Field Operations for any use of force incident with a brief description of the type of force used, i.e., baton, mace, physical force, pointing of a firearm, etc.. Also, there is a space for comments by the supervisor, which can be utilized to make it known the incident is notable for whatever reason, i.e. serious injury, weapon discharged, potential future outside inquiry, etc. If additional information needs to be furnished, an additional sheet can be attached to the form.

C. The Commander of the Bureau of Field Operations will review all use of force incidents to determine if Departmental policy was followed.

D. The Commander of the Bureau of Field Operations will conduct an annual analysis of all use of force incidents, which will be included in the annual report to the Chief of Police.

VII. PROCEDURES FOR USE OF FORCE REPORTING, REVIEWING, AND INVESTIGATING (ON-DUTY INCIDENTS REPORTING AND REVIEWING):

A. When lethal, less lethal, or non-lethal force is applied, the officer(s) will verbally notify their supervisor immediately, who will then be responsible for completing any other necessary notifications pursuant to Administrative Regulation #1.

B. Any time a juvenile is involved in any type of use of force incident (mace, struggling, weapon drawn, etc.), the parent(s) or guardian of the juvenile will be contacted and notified of all circumstances surrounding the incident BY THE SCENE SUPERVISOR OR APPROPRIATE COMMANDING OFFICER.

C. For serious injury or deadly force incidents, the chain of command notification consists of the following personnel:

1. Scene supervisor - will notify the Bureau of Field Operations Commander.
2. Bureau of Field Operations Commander - will notify the:
 - a. Bureau of Investigations Commander.
 - b. Chief of Police.

D. The facts surrounding the incident will be gathered in the most expeditious and complete manner possible prior to notification of the Chief of Police by the Bureau of Field Operations Commander. All notifications on serious injury and deadly force incidents will be made immediately. All other use of force incidents not involving serious injury or deadly force will follow normal reporting and notification procedures. However, due to the fact that all use of force incidents will be reviewed, reporting should be done in the most timely manner possible.

E. A written report involving use of force shall be submitted to the Chief of Police within 24 hours. The police report must contain the following information:

1. Detailed facts surrounding the incident.
2. The type and amount of force used.
3. Report of any necessary medical attention.
4. Any other pertinent and necessary information to allow the Chief of Police to thoroughly review the circumstances of the incident.

F. The appropriate Bureau Commander shall prepare a written critique reference to the adherence of the Use of Force Policy. The Bureau of Field Operations Commander is the central repository for critiques.

G. The Commander of the Bureau of Field Operations will review **ALL use of force incidents** to determine if Department policy was followed. If it appears that policy was not followed, the Chief of Police may authorize an internal investigation.

VIII. ON-DUTY USE OF FORCE INCIDENT (SERIOUS INJURY OR DEATH) SCENE INVESTIGATION:

- A. When an incident involving deadly force or serious injury by a Department member has occurred, the scene will immediately be secured. This procedure is not to be construed to mean that the officer is involved criminally by his/her use of force, but for evidentiary purposes only.
- B. A preliminary crime scene investigation will be conducted by scene officers and the scene supervisor, as well as a detailed investigation by the detective bureau.
- C. The Commander of the Bureau of Field Operations will conduct whatever investigation necessary for administrative purposes.

IX. OFF-DUTY USE OF FORCE INCIDENTS WITHIN UNIVERSITY CITY:

- A. An officer who is off-duty and involved in a use of force incident in University City, whether working secondary employment or self-initiated police action, etc., will notify the on-duty supervisor. The on duty supervisor will be responsible for the following notifications:
 - 1. Bureau of Field Operations Commander
 - 2. Bureau of Investigations Commander
 - 3. Chief of Police
- B. A police report will be taken and necessary investigations will be conducted as determined by the scene supervisor. If the incident is of a serious nature, the normal on-duty use of force notifications will be made as previously stated. If not of a serious nature, normal review procedures will be conducted by the Commander of the Bureau of Field Operations to determine if Department policy was followed.

X. OFF-DUTY USE OF FORCE INCIDENTS OUTSIDE OF UNIVERSITY CITY:

- A. Any officer of this Department who becomes involved in a serious injury or deadly force incident while off-duty in another jurisdiction, shall immediately contact the Watch Commander who will immediately respond to the scene of the incident.
- B. The Watch Commander, or supervisor responding to the scene, will be responsible for the following notifications:
 - 1. Bureau of Field Operations Commander
 - 2. Bureau of Investigations Commander
 - 3. Chief of Police
- C. The officer involved and the Watch Commander/Supervisor will be responsible for completion of detailed memorandums of the facts surrounding the incident to the appropriate Bureau Commander as soon as practical. The memorandums will detail all facts as required in a police report.
- D. The police report from the jurisdiction of occurrence will be requested to be forwarded to this Department as soon as possible.

E. The Bureau of Field Operations Commander will conduct an administrative investigation to determine if Departmental policies were followed, and the Bureau of Investigations Commander will conduct an investigation to determine criminal involvement.

XI. POST INCIDENT PROCEDURE OF OFFICER INVOLVED IN DEADLY FORCE OR SERIOUS INJURY INCIDENT:

A. In a deadly force or serious injury incident, the Department must act in its best interest as well as that of the officer in order to gain complete clarity of the circumstances surrounding the incident, and to dispose of confusion and unsubstantiated facts. In regard to this, the following procedure may be instituted:

1. The officer(s) will be removed from the scene of the deadly force or serious injury incident as soon as possible.
2. A reasonable recovery period as determined by the officer (attempts should be made not to exceed two (2) hours) should be allowed before any questioning of the officer is conducted.
3. The officer(s) will be removed from current duty assignment and placed on administrative leave pending further review/ investigation of the incident.
4. Family members will be contacted by the scene supervisor. The family member(s) will be given a Department point of contact.
5. The officer(s) will be required to seek counseling through the University City contracted counseling service, and all interviews will be protected under the physician-patient relationship. The results from the interviews will not be used in conjunction with any Department investigations.

XII. ADMINISTRATIVE REVIEW/ADMINISTRATIVE LEAVE:

A. Any officer who uses a weapon wherein the death or serious physical injury of a person results, shall be placed on administrative leave immediately upon completion of the preliminary report of the incident. The purpose of administrative leave is to permit the officer to remain available at all times for official Departmental interviews, post-incident debriefings, or counseling. The administrative leave may be in the form of an on or off-duty assignment or removal from a line of duty assignment as will be determined by the Chief of Police pending administrative review. The Department will remove line-of-duty status on all officers involved in critical incidents that involve but are not limited to:

1. Fatal motor vehicle collision involving the employee.
2. Pursuit that results in death or injury.
3. Shootings.
4. Any other incident that would cause the officer(s) not to effectively perform in the line of duty due to trauma.

B. The assignment to administrative leave shall not be interpreted to imply or indicate that the officer acted improperly. The police officer shall not discuss the incident with anyone except authorized investigators from the Department, other investigating agencies, his/her private attorney, a personal physician, members of the clergy, or immediate family members.

C. The officer(s) will remain on administrative leave until notified to return to normal duty, by the Chief of Police. The decision of the Chief of Police will be based on investigation findings and results, and the physical, mental, and emotional performance capabilities of the officer(s).

XIII. VEHICULAR PURSUITS (for further on Vehicular Pursuits see General Order 9-02):

A. Vehicular pursuits should be initiated only when a suspect clearly exhibits the intention of avoiding apprehension by using a motor vehicle to flee.

1. The decision to initiate a vehicular pursuit must be based on the pursuing officer having probable cause to believe that there is an immediate danger to the public if the suspect, who has committed or is attempting to commit a serious felony, is not immediately apprehended. The necessity of immediate apprehension must outweigh the level of danger created by the vehicular pursuit.
2. Any officer in an authorized emergency vehicle may initiate a vehicular pursuit when all of the following criteria are met:
 - a. The suspect exhibits the intention to avoid apprehension by using a vehicle to flee for an alleged crime that would require a full custody arrest.
 - b. The suspect operating the vehicle refuses to stop at the direction of the officer.
 - c. The suspect, if allowed to flee, would present a danger to human life, or cause serious injury.

B. The decision to initiate a vehicular pursuit should be tempered by consideration of, but not limited to, the following factors:

1. **Nature and seriousness of the offense.** A serious crime against a person (i.e., an armed robbery or an assault involving a deadly weapon) may warrant a high speed pursuit. Hazardous traffic violations that present a continuing danger to other road users (i.e., DWI or wrong way driver) may require immediate and sometimes aggressive pursuit.
2. **Roadway, traffic and pedestrian conditions.** During periods of traffic congestion, pursuits may be impossible or extremely hazardous. In addition, every roadway has a maximum speed at which a motor vehicle may be safely operated. Some of the limiting factors include lack of straight and level surfaces; condition and type of road surface; the presence of rain, snow, ice, loose gravel or other foreign substance on the road surface, the presence of pedestrian traffic; and the presence of intersections that could allow other vehicles to suddenly and unexpectedly enter the roadway.
3. **Police vehicle condition.** The overall physical condition of the police vehicle is another factor to be considered before engaging in pursuit driving. Some of the limiting factors include the brakes, which may fade under severe use, the vehicle's suspension system, and the type and condition of the tires.
4. **Likelihood of success.** Consideration must be given to the type of vehicle to be pursued, i.e., a motorcycle or high performance sports car, which could easily and quickly out-distance a police unit.
5. **Experience and ability/training.** Consideration must be given to the amount of experience the officer has had in operating a police car under emergency conditions. Notably, a more experienced officer should possess keener driving skills and more prudent judgement than a new or inexperienced officer.
6. **Possibility of alternative action.** A vehicular pursuit will be used only as a last resort. Whenever safer alternative actions are possible, they will be taken. High-speed pursuits will not be initiated when it appears that apprehension by other means is likely and there is no immediate and present danger to others.
7. **Non-police passenger.** Police units, which contain prisoners, witnesses, suspects, complainants or other non-police passengers will not engage in pursuit situations under any circumstances.

C. If, after consideration of all the limiting factors, the decision is made to pursue a fleeing vehicle, the following procedure will be followed:

1. After assuring that all required seat belts are securely fastened, the emergency equipment (red light and siren) shall be activated when the pursuit is initiated to warn the pursued, and to assist in protecting the officer and others.
2. The primary unit will notify the dispatcher of the pursuit and the reason for the pursuit (i.e., robbery suspect). The primary unit will also give the dispatcher as much identifying information as possible, such as the year, make, color, license number of the vehicle, speed and direction of travel, and any other information of value to other units and/or surrounding communities.
3. The dispatcher shall inform all units not directly involved in the pursuit to go to the secondary channel, channel two on the radio, which will leave the primary channel, channel one, open for all radio transmissions pertaining and relating to the pursuit.

4. The dispatcher will notify surrounding communities via point-to-point frequency 155.370 of the pursuit, give all available information concerning the pursuit, and advise them that all communications will be broadcast over the emergency frequency 154.725. The pursuing agency will have control over the pursuit throughout, and shall notify the surrounding communities when the pursuit is terminated.
5. The number of pursuing units will be limited to two (2), the initial pursuing unit and the secondary unit. All other units of this Department will remain clear of the pursuit unless specifically directed to participate. All units, other than the initial and secondary involved in the pursuit, shall remain on patrol, unless otherwise directed by a supervisor.
6. None of the pursuing units will ram or bump any fleeing vehicle, or block its path in an attempt to stop it (i.e. roadblocks).
7. An officer operating a pursuing unit is justified in firing at or from a moving vehicle during pursuit only to defend himself or another from attack that he/she has reasonable cause to believe could result in death or serious bodily injury .

XIV. ISSUANCE/TRAINING OF USE OF FORCE POLICY:

A. Because of the importance of this General Order, each commissioned police officer will be issued a copy and receive annual training (instructional) concerning its contents. All future members of this Department will also be issued a copy of this General Order and receive identical instruction on its contents before being allowed to carry a firearm, expandable baton, chemical spray, or taser. Policy familiarization will be conducted annually and the policy will be reviewed and updated as necessary.

XV. ANNUAL REVIEW OF USE OF FORCE INCIDENTS:

A. An annual analysis of use of force incidents will be made by the Commander of the Bureau of Field Operations to reveal patterns or trends that could indicate training needs and/or policy notifications.