

RECOMMENDATION 111215-2

Revise Directive 1030.00, Baton Use, to Clarify When the Use of Police Batons Is Authorized

FULL TEXT:

Revise Directive 1030.00, Baton Use, to Clarify When the Use of Police Batons Is Authorized:

Directive 1030.00 should be revised to clarify when the use of police batons is authorized and include at least the following:

The collapsing/telescoping police baton is an impact weapon. The rewrite of Directive 1020.00, Baton Use, should clearly state when the use of the Bureau issued straight collapsing/telescoping police baton is authorized.

Before resorting to the use of a police baton, officers shall use all reasonable de-escalation techniques and tools which are available to them to avoid the use of such force.

Officers shall only use the police baton when objectively reasonable, necessary, and proportionate to the threat or resistance of the subject as defined more fully in Directive 1010.00 and only to overcome aggressive resistance or aggravated resistance. In addition, each use of a police baton must be objectively reasonable, necessary, and proportionate to the threat or resistance encountered, as required by Directive 1010.00.

Police batons are not authorized to overcome only passive resistance or active resistance by an individual.

Unless it would present a danger to the officer or others, officers shall issue a verbal warning, or attempt to utilize hand signals where there is a language barrier or the subject is deaf or hard of hearing, prior to each strike with a police baton or other impact weapon. Officers shall give the subject sufficient time to comply with the warning before striking the subject. A warning shall be given prior to each strike.

Preferred target areas include arms, legs and torso.

Officers are prohibited from using use the police baton under these facts and circumstances:

a. Officers are prohibited from using a police baton on subjects who are restrained and under control, or complying with police direction.

b. Intentional strikes to the head, neck, throat, heart, kidney, groin and spine with the police baton or any authorized impact weapon can be deadly force. Therefore, such intentional

strikes are prohibited, except when under the facts and circumstances deadly force is authorized.

c. Officers are prohibited from using a police baton as a form of punishment or for retaliation. Recommendation # 111215-2 4

d. Officers are prohibited from using a police baton to prod or jab individuals, to awaken unconscious or intoxicated individuals, or to prevent the destruction of evidence.

Alternative d. Officers are prohibited from using a police baton as an instrument of force on unconscious or intoxicated individuals, or to prevent the destruction of evidence.

Officers shall consider risks to the subject and third parties when determining whether to use the police baton. Officers may only use the police baton on suspects who are visibly pregnant, elderly, apparently pre-adolescent, or visibly frail when there is an exigency or an immediate threat to officers or third parties.

Use of a police baton in the following circumstances is only authorized in situations where there is a risk of death or serious physical injury to the officer or third parties:

a. When the suspect is in an elevated position where a fall is likely to cause substantial injury or death.

b. When the suspect is in a location where the suspect could drown.

c. When the suspect is operating a motor vehicle or motorcycle and the engine is running or is on a bicycle or scooter in motion.

d. When an individual is handcuffed or otherwise restrained.

e. When an individual is fully contained in a police vehicle.