



USE OF LESS LETHAL IMPACT WEAPONS (BATON)

new: ✓ rescinds: 20.6 & 20.6(3) ✓ amends:		cross-reference:
effective date: November 1, 2017		accreditation standards: NYSLEAP Standard(s): 14.1, 20.1, 20.6, 21.2 & 32.4
amend date: April, 2020		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish parameters for the type of less lethal impact weapons to be used by members of this office and to insure that members of this office are properly trained in the use thereof. In addition this order defines the policies governing the issuance, storage, use, and reporting the usage of less lethal impact weapons

II. DEFINITIONS

Expandable Baton: An extendable, lockable, telescopic baton comprised of various metal alloys.

Improvised Impact Weapon: Is a device or object that is not an office approved weapon, but is nonetheless used as an impact weapon (i.e. flashlight, radio, or stick, etc.). Such weapons may be unpredictable, ineffective, or exert unexpectedly high levels of damage. Consequently, members shall use improvised impact weapons only in rare, emergency conditions where members lack an authorized baton or other approved less-lethal alternatives.

See G.O. 900 Use of Force – General

III. POLICY

The main responsibility of Sheriff's Office members is to protect the life and property of civilians. In compliance with applicable law, officers shall use only the amount of force necessary and reasonable to accomplish lawful objectives and to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or other.

IV. PROCEDURES

Less Lethal Impact Weapons

- A. The only authorized less lethal impact weapon is the Monadnock expandable baton ranging from 21” to 26” inches.
- B. No member shall be permitted to carry or use any impact weapon without first having successfully completed an approved training course in the use of that impact weapon and complete annual training thereafter.
- C. The baton may be used as a guidance and escort tool (“come along”), a blocking device, or to strike a person.
- D. The baton is an optional force option; officers are not required to carry the baton on their duty belt. If an officer chooses to carry the baton it will be carried in an approved holster on either the strong side or support side of the duty belt, as long as it does not interfere with other weapon systems and/or equipment. Officers are not permitted to carry the baton in their duty bags.
- E. No member shall possess or use any unauthorized impact weapon.
- F. Unauthorized modifications or alterations of the office-issued expandable baton are prohibited.
- G. Impact weapons shall only be removed from their holsters for lawful use, proper storage, care and maintenance or inspection by a competent authority.

Note: In limited circumstances when a confrontation escalates suddenly and unpredictably, an officer may use an improvised impact weapon, to defend themselves, another person, or to bring a situation under control. This decision should be based on the circumstances surrounding the officer at the time, if the officer determines it was reasonably necessary to do so, as long as the level of defensive action is objectively reasonable given the existing circumstances.

Less Lethal Impact Weapons Usage

- A. Members shall only utilize physical force in accordance with Article 35 of the New York State Penal Law and Office rules and regulations as they pertain to the use of force. *See GO 900 Use of Force - General.* Less-lethal impact weapons are an option when an officer is confronted with actual or imminent active aggression against him/herself or another person. The expandable baton may be used as a non-impact/restraining come-along tool for overcoming active resistant behavior.
- B. The use of the baton is prohibited from being used on a handcuffed or secure prisoner absent the rare and exceptional circumstances where the person is displaying combative and/or violent behaviors, which presents an imminent threat to the safety of the officer or other persons, and lesser means or attempts to resolve the incident such as hand-on arrest or control techniques have failed.

- C. The use of the baton is prohibited from being used as an impact weapons on subjects who are compliant or who are exhibiting passive resistance or active resistance. The baton may be used as a non-impact/restraining come-along tool for overcoming active resistant behavior.
- D. Except where deadly force is justified, an officer shall not use a baton to strike a person who is apparently elderly, a small child, women believed to be pregnant, a visibly frail person or a persons who is in danger of falling from a significant height.
- E. Use of a baton on an animal is permissible to deter an attack or to prevent injury to an officer or others. Use of a baton on an animal shall be documented in an incident report.

Deploying Less Lethal Impact Weapons

- A. Target areas for baton strikes are delineated into the following three bodily zones. [See Attachment A.](#)
 - 1. Green Target Areas – areas where a baton strike or the application of a restraint technique causes a minimum level of resultant trauma. In these areas, injury tends to be temporary rather than permanent, however exceptions can occur.
 - 2. Yellow Target Areas – areas where a baton strike or the application of a restraint technique causes a moderate level of resultant trauma. In these areas, injury tends to be more permanent, but may also be temporary.
 - 3. Red Target Areas – areas where a baton strike creates the highest level of resultant trauma. Injury tends to be permanent rather than temporary and may include unconsciousness, serious bodily injury, shock or death.
- B. Whenever practical and reasonable, officers should issue a verbal warning prior to, during, and after using the baton against a subject in an effort to gain compliance. Officer should allow a subject a reasonable amount of time to comply with a warning prior to using or continuing the use of a baton, unless doing so would compromise the safety of an officer or another person.
- C. When the expandable baton is used as an impact weapon, an officer should attempt to strike a primary area (green). The officer may strike a subject in the secondary target areas (yellow) when a primary target area is unavailable, or fails to overcome resistance, or does not correspond to the threat level. A strike to the lethal area (red) is justified in confrontations where the subject is attempting to cause serious bodily injury or death to an officer or another.
- D. Unless lethal force is justified, officers shall not deliberately make strikes to the lethal target area, to include the face, head, neck, spine and sternum.
- E. Strikes should be delivered with maximum power in an effort to eliminate the need for multiple strikes, decrease the need to escalate in levels of control, and shorten the time span of the confrontation.

- F. When delivering a closed mode strike, the officer should keep the thumb positioned across the tip of the baton to prevent the baton from opening.
- G. All baton strikes and other techniques used in the deployment of this device shall be consistent with initial and follow-up training in baton use.
- H. Unless circumstances do not permit, after the delivery of the baton strike, the officer should back away several feet from the subject to determine the effect of the strike, if any. Subsequent strikes may only be deployed subsequent to the initial strikes where the subject continues to represent a threat to the officer or another person. Each deployment of an impact weapon constitutes a use of force, and may only be used when objectively reasonable under the circumstances to effect an arrest, or protect the officer or other person.
- I. If the subject attempts to gain control of the expandable baton, the officer shall employ weapons control techniques. If the subject gains control of the officers' expandable baton, disengage and consider other use of force options. An officer's response to being threatened to being struck with a blunt instrument may include deadly force if the officer is unable to disengage and reasonably believes that he/she or another person is in actual or imminent danger of death or serious physical injury.
- J. Supervisory personnel shall monitor the use of less lethal impact weapons. *See G.O. 900 Use of Force - General.* A Defensive Action Report will be filed. Supervisory personnel shall complete the Defensive Action Report – Administrative Review form, conduct inspections and take corrective action when a deficiency is noted. Improper use of less lethal impact weapons shall be documented and reviewed. Results of such review may include, but not limited to, loss of use of the less lethal impact weapon and/or disciplinary action.

Following the Deployment of Less Lethal Impact Munitions.

- A. In every instance where a less-lethal impact weapon is deployed and has struck an individual, the person will be transported to the hospital for evaluation and treatment.
- B. Whenever possible and safe, pictures of the impact area should be taken as soon after deployment as is practical and then incrementally after that (i.e. 6 hrs, 12hrs, 18hrs). These photos will be submitted as evidence.

V. CARE AND MAINTENANCE

- A. After each use, officers shall examine the expandable baton for damage. If the baton is damaged, it shall be turned in to the Quartermaster for replacement.
- B. Officers who do not use the expandable baton often, should test it at least every other month to be sure it is still clean and functions properly.
- C. If the expandable baton becomes wet or dirty, it needs to be wiped down to clean it and remove moisture. Officers shall not disassemble or apply oil to the expandable baton.
- D. The Quartermaster shall maintain a record of the issue of each expandable baton.

Attachments:

A. [Target Areas for Baton Strikes](#)

By Order Of

A handwritten signature in black ink, appearing to read "Derek Osborne".

Derek Osborne

Sheriff