
	<b>SALISBURY POLICE DEPARTMENT</b>
	<b>Written Directive:</b> Less Lethal Weapons (Batons and Impact Weapons)
	<b>Publication Date:</b> December 11, 2018
	 Approved: Barbara Duncan, Chief of Police
<b>Related CALEA Standards:</b> 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.2.5, 4.3.1, 4.3.2, 4.3.3, 4.3.4	<b>Batons and Impact Weapons</b> Section #1002

## Batons and Impact Weapons

### 1. Purpose:

The purpose of this policy is to provide departmental guidelines to trained officers of the Salisbury Police Department in the use and carry of less lethal weapons, specifically impact weapons, as well as when medical attention is needed after the use of such weapons.

### 2. Policy:

The purpose of this policy is to provide departmental guidelines to trained officers in the use and carry of less lethal impact weapons, as well as when medical attention is needed after the use of such weapons.

### 3. Definitions:

- A. Passive Resistance: Subject fails to obey verbal direction via non-violent means; thereby preventing the officer from taking lawful action.
- B. Active Resistance/Aggression: The subject displays the intent to harm the officer, himself/herself, or another during a violent attack or while resisting arrest. Examples of active resistance/aggression are displaying or implication of a weapon, fighting stance, punches, kicks or other actions that present a reasonable and immediate threat of physical harm and/or immediate safety risk to the officer, the suspect or others.
- C. Not for Compliant or Passively Resistant Subjects: It is never appropriate to use batons and impact weapons on subjects who are compliant or who are exhibiting only passive resistance.
- D. Use of Force Policy: The use of impact weapons by members of the department in the performance of his/her duties is considered a use of force, and must therefore conform to the policies and procedures of the Salisbury Police Department. As always, any use force must be objectively reasonable, necessary, and proportional.

- E. Applicability: This policy applies to all members of the Salisbury Police Department who are authorized to carry and use agency approved impact weapons.
- F. De-escalation: The use of impact weapons is not intended to replace tactics or training that can be utilized to calm or control a person, or to de-escalate a situation and avoid the use of force.

#### 4. Agency Approved Less Lethal Impact Weapons:

- A. Officers shall use less lethal impact weapons in a manner consistent with the provisions of this policy. Agency approved less lethal impact weapons shall be used to defend against violent attack when the use of firearms would not be appropriate or advisable. The force must be proportional, used to overcome the active resistance or active aggression of a suspect when making an arrest or used to restrain a combative subject who is already in custody and to restrain a subject who suffers from a mental or developmental disorder and is aggressive or combative to the point where it becomes necessary to provide for their safety or the safety of others. The deployment and use of agency approved less lethal impact weapons to affect an arrest is to be considered a seizure of that particular person. Therefore, probable cause shall be required. However, a person being seized pursuant to a civil commitment order or for some reason other than the commission of a crime the probable cause element is not required. The department has recognized the following as being an agency approved less lethal impact weapon:
  - a) Expandable Baton: An officer may need to resort to the use of an impact weapon to control resistive behavior. These “hard” techniques have a probability of causing injuries. These techniques include weapon strikes. An impact weapon (e.g. collapsible baton or flashlight) which causes blunt trauma upon striking the soft tissue or skeletal frame of the human body to impair an individual’s mobility or motor functions. Sworn members of the Salisbury Police Department are issued a baton for use in civil disturbance and crowd control situations and as a tool in effecting the arrest of violent persons. Officers shall only utilize batons that have been issued by the department and only after successfully completing the requisite training in its proper use.
  - b) Crowd Control Straight Baton: A departmentally issued wooden or synthetic composite baton generally 42 inches in length to be used in crowd control situations.
  - c) Flashlight (Impact Weapon): Only departmentally issued or approved flashlights shall be carried. If the issued or approved flashlight is used for defensive purposes in an emergency situation, the provisions in this policy shall apply.

- d) Ballistic Impact Weapon (BIW): Only departmentally issued ballistic impact weapons shall be used by properly trained members of the tactical team. These weapons shall only be deployed during tactical situations.

## **5. Prerequisites to Carrying Lethal And Less Lethal Weapons**

- A. During an orientation phase after being hired, entry level sworn officers and animal control officers that will be authorized to carry lethal or less lethal weapons will be granted electronic access to all agency policies related to lethal and less lethal weapons that are approved for use by the department. These same entry level personnel will also be instructed in the policies directly related to use of force before being authorized to carry a lethal or less lethal weapon. The issuance and instruction will be documented and forwarded to the administrative commander for review and included in the respective personnel file.

## **6. Issuance of Impact Weapons**

- A. The expandable baton shall be issued to sworn members and animal control personnel upon successful completion of certification training conducted by certified instructors.
- B. Crowd control straight batons may be issued to members on a permanent or as needed basis.
- C. Ballistic impact weapons will be issued and ultimately deployed by trained members of the tactical team.

## **7. Use of Impact Weapons (Batons, Flashlights, Ballistic Impact Weapons)**

- A. Sworn members and animal control officers may only use departmentally issued batons upon successful completion of the required initial training and after re-training.
- B. Impact weapons shall be used only in accordance with policy and department training.
- C. Strikes with a baton/impact weapon or deployment of a ballistic impact weapon are authorized when the subject's resistance level is considered to be active resistance or active aggression.
- D. Impact weapons shall not be used to strike passive resistors. The use of a baton to facilitate approved "come-a-long" or "pressure point" techniques is permitted. Once the level of aggression becomes active, the use of force applied with the baton may increase, but use of the baton or other impact weapon shall be necessary, proportional, and objectively reasonable based on the totality of the circumstances.
- E. Officers shall use reasonable care to avoid striking suspects in the head, neck, sternum, spine, groin, or kidneys, as these strikes may cause life-threatening injuries, unless deadly force is justified.

**8. Modifications:**

- A. Modifications shall not be made to any agency approved impact weapons unless approved by the chief of police and a certified impact weapon instructor.

**9. Carrying Requirements:**

- A. An expandable baton shall be carried during all shifts by Salisbury Police Department members in uniform.
- B. A ballistic impact weapon shall only be carried by trained tactical team members and deployed during tactical situations.

*NOTE:* The carrying and/or use of blackjacks/slapjacks are strictly prohibited.

**10. Areas of Impact:**

- A. Batons, flashlights, ballistic impact weapons or other equipment used for defensive purposes in an emergency situation shall be used against points of the body where the impact will immobilize the suspect, but not cause permanent or fatal injury. It is the policy of the department not to strike persons with the baton, flashlight, ballistic impact weapon or other piece of equipment in the front of the throat, the upper lip, the bridge of the nose, the back of the neck, the back of the head, or anywhere in the cranial area. Points on impact may include the upper arm, shoulder or clavicle area, shoulder tip, thigh, calf or pit of the stomach.

**11. Exigent (Improvised) Impact Weapons:**

- A. The use of instruments, other than department-authorized impact weapons, as a weapon for the purpose of striking or jabbing is strongly discouraged and acceptable only when other authorized force options have been exhausted, are unavailable, or are ineffective. Depending on the totality of circumstances, members may use other tools or items as a striking implement. These items may include a radio, flashlight, or any other hard object that when used would interrupt or incapacitate an aggressive subject. The use of any improvised impact weapon against a subject shall be considered a use of force, and shall be reported in accordance with the department's use of force policy. Members must be able to articulate to a supervisor a compelling need to use any other device or object other than an authorized baton as an impact weapon.

**12. Actions Following the Use of Impact Weapons (Medical Attention):**

- A. Whenever there is an obvious injury, complaint of injury, or medical attention is requested by any individual after the use of an impact weapon, members shall immediately render aid consistent with his/her training and experience and notify the communications center. Members shall request that EMS respond to the scene for treatment.

**13. Use of Force Reporting:**

- A. Any strike with an impact weapon shall be considered a use of force and a use of force report shall be completed. Members shall immediately notify their supervisor when an impact weapon or other piece of equipment has been utilized as an impact weapon.

**14. Proficiency Training:**

- A. All proficiency training shall be monitored by a certified impact weapon instructor. Entry level training shall occur while officers are in the police academy.

The training officer maintains curriculum used for the training of less lethal weapons. At least biennially, all department personnel authorized to carry a baton shall receive recertification training on the department's use-of-force policies and demonstrate proficiency with the impact weapon (baton). Training curriculum for the baton is reviewed by the Maryland Police Training Commission, as affected personnel will receive in-service training credit.