



TIVERTON POLICE DEPARTMENT

GENERAL ORDERS

Subject: Use of Expandable Baton	General Order Number: 390.50
Section: 300- Law Enforcement	Subsection: 10 – Use of Force
Amends/Supersedes:	
Effective Date: 10/09/2017	Revised Date: 10/09/2017
Per Order Of: Patrick W. Jones, Chief of Police	
RIPAC: 2.17, 2.18, 2.19	
Distribution: Sworn Department Members	

NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

I. PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of the expandable baton.

II. POLICY

It is the policy of the Tiverton Police Department to recognize and respect the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

Therefore, it is the policy of this department that police officers will use only that force that is objectively reasonable to accomplish lawful objectives.

Police officers are authorized to use department-approved less lethal force options, including the expandable baton, to accomplish lawful objectives, as follows:

- a. To protect themselves or another from physical harm.
- b. To restrain or subdue a resistant individual.
- c. To bring an unlawful situation safely and effectively under control.

III. DEFINITIONS

- A. **Authorized Department Members:** Sworn Officers
- B. **ASP Expandable Friction Locking Batons:** The ASP 21” expandable friction-locking batons serve as the Department’s expandable baton (hard impact weapon).

- C. **Primary Target Areas:** Areas targeted for non-lethal confrontations where necessary physical force is not intended to, nor likely to, cause serious bodily harm or death. Examples of primary target areas include center mass of the arm, center mass of the leg, and center mass of the body.
- D. **Lethal Force:** Any use of force that is likely to cause death or serious bodily injury. Lethal Force is also referred to as deadly physical force.
- E. **Less Lethal Force Option:** Any use of force other than that which is considered lethal, or deadly force.

IV. **OBJECTIVELY REASONABLE FORCE**

Objectively Reasonable Force: Objectively reasonable force is that level of force which is necessary and appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to, the severity of the crime at issue, whether the subject poses an imminent threat to the safety of the officers or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to the expandable baton.

V. **EXPANDABLE BATON ACCESS AND USE**

- A. After the appropriate training, inspection, and approval of hard impact weapons, Department members assigned to the Patrol Division shall wear the ASP Expandable Baton on their gun belt.
- B. Use of ASP Expandable Batons shall be consistent with in-service training received by authorized Department members.

VI. **TRAINING/RETRAINING**

- A. Authorized department members will demonstrate proficiency in the use of the expandable baton. Instruction on and qualifications with the expandable baton must be provided by a certified instructor. Proficiency includes:
 - 1. Achieving minimum qualifying scores on a prescribed course;
 - 2. Attaining and demonstrating a knowledge of the laws concerning the use of the expandable baton and knowledge of agency policy(s) on the use of force, escalating force, and deadly force; and
 - 3. Being familiar with recognized safe-handling procedures for the use of the expandable baton.
- B. Remedial training will be provided and proficiency standards satisfied prior to an officer being authorized to carry the expandable baton. Officers failing to meet proficiency standards after completing remedial training will be placed on administrative duty until such a time that he/she meets proficiency standards
- C. Retraining is required every two (2) years to maintain certification.

- D. A record of those officers who have successfully completed the department's approved course of instruction on the ASP Expandable Baton will be maintained by the Department Training Coordinator.

VII. PROCEDURES

- A. Authorized Department members shall seek compliance by striking primary target areas in an effort to disable an assailant's delivery system. Authorized Department members shall not target strikes to the head, neck, spine, sternum, groin, temple, eyes, throat or kidneys.
- B. All force will cease when control has been affected.
- C. Appropriate medical aid, (i.e.: hospital treatment, fire department medic treatment, or basic first aid), shall be provided to those injured as a result of being struck with an expandable baton.
- D. Department members shall periodically inspect their ASP Expandable Baton to ensure the baton is operating properly and its striking surface is intact. Department members who discover that their ASP expandable Baton is damaged or defective shall immediately notify their supervisor through an Interdepartmental Communication.
- E. The Department shall supply ASP Expandable Batons to newly hired Department members authorized to carry and use expandable batons, and shall repair and/or replace batons damaged during authorized use.

VIII. REVIEW, INSPECTION, AND APPROVAL OF EXPANDABLE BATONS

- A. The Department's Expandable Baton Instructor shall review, inspect, and approve ASP Expandable Batons prior to their being issued to newly hired Department members.
- B. The Department's Expandable Baton Instructor shall inspect ASP Expandable Batons carried by authorized Department members, and remove from use those batons determined to be unsafe, during the required (2) year re-certification training. OIC's will inspect, and if applicable, remove Batons from use during their monthly inspections of their respective Officers. The Department's Baton Instructor will be notified of any changes, and will issue a new baton for use.

IX. REPORTING REQUIREMENT

- A. Use of the ASP Expandable Batons is considered a use of force and the officer is required to fill out a "Response to Resistance/ Non-Compliance" form. Officers will follow all reporting guidelines as described in General Order 390.10 "Use of Force".
- B. Officers shall report incidents of accidental expandable baton use by completing an Interdepartmental Communication. The Interdepartmental Communication shall be forwarded to the Captain through the chain of command.