

Revised 05-13, 2002, 5-31-06, 11-01-11, 2-8-12, 9-26-12, 10-05-12, 11-16-15, 6-8-20

DURHAM POLICE DEPARTMENT

**86 Dover Road
Durham, New Hampshire 03824
(603)868-2324**

POLICY #: 1.3.4.2

SUBJECT: Use of Force, Police Expandable Straight Baton

NOTE: This written directive is for the internal governance of the Durham Police Department, and as provided by RSA 516:36, 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.

PURPOSE

The purpose of this policy is to establish the training requirement circumstances, deployment and after-action practices regarding the use of the Police Expandable Straight Baton.

POLICY

It is the policy of the Durham Police Department to arm its officers with those tools necessary to defend themselves or third persons(s) from the use of force; the Police Expandable Straight Baton is no exception. Durham Police Officers shall only use that force which is both reasonable and necessary to accomplish lawful objectives. (Hereafter the Police Expandable Straight Baton will be referred to as “Expandable Straight Baton”)

GENERAL PROVISIONS

- An officer has a duty to intervene to prevent or stop the use of excessive force by another officer.
- All uses of force shall be documented and investigated pursuant to this agency’s policies.
- An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate to reduce the need for force.
- Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

Revised 05-13, 2002, 5-31-06, 11-01-11, 2-8-12, 9-26-12, 10-05-12, 11-16-15, 6-8-20

PROCEDURE

Effective immediately, all qualified officers shall have the option to carry the Police Expandable Straight Baton while assigned to field duty as an alternative but not a substitute for other components of the force continuum. Department issued Expandable Straight Baton's may be carried off duty in the State of New Hampshire at the officer's discretion. When not in use in the home, officer shall take reasonable precautions to prevent the Expandable Straight Baton from being accessible to small children.

The Expandable Straight Baton shall only be used in accordance with training.

Authorized Weapons

- Police Expandable Straight Baton – 21” for officers assigned to patrol duties
- Police Expandable Straight Baton – 16” – for plainclothes.
- Each officer shall be issued a “side break” scabbard.
- No modifications to the Expandable Straight Baton or the scabbard are authorized.

Tactics

- The Expandable Straight Baton is a metal collapsible, straight baton, to be used as an intermediate impact weapon.
- The Expandable Straight Baton can be carried either strong or support side of duty belt, as long as it doesn't interfere with other weapon systems.
- Due to close range of the encounter, it is extremely important for the officer to strike and IMMEDIATELY MOVE LATERALLY to side step an attempted attack.
- Only the following trained and acceptable strikes may be delivered using a one or two hand grip:
 1. Forward Strike
 2. Reverse Strike
 3. Jabs (Front and Rear)
 4. Horizontal Strikes (Strong side and Support side)
 5. Middle Strike
- A maximum effective strike lands 2-3 inches from the tip of the weapon.
- When the Expandable Baton is used, officers shall choose their target areas according to the attached Monadnock Baton Chart. The chart defines target areas as follows:

Revised 05-13, 2002, 5-31-06, 11-01-11, 2-8-12, 9-26-12, 10-05-12, 11-16-15, 6-8-20

1. **Green Target Areas:** Minimum level of resultant trauma. Injury tends to be temporary rather than long-lasting, however, exceptions can occur.
 - Except for the HEAD, NECK, and SPINE, the whole body is a Green target area for the application of baton blocking and restraint skills.
 - Areas of the body identified as Green target areas are; Instep, Shin, Thigh, Lower abdomen, Shoulder, Forearm, Upper arm, Shoulder blade, Back of hand, Buttocks, Calf, Achilles tendon and inside of wrist.
 2. **Yellow Target Areas:** Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.
 - Areas of the body identified as Yellow target areas are; Knee joint, Groin, Upper abdomen, Rib cage, Collarbone, Elbow joint.
 3. **Red Target Areas:** Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.
 - Areas of the body identified as Red target areas are; Hollow behind ear, Back of neck, Spine, Kidney, Tail Bone, Bridge of Nose, Ears, Temple, Eyes, Upper jaw, Throat, Solar plexus and Lower Jaw.
- When the Expandable Baton is used, officers shall only strike green target areas, until or unless they are deemed by the officer to be ineffective.
 - Red Target Areas are only to be considered if deadly force would be authorized. Red Target Areas.

Precautions

- The Expandable Straight Baton is only to be used for defensive purposes and in overcoming hostile resistance, which includes multiple assailants or situations when the officer loses physical control of a suspect.
- Use reasonable caution prior to striking subjects who are physically engaged with other officers or not isolated from bystanders.
- Make sure your mode of carry is such as to avoid interfering with other weapon systems.
- Recognize that the Expandable Straight Baton is a non-lethal weapon and may be an inappropriate level of force against an attacker armed with a firearm, knife or other deadly weapon.

Revised 05-13, 2002, 5-31-06, 11-01-11, 2-8-12, 9-26-12, 10-05-12, 11-16-15, 6-8-20

- When two officers are engaged in subduing an aggressive subject, it is the contact officer who shall determine if the Expandable Straight Baton is to be used.
- Once the suspect is in custody, if the Expandable Straight Baton has been used against the suspect, the arresting officer shall immediately call an ambulance to medically evaluate the suspect.

Placement on the Force Continuum

- The Expandable Straight Baton is considered an “intermediate weapon”, as a separate tactic on the force continuum.
- The Expandable Straight Baton is to be used after other less-than lethal tactics have failed or would be futile for the officer to attempt those tactics.
- The Expandable Straight Baton is a force option that may be employed at any time as appropriate and as dictated by:
 - (a) Threat levels
 - (b) Relative capability of officer, such as physical exhaustion, martial arts skills, multiple suspects, etc.
 - (c) Special circumstances which may require you to escalate quickly to the Expandable Straight Baton skipping other steps on the force continuum.
- **The EXPANDABLE STRAIGHT BATON shall NEVER BE USED ON A PASSIVELY RESISTING SUBJECT.** It shall only be used against ACTIVE AGGRESSIVE RESISTANCE or a credible threat of aggressive resistance coupled with an apparent present ability to carry it out.
- **STRIKES SHALL NOT CONTINUE ONCE THE SUBJECT HAS CEASED RESISTING.**

Use against an Officer

- If a suspect gains control of the officers’ Expandable Straight Baton, disengage and consider other use of force options. If the suspect attempts to gain control of the Expandable Straight Baton, the officer shall employ weapons control techniques.
- Your response to being threatened to be struck with a blunt instrument may include deadly force if you are unable to disengage and you reasonably believe you are about to be rendered completely vulnerable and are in imminent danger of death or serious bodily injury.

Revised 05-13, 2002, 5-31-06, 11-01-11, 2-8-12, 9-26-12, 10-05-12, 11-16-15, 6-8-20

Care and Maintenance

- After each use, report to the Expandable Straight Baton instructor to see if the Expandable Straight Baton has been damaged.
- The Expandable Straight Baton instructor shall prepare an Expandable Straight Baton weapon inspection report and submit it to the Captain or his designee.
- If you do not use your Expandable Straight Baton regularly, test it at least every other month to be sure it is still clean and functions properly.
- If the Expandable Straight Baton becomes wet or dirty, it needs to be wiped down to clean it and remove moisture. However, do not disassemble this weapon; consult the Expandable Straight Baton armorer. DO NOT apply oil to the Expandable Straight Baton.
- The Expandable Straight Baton instructor shall inspect each Expandable Straight Baton annually at the scheduled training and shall prepare a weapon inspection report.
- The Captain shall maintain a record of the issue of each Expandable Straight Baton.

Training

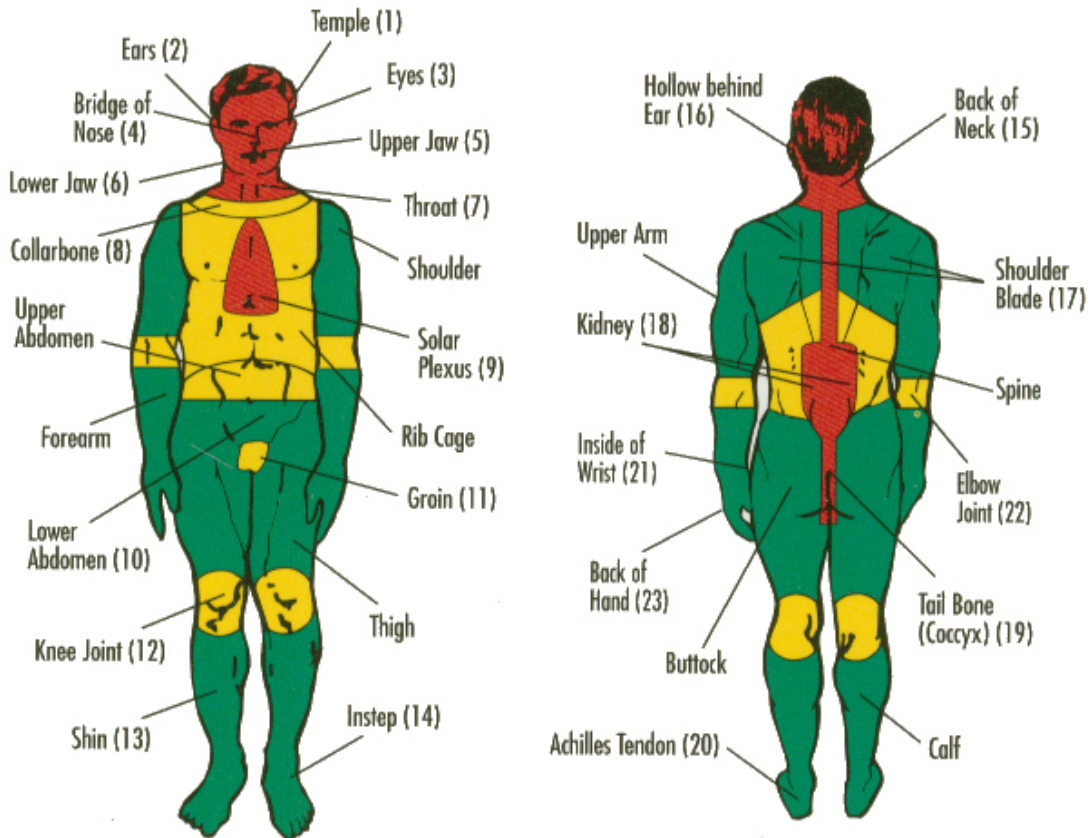
- No officer shall be issued or use the Expandable Straight Baton until he/she has been trained in its use by the Department Expandable Straight Baton Instructor or the Police Standards and Training Council or a similar course in this or another state.
- The Durham Police Department requires all applicable employees be re-trained in the use of the expandable straight baton once every two years at a minimum. This policy is not meant to prevent less lethal instructors from conducting training every year if they prefer.
- The basic training course shall consist of approximately two- (2) hour classroom instruction and four- (4) hours of practical instruction. Only certified Expandable Straight Baton instructors; approved straight baton instructors certified by the New Hampshire Police Standards and Training Council or certified straight baton instructors in another state may instruct officers in the use of the Expandable Straight Baton
- Expandable Straight Baton instructors shall submit Force training report for each officer trained within 1 business day of course completion.
- A Response to Resistance Report Form must be completed within 24 hours if used while on duty for any action not related to training purposes.

Revised 05-13, 2002, 5-31-06, 11-01-11, 2-8-12, 9-26-12, 10-05-12, 11-16-15, 6-8-20

See below: Attached Monadnock Baton Chart: Escalation of Trauma by Vital and Vulnerable Striking Areas.

MONADNOCK BATON CHART

Escalation Of Trauma By Vital And Vulnerable Striking Areas



S T R I K I N G

GREEN TARGET AREAS

REASONING: Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.

Except for the HEAD, NECK, and SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.

YELLOW TARGET AREAS

REASONING: Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.

RED TARGET AREAS

REASONING: Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.