



LOS ANGELES POLICE DEPARTMENT

USE OF FORCE

DIRECTIVE

UOF Directive No. 6

September 2023

BATON

PURPOSE

The purpose of this Directive is to familiarize officers with the use, nomenclature, and operational procedures of the baton.



PROTOCOL

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance and cover, communication, and available resources in an effort to de-escalate the situation whenever it is safe, feasible, and reasonable to do so. When warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Use of an intermediate force option, including the baton, is an appropriate force option when an officer reasonably believes either of the following:

- There is an immediate threat to the safety of the officers or others; or,
- If the threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly force.

Intermediate force options should not be used on a suspect or subject who is believed to be unarmed, and, is passively resisting or merely failing to comply with commands. Verbal threats of violence alone do not justify the use of an intermediate force option.

The Department uses the objectively reasonable standard and the totality of the circumstances when evaluating the reasonableness of the force used, which includes the number of times a particular force option was utilized. If the force option being utilized appears to be ineffective, Department personnel should consider transitioning to another, potentially more effective force option or tactic.

Officers who encounter an armed self-mutilating or suicidal individual shall not use a baton against that person, unless the officer reasonably believes either there is an immediate threat to the safety of the officers or others; or, if the threat is not immediately

addressed, there is an articulable risk the incident could escalate to the use of deadly force. Officers are reminded that it is not a criminal act to express suicidal ideations or commit/attempt to commit suicide or self-mutilation in the State of California.

PROCEDURES

As suspects' actions vary, officers must constantly assess the situation and evaluate what appropriate actions should be taken in response. The mere failure of verbalization to effect control of a suspect or subject does not automatically warrant the use of a baton.

Crowd Control

During crowd control situations, police officers may be required to physically engage individuals who exhibit conduct ranging from uncooperative to violent behavior. In these situations, it may be reasonable for officers to use physical force to move crowd members who do not respond to verbal directions, control violent individuals, or effect an arrest.

There are no exceptions to the Department's Use of Force Policy for crowd control situations. Officers may use only that force which is objectively reasonable. Verbalization should be used throughout the operation in an attempt to gain compliance. In determining the appropriate force, officers shall evaluate the facts and circumstances of each particular situation, including but not limited to the seriousness of the crime(s), the level of threat or resistance presented by the individual(s), and the danger to the community.

The baton may be used to push individuals who do not respond to verbal commands and encroach upon officers on a skirmish line or who intentionally delay departure while officers attempt to disperse the crowd, whether or not a lawful dispersal order has been issued. The push technique utilizes the baton as an extension of an officer's hand to initiate contact with individuals who are passively or aggressively non-compliant with officers' orders. During this technique, the tip of the baton is placed on the center of the non-compliant individual's chest and the officer pushes the individual with the baton.

Note: The use of a baton as an impact device (*not* a baton push) against an individual must be consistent with the legal concept of proportionality, and within the Department's policy on the use of less-lethal force. Even in a crowd control situation, the use of a baton as an impact device should be reported to a supervisor and appropriately documented.

In determining the amount of force which is objectively reasonable, officers should also consider factors known to them that appear to be contributing to the crowd's conduct and actions. For example, if individuals are encroaching on a skirmish line, and officers reasonably believe that such conduct is the result of individuals in the rear of the crowd pushing forward, as opposed to intentional action by the persons at the front of the crowd, officers should factor such belief into their decision regarding the appropriate response and use of force.

Use of Force Warning

An officer shall, when feasible, give a verbal warning prior to the use of a TASER, Beanbag Shotgun, less lethal munitions, or impact devices including batons. The warning is not required when an officer is attacked and must respond to a suspect's actions. Additionally, if a tactical plan requires the element of surprise in order to stabilize the situation, a warning is not necessary.

The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to, "drop the weapon" or "stop what you are doing" followed by "or we may use the baton, and that may cause you serious injury."

The use of force warning, or why it was not given, must be documented. The officer giving the warning and what was said shall be documented in the Non-Categorical Use of Force Report, Form 01.67.05, under the Use of Force Summary heading. If no warning was given, an explanation shall be documented with an appropriate justification. Simply stating that the "element of surprise was needed" or "for officer safety reasons" will not satisfy this requirement. The explanation must clearly articulate the reason why the element of surprise, officer safety consideration, or any other appropriate reason caused the officers(s) not to provide the warning. The giving of a warning, or the reasons for the failure to do so, will be one factor in determining whether the use of force was objectively reasonable.

Target Areas

When used as an impact device, baton contact should be directed to the areas of the body that will temporarily incapacitate the combatant and avoid contact to the body parts that could be potentially lethal. The primary baton striking or target areas are the bony areas of the body. The secondary striking or target areas are the chest and midsection.

While the fluid nature of a violent confrontation may cause some difficulty with regard to effectively striking the recommended areas, officers should still make an effort to avoid striking the head, neck, throat, spine, kidneys, and groin areas to decrease the likelihood of causing serious injury – unless lethal force is authorized.

Primary Target Areas

- Arms
- Hands
- Wrists
- Elbows
- Legs
- Knees
- Shins

Tactical Discharges

A tactical discharge is defined as any projectile or use of a less-lethal control device used with the intent to gain a tactical advantage by creating a distraction, removing obstacles, or altering the environment, and not directed at an individual (e.g., use of a baton or Beanbag Shotgun to break a window). Tactical discharges **may** be an effective option in **limited** circumstances – keeping in mind the safety of officers and other individuals near

the target area of the tactical discharge. Tactical discharges shall be reported on an Employee's Report, Form 15.07.00, and submitted to the employees commanding officer for review and appropriate action.

Requirement to Intercede When Excessive Force is Observed

An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Note: For the purposes of this section, "intercede" includes, but is not limited to, physically stopping the excessive force (when safe and reasonable to do so) and recording the excessive force, if equipped with a body worn video (BWV) camera. Officers shall attempt to document on BWV the efforts to intervene, efforts to de-escalate the excessive use of force, and confronting the offending officer about the excessive force during the use of force. If the offending officer continues to use excessive force, the witnessing officer shall immediately report the excessive force to a superior officer.

Requirement to Report Potential Excessive Force

An officer who is present and observes another officer using force that the observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall immediately report such force to a superior officer.

Medical Treatment

Any suspect or subject struck with a baton during a reportable use of force shall be transported to a Department-approved facility for medical treatment prior to booking. If a medical emergency situation exists, officers shall render medical aid as required and request a rescue ambulance to respond to their location.

Reporting the Use of a Baton

The use of a baton is a reportable use of force when the baton strikes a person or their clothing. Supervisors shall photograph all impact locations as well as visible and complained of injury locations.

Note: Absent unavoidable circumstances Technical Investigation Division (TID) staff shall take photographs if required of exposed breasts, buttocks, or genitalia.

Additionally, reportable uses of force with a baton include any baton strike in a crowd control situation that is *not merely a baton push*.

The following incidents are *not* reportable as baton-related uses of force:

- A baton push used by an officer working in an organized squad directly involved in a crowd control mission that does not result in injury or complained of injury to the subject. The baton may be used to push individuals who do not respond to verbal commands and encroach upon officers on a skirmish line or, after a lawful dispersal order has been issued, on individuals who intentionally delay departure while officers attempt to disperse the crowd. The push technique utilizes the baton as an extension of your hand on passive/aggressive demonstrators failing to comply with an officer's orders. During this technique the tip of the baton is placed on the center of the chest, officers then push the demonstrator. The push technique is not a strike and is not a reportable Use of Force while utilized in a crowd control situation.
- A tactical discharge utilizing the baton.

DEFINITIONS

Collapsible Baton: An expandable impact and control device consisting of three sections.

Expandable Side Handle Baton: An expandable impact and control device with a Yawara handle.

Note: Collapsible and Expandable Side Handle Batons should generally not be used during crowd control situations, unless exigent circumstances exist.

Side Handle Baton: An impact and control device with a Yawara handle.

Straight Baton: An impact and control device used by Metropolitan Division in crowd control situations.

Important Reminder

Deviation from these basic concepts sometimes occurs due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural or technical, to substantial deviations from Department tactical training. Any deviations are to be explained by the involved officer(s), and justification for substantial deviation from Department tactical training shall be articulated and must meet the objectively reasonable standard of the Department's Use of Force Policy.

AMENDMENTS

This Use of Force Directive supersedes Use of Force-Tactics Directive No. 8.2, Baton, August 2018.



MICHEL R. MOORE
Chief of Police

DISTRIBUTION "A"