I. PURPOSE

This directive:

A. outlines the policy governing the field use of batons, which includes the use of expandable batons, wooden batons, and improvised impact weapons.

B. satisfies CALEA Law Enforcement Standard Chapter 4.

II. POLICY

A. Sanctity of Human Life. All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved, as detailed in General Order G03-02, “De-Escalation, Self-Restraint, and Use of Force.” A member’s decision to use or not use a baton will be made in accordance with G03-02, the Department directive titled “Use of Force.”

B. De-Escalation. Department members have an affirmative and mandatory duty to de-escalate conflict in order to avoid the need for any force. Members will use appropriate trauma-informed, disability-informed, and developmentally-appropriate de-escalation techniques as a mandatory first response, to prevent or reduce the need for force when it is safe and feasible to do so, based on the totality of the circumstances. If force must be used, members will limit force to the least amount necessary under the circumstances and only use force that is proportional to—not greater than—the actions of the person. This requires continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety of all persons involved, including stopping or reducing the use of force when it is no longer necessary, in accordance with the Department directives G03-02 titled “De-escalation, Self-Restraint, and Use of Force” and G03-02-01 titled “Force Options.”

C. When Use is Authorized. De-escalation and force mitigation are the primary aims of this policy. Department members may not use any force, except when necessary to address an imminent threat of bodily harm and as a last resort after other non-violent means have been exhausted. When force is used, members may only use the least amount necessary under the circumstances, and the amount of force must be proportional to the threat. Members are prohibited from using more force than necessary to address the imminent threat of bodily harm and must immediately reduce the level of force as the threat diminishes. Department members’ use of a baton must be objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by the subject under the totality of the circumstances. Consistent with the Department directive titled “Force Options,” Department members are authorized to use a baton as a force option for the following subjects:

1. Batons are authorized force options against an assailant as an impact weapon against:
   a. a person suspected of a violent crime. This is defined as a person for whom there is probable cause to arrest for a violent crime such as murder, attempted murder, aggravated discharge of a firearm, aggravated criminal sexual assault, aggravated vehicular hijacking, or kidnapping AND who attempts to evade arrest for such a crime.
2. Batons are authorized force options against passive and active resisters only as a control instrument placed mainly on the skin covering bone or applied to joints and pressure sensitive areas of the body with non-impact pressure against:
   a. a non-deadly threat. This is defined a person whose actions constitute an imminent threat of bodily harm, with or without weapons, to a Department member, to another person, or to themselves. This category of threat may include a person who is armed with a deadly weapon but whose actions do not constitute an imminent threat of death or great bodily harm.

3. Department members are also authorized to use batons as a control instrument or impact weapon against a deadly threat, which is defined as a person whose actions constitute an imminent threat of death or great bodily harm to a Department member or to another person.

D. Restrictions. Although batons are considered less-lethal weapons, they can cause serious injury or death. Members are reminded that force may only be used as a last resort after de-escalation efforts have failed. For the safety of everyone involved, the following additional restrictions apply:

1. Head and Neck Strikes. Members will recognize that head and neck strikes are deadly uses of force, will not use batons to Members are prohibited from intentionally striking a subject person in the head or neck, unless necessary to prevent an imminent threat of death or great bodily harm, except when deadly force is justified.

2. Peaceful Protesters. Members are prohibited from using batons against peaceful protesters. Members are reminded that any baton use, whether as an impact weapon or a control instrument, is permitted only when necessary to prevent an imminent threat of bodily harm.

3. Persons Vulnerable to Injury from Batons. Batons will not be used as an impact weapon on a subject person who is at greater risk of serious injury or death from baton use, unless the subject necessitates the use of an impact weapon to prevent an imminent threat of death of death or great bodily harm. Persons who are at a greater risk of serious injury or death from baton use include, but are not limited to, children, pregnant women, and the elderly, people in apparent medical distress or behavioral health crisis, people who present as frail, low body mass, or sickly; and people who are handcuffed or otherwise restrained.

4. Improvised Impact Weapon. For the purpose of this directive, the use of an improvised impact weapon (e.g., flashlights, radios, firearms as an impact weapon, and any other blunt object that can be used as an impact weapon) will be considered a baton use incident. Department members will avoid the use of improvised impact weapons unless reasonably necessary and no other practical options are available. All standards and restrictions that apply to batons will be applied to any improvised impact weapons.

E. Justify Separate Uses of Force. When a member uses a baton, regardless of whether it was used as a control instrument or an impact weapon, the initial use of a baton is a reportable use of force. The initial use of a baton and each subsequent use of a baton must be individually justified and documented on the Tactical Response Use of Force (TRR) report as a separate use of force.

F. Department members will refer to the Department directive titled “Control Devices and Instruments” for specific procedures on baton protocols including training, assignment, manner of carry, and accountability.

III. CONDITIONS ON THE FIELD USE OF A BATON

A. Authorized Manner of Use. When it is safe and feasible to do so, a member who is utilizing a baton will:

1. give verbal commands and warnings prior to, during, and after use, including informing other Department members on the scene of the use.

2. consider whether a person may be noncompliant due to limited English proficiency or other language barriers, a medical condition, disability, age/developmental immaturity, behavioral

Commented [A4]: The Working Group has recommended renaming Tactical Response Reports to Use of Force Reports.
health crisis, and/or drug or alcohol use, and adjust their verbal communication or use other communication techniques, including hand signals or other visual cues.

2. allow a subject person a reasonable amount of time to comply with a verbal or visual warning prior to using or continuing the use of a baton, unless doing so would compromise the safety of an officer or another person.

3. for use as an impact weapon, target the center mass of large muscle groups to establish control by means of applying mechanical impact to a subject person to disable elements of his or her musculoskeletal structure, including the attacking delivery system.

4. when possible, avoid intentionally striking a subject person in the kidneys, spine, head, neck, or groin.

B. Requesting Supervisor. As soon as practical, a member who has used or anticipates use of a baton as an impact weapon or when an injury has occurred during the use of a baton will request a supervisor to respond to the scene.

IV. POST-USE RESPONSIBILITIES FOR REPORTABLE USES OF FORCE

A. Utilizing Member. When a member uses a baton as an impact weapon or control instrument, immediately upon gaining control and restraining the subject person, the utilizing member will:

1. notify the Office of Emergency Management and Communications (OEMC).

   NOTE: If a member's reportable use of a baton occurs outside the City of Chicago, the member will also notify the law enforcement agency having jurisdiction and the Chicago Police Department's Crime Prevention and Information Center (CPIC).

2. immediately provide appropriate medical care consistent with their training or request the appropriate medical aid, including contacting emergency medical services (EMS) from the Chicago Fire Department, if the subject person appears to be in a physical distress or complains of injury, or when the subject person sustained a strike to the head or neck from a baton.

3. before their tour of duty ends, accurately and thoroughly complete a Tactical Response Use of Force Report (UOFR) (CPD-11.377) for the baton use consistent with the procedures outlined in the Department directive titled "Incidents Requiring the Completion of a Tactical Response Use of Force Report."

4. before their tour of duty ends, accurately and thoroughly complete the appropriate case report and other required reports and submit the reports to the immediate supervisor for review and approval.

B. Office of Emergency Management and Communications (OEMC). OEMC will immediately notify the:

1. involved member(s) immediate supervisor.

2. field supervisor and the watch operations lieutenant from the district of occurrence.

2. Civilian Office of Police Accountability (COPA).

C. Reviewing Supervisor. When notified that a member under his or her command used a baton as an impact weapon or an injury has occurred, the assigned reviewing supervisor will:

1. respond immediately to the scene and assume command and oversight of the scene unless relieved by a higher-ranking supervisor.

   NOTE: When the utilizing member's immediate supervisor is unavailable, the watch operations lieutenant will assign a reviewing supervisor from the district of occurrence.
2. ensure the scene is protected and processed in accordance with the Department directive titled "Crime Scene Protection and Processing," including determining whether to request an evidence technician to process the scene.

3. notify request the Street Deputy/COPA to respond to all baton use incidents that result in a potential life-threatening injury or death.

4. if a death has occurred as a result of the baton use, ensure the appropriate Forensic Services Division and Bureau of Detectives personnel are requested, and that all procedures governing responsibilities toward and treatment of victims and their families, as outlined in the Department directive G03-06 titled "Procedures When Officers Shoot At or Kill a Person," are followed.

5. review the utilizing member's TRR-UOF and complete the appropriate section of the TRR-UOF consistent with the procedures outlined in the Department directive titled "Incidents Requiring the Completion of a Tactical Response Use of Force Report."

D. Investigating Supervisor. The watch operations lieutenant, or assigned investigating supervisor the rank lieutenant of above, from the district of occurrence will:

1. ensure that a supervisor at least one rank higher than the utilizing member responds to the scene of the baton use when such a supervisor is available and injury has occurred.

2. notify COPA and ensure that a log number is obtained for any potentially deadly use of a baton.

2.3 for incidents which do not require the presence of the Street Deputy, investigate the incident, review the utilizing member's TRR-UOF, and document the investigation of the incident on the TRR-I consistent with the procedures outlined in the Department directive titled "Incidents Requiring the Completion of a Tactical Response Use of Force Report."

E. Street Deputy. In all baton use incidents that result in a potential life-threatening injury or death, the Street Deputy will:

1. proceed to the scene, assume command of the scene, and personally conduct a complete and thorough investigation of the incident until COPA personnel arrives and assumes authority over the scene.

2. ensure that all tasks delineated for subordinate personnel are performed.

3. review the utilizing member's TRR-UOF and complete the appropriate section of the TRR-I consistent with the procedures outlined in the Department directive titled "Incidents Requiring the Completion of a Tactical Response Use of Force Report."

Authenticated by: KC

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T18-102 RCL/MWK

Commented [A6]: The Working Group recommended renaming this policy and provided detailed revisions to the policy.