USE OF FORCE COMMUNITY WORKING GROUP RECOMMENDATIONS
October 1, 2020

General Order 03-02-07, Baton Use Incidents

The Working Group provides the following recommendations specific to its review of the General Order G03-02-07, but incorporates all previous recommendations submitted to the Executive Steering Committee.

**Recommendation 1: Emphasize Force Mitigation Principles**

Batons must be subject to the same force mitigation principles as other uses of force. Current CPD policy permits baton use against individuals who do not pose an imminent threat of bodily harm. As detailed in the Working Group’s corresponding mark-up, the policy must be revised to emphasize that batons may only be used as a last resort, after de-escalation attempts have failed, and when necessary to prevent imminent threat of bodily harm. De-escalation attempts must include appropriate trauma-informed, disability-informed, and developmentally-appropriate techniques, including issuing verbal and nonverbal warnings and considering whether a person may noncompliant due to a language barrier or other limitation. Additionally, the assessment of whether force is justified must remove the term “objectively reasonable” and focus only on the necessity and proportionality of the imminent threat presented.

**Recommendation 2: Enforce Higher Standards for Authorized Use of a Baton**

A. Current CPD policy permits the use of a baton as a control instrument against “passive and active resisters,” as those terms are defined in General Order G03-02-01 on Force Options. No force beyond police presence, verbal response, and holding techniques should be authorized against a passive resister or a person who does not pose an imminent threat of bodily harm. Under the Working Group’s revised Force Options framework, the use of a baton as a control instrument is permitted against persons who pose a “non-deadly threat,” which is defined as 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 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. See the Working Group’s corresponding mark-up of this policy for detailed revisions.

B. Current CPD policy permits the use of batons as impact weapons against “assailants,” as that term is defined in General Order G03-02-01 on Force Options. This standard is vague and permits unnecessary and disproportionate uses of force, including allowing such baton use against persons vulnerable to serious injury or death who do not present a deadly threat. Batons must be prohibited as impact weapons against vulnerable persons unless necessary to prevent an imminent threat to death or serious bodily injury. Under the Working Group’s revised Force Options framework, the use of a baton as an impact weapon is otherwise permitted against a “person suspected of a violent crime.” The revised framework defines this category as a person for whom there is probable cause
that they have committed a serious 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. See the Working Group’s corresponding mark-up of this policy for detailed revisions.

**Recommendation 3: Prohibit Baton Use Against Peaceful Protesters**

As discussed above, CPD policy currently permits batons to be used against “passive and active resisters.” Batons must only be used against persons who pose an imminent threat of bodily harm, and therefore must be prohibited against peaceful protesters. This includes the use of batons as impact weapons as well as control instruments. See the Working Group’s corresponding mark-up of this policy for detailed revisions.

**Recommendation 4: Explicitly State that Head and Neck Strikes are Deadly Uses of Force**

Current CPD policy states that head and neck strikes are permitted only when deadly force is justified. This is an appropriate standard, but this language must be more explicit: Head and neck strikes are deadly force and must be prohibited unless necessary to prevent an imminent threat of death or great bodily harm. See the Working Group’s corresponding mark-up of this policy for detailed revisions.

**Recommendation 5: Require the Completion of a Use of Force Report for Each Instance of Baton Use**

The Working Group previously submitted recommendations renaming Tactical Response Reports to Use of Force Reports and outlining when such reports must be completed. Consistent with those recommendations, a Use of Force Report must be completed each time an officer utilizes a baton, whether as an impact weapon or as a control instrument, and each use must be separately justified and documented.