

Stowe Police Department

General Order: 2.03.5	Related General Orders:
Impact Weapons	
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Vermont Statutes:	
Date Implemented: 09/09/2012	Date Revised: 04/14/2015, 03/08/2016

I. **PURPOSE:**

1. To set forth guidelines and regulations for the type of Impact Weapons authorized by the Stowe Police Department, and to ensure proper training and qualification procedures for all personnel.
2. To outline general guidelines for the carrying and use of Impact Weapons by Stowe Police Department personnel.

II. **POLICY:**

1. It is the policy of the Stowe Police Department to equip and train its officers so they may perform their duties in a safe and responsible manner.
2. The use of an Impact Weapon shall be in accordance with General Order 2.01 Use of Force.

III. **DEFINITIONS:**

Active Aggression: Behavior that creates an imminent risk of physical injury to the subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include an attack on an officer, strikes, wrestling, undirected strikes with injury potential, kicking, shoving, punching, and other words or behavior indicating that such actions are imminent.

Active Resistance: A subject using physical activity to resist or takes an affirmative action to defeat an officer's ability to take him/her into custody or to seize him/her, but the subject's actions would not lead a reasonable officer to perceive a risk of physical injury to him/herself, the subject, or a third person. Examples of active resistance include pulling away, escaping or fleeing, struggling and not complying on physical contact, or other energy enhanced physical or mechanical defiance. Refusing to move upon verbal direction or chaining oneself to an object does not constitute active resistance.

Authorized Weapons: Weapons that meet Department specifications and officers are permitted to carry; and for which officers successfully complete proficiency and safety training.

Critical Firearm Discharge: A discharge of a firearm by a Stowe Police Department officer to the extent such discharges are authorized under this General Order. Range and training discharges, and discharges at animals are not included under this section.

Deadly Force: Any physical force that can reasonably be expected to cause death or serious physical injury.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, use of chemical spray, chokeholds or hard hand control, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances, and the minimum amount of

Great Bodily Harm/Serious Physical Injury: Serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

Hard Hand Control: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

- Defensive strikes are used by officers to protect themselves from attack and may include strikes to other areas of the body, including the abdomen or head. Techniques in this category include pressure point controls, stunning or striking actions delivered to a subject's body with the hand, fist, forearm, legs, or feet. These techniques target the major muscle groups and are delivered to create muscle cramping, thereby inhibiting muscle action and allowing the officer to subdue the subject. In extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is greater. The use of neck restraints, chokeholds, or other similar weaponless control techniques, however, are prohibited unless the use of

deadly force is authorized.

Imminent Threat: An officer's reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending danger even if he or she is not pointing a weapon at the officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.

Impact Weapons: Department approved tools that provide a method for gaining control of a subject when lethal force is not justified, but when empty-hand control techniques are not sufficient to effect control.

Level of Control: The amount of force that an officer uses to gain control over a subject.

Level of Resistance: The amount of force used by a subject to resist compliance with the lawful order or action of an officer.

Non-Deadly: Any force used by an officer that would not reasonably be expected to cause death.

Non-Verbal and Verbal Non-Compliance: When a subject expresses his/her intentions not to comply with an officer's directive through verbal and non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.

Objectively Reasonable Force: The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at the time. (See, *Graham v. Connor*, 490 US 388 (1989.)) In determining the appropriate level of force to be used, officers shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the crime or suspected offense; the level of threat or resistance presented by the subject; the risk or apparent attempt by the subject to escape; and whether the subject was posing an imminent threat to officers or others.

Passive Resistance: When a subject does not cooperate with an officer's commands, but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

Soft Hand Control: The use of physical strength and skill in defensive tactics to control arrestees who are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use

against levels of passive physical resistance.

Special Populations: Members of special populations include subjects an officer has reason to believe are:

- Cognitively impaired such that they are unable to comply with an officer's instructions.
- Experiencing an emotional crisis that may interfere with the ability to understand the consequences of their actions or follow directions.
- Persons with disabilities whose disability may impact their ability to communicate with an officer, or respond to an officer's directions.
- Under 18 years of age.
- Pregnant.
- Over 65 years of age.
- Physically infirm, subject to or diagnosed with a heart condition, or epilepsy, or a seizure disorder.

Verbal Commands: The use of advice, persuasion, and/or warnings prior to resorting to actual physical force. In an arrest situation officers shall, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation.

IV. PROCEDURES:

GENERAL

1. Sworn personnel of the department who are authorized to carry Impact Weapons shall exercise the utmost care and caution in the use.
2. Sworn personnel may carry only approved Impact Weapons within the provisions of Department policy and any applicable State or Federal law.
3. It shall be prohibited for any member to appear in public in an intoxicated condition while carrying any weapon. No member shall carry a firearm/weapon under the influence of any intoxicant.
4. Carrying a Department weapon while on suspension or during a leave of absence, where the officers' official commission is suspended, is prohibited.
5. Officers will not display or deploy their Impact Weapon toward a person unless circumstances create a strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this procedure.

9. Officers will secure and store their Weapons, both on and off duty, in such a manner as to deter unauthorized persons from gaining control over the weapon.
10. Officers will immediately report any loss or theft, of a weapon, to the Department.

Impact Weapons (Bats, ASP/Expandable Baton)

1. Impact weapons may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where, based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
2. Officer may use impact tools for non-impact strike techniques such as come-alongs and restraint holds in accordance with agency training.
3. Primary targets of a strike from an impact weapon should be an individual's major muscle groups, motor points, abdomen, and/or limbs.
4. Intentionally striking an individual with an impact weapon in the groin, any part of the body above the shoulders, solar plexus or the back is permitted **only** in situations where deadly force would be justified.
5. After striking an individual with an impact weapon, and control of the person has been obtained, the officer will afford the individual medical treatment should, in the officer's judgment, medical treatment be required or if requested by the person himself.
6. Impact weapons are permitted to be used for other lawful purposes during an officer's duties (e.g., gaining entry to vehicles, gaining entry to residences, etc.).
7. The Department approved Impact weapon will be the ASP or Monadnock Police Expandable Baton and carried in the issued baton case or holder.
8. Only those officers certified by a Police Baton certified instructor may carry the Police Baton.
9. The Police Baton will be used in an authorized manner, employing the approved instructed techniques as outlined by the instructor and the publication: Monadnock Expandable Baton Basic Curriculum Handbook.
10. If there is an emergency, other objects or pieces of equipment may be used as an impact weapon "of necessity" (e.g. flashlights).

11. Use of the Impact Weapon shall require documentation on the use of force. Documentation should include circumstances leading up to its use, distance of suspect(s) from the officer, other people present, reaction, and/or compliance of suspect. Photographs of any injuries or marks and any property damage should also be included.

TRAINING

1. All sworn officers will be trained prior to carrying any Department issued Impact Weapon.
2. Initial training will consist of classroom training and hands-on practical application of all weapons.
3. As part of the annual in-service training, the use of force procedure will be reviewed.

INVENTORY/LOG

1. A log of all Department Impact Weapons will be maintained. Information will include:

Manufacturer
Model
Serial number (If applicable)
Officer Issued (Name)
2. A copy of the Department Impact Weapon log shall be kept with the Chief of Police. The Department Impact weapon log will be updated upon the purchase of any Impact weapons.

SECURITY

1. All officers are responsible for the security of any Impact weapon assigned to them.

USE OF FORCE – RESPONSE TO RESISTANCE REPORTING

1. All Use of Force-Response to Resistance procedures and reporting forms must be completed as out-lined in General Order 2.02 Use of Force-Response to Resistance Reporting

V. DISCIPLINE:

1. Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town policy.

Issued by: _____

Donald Hull
Chief of Police