 Official Policy Manual	Date issued 08/25/23	Supersedes 04/01/07	Page 1 of 3	Section # A-3025
	Section: Administration			
	Directive: Use of Baton			
	Policy Owner: Director, Administrative Support Services Group			

Purpose

The New York State Office of Mental Health (OMH) is dedicated to ensuring a safe and secure environment for its patients, residents, staff, and visitors by equipping its Safety Officers with the expandable baton.

OMH authorizes sworn officers to carry batons to defend themselves and protect others from the unlawful use of force.

Safety Officers shall only use reasonable force as prescribed by NYS Penal Law Article 35, consistent with the OMH Peace Officer Academy and annual in-service training.

For this policy, the terms baton and/or expandable baton will refer to the authorized, issued baton of OMH: the Monadnock Auto-lock 21” expandable baton.

Relevant Law and Standards
Penal Law Article 35

Training

1. No officer shall be issued or use the expandable baton until he/she has completed the Defensive Tactics and Principles of Control portion of the Basic Course for Peace Officers conducted at the OMH Peace Officer Academy.
2. Officers shall receive annual courses in the justification of the use of force / deadly physical force and weapons training by DCJS certified Defensive Tactics Instructors as a requirement of the NYS Criminal Procedure Law.

Procedure

1. If approved by the facility's Executive Director, Safety Officers assigned to uniformed functions may carry department-issued and approved batons.
2. Batons are not to be used on individuals receiving OMH operated or licensed services, except in situations of extreme threat where reasonable use of force is justified.¹

¹ Please refer to A-3023 - Use of Force, which states, “In situations in which alternative procedures and methods not involving physical force cannot be reasonably employed, this policy does not prevent Safety Officers from using reasonable force when necessary to protect themselves or others from physical injury, serious physical injury, or deadly physical injury.”

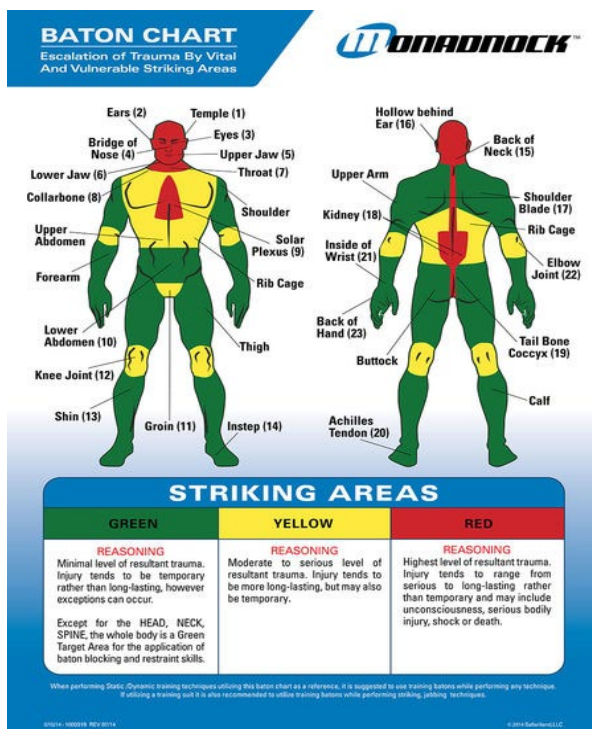
3. Department issued expandable batons may not be carried off duty.
4. The expandable batons will be carried on the support side of the duty belt. Hildi type caps are allowed as an accessory to batons.
5. Batons are to be considered an issued part of the uniform. If the baton is missing, stolen, damaged, or destroyed and is unserviceable, the officer will report the information to their supervisor. The supervisor will submit the proper paperwork to the Chief of Safety. The officer may be held accountable financially for the batons replacement if it has been determined that it was stolen or damaged due to an off-duty encounter.

Rules and Tactics

1. According to NYS Penal Law, a baton is defined as a deadly weapon in the hands of a civilian. However, in the hands of a trained peace officer, a baton can legitimately be used in situations requiring physical force.
2. Use of the baton is proper in lawful situations requiring a degree of force greater than that readily provided by weaponless control techniques, but less than that provided by resorting to the use of deadly force. Batons can also be used for escort and riot /crowd control purposes.
3. Refer to the Baton Training Chart on page 3 for primary, secondary, and lethal areas. When the baton is used as an impact weapon, an officer should attempt to strike a primary (green) area. Officers may strike a secondary (yellow) area when a primary area is unavailable, or fails to overcome resistance, or doesn't correspond to the threat level. A strike to lethal (red) areas is justified in situations where the subject is attempting to use deadly physical force on the officer or a third party.
4. Unless the use of deadly force is justified, strikes to the head, neck, throat, groin, spine and kidneys shall be avoided as they could potentially cause serious injury or death.
5. The baton shall not be used to apply a choking technique.
6. Any officer who unreasonably uses the baton against a person will face departmental, civil and/or criminal action.
7. The decision to display, draw or deploy a baton must be based on a Safety Officer's stated belief that the potential for physical injury is present. When a Safety Officer determines that the potential for physical injury is no longer present, the Safety Officer will holster the baton as soon as possible.

Reporting

1. If the baton has been used, the officer shall arrange for a medical evaluation by Emergency Medical Services (EMS) for the suspect as soon as it is safe to do so.
2. Any use of the baton shall be documented with a blotter entry and completion of the ADM 250 investigative report and Use of Force report. All injuries shall be photographed and documented.
3. The Chief of Safety or designee, the Executive Director, and local law enforcement must be notified.
4. If a baton is used on an individual receiving OMH services, Safety shall submit the ADM 250 investigative report to the facility's Risk Management Department and the Office of Quality Improvement (OQI) as soon as possible but not to exceed 72 hours from time of the incident. Reports can be submitted to OQI via email at dqm@omh.ny.gov. In addition, incidents involving excessive force by Safety Officers must be reported to the NYS Justice Center.



Reference

NYS Penal Law Article 35
 NYS Criminal Procedure Law Article 2
 NYS DCJS Training Guide for Peace Officer Employers