

THE USE OF BATONS AND OTHER HANDHELD KINETIC IMPACT WEAPONS IN LAW ENFORCEMENT

SUMMARY

DESCRIPTION

Handheld kinetic impact weapons, in particular batons, are among the most common types of less-lethal weapons that law enforcement officials are equipped with. They come in many shapes and sizes and different materials, such as batons and other clubs, as well as whips, slappers and Billy clubs (the latter are sometimes weighted). All these can be made of a wide range of materials for a more detailed description of the type of existing weapons). Other ad-hoc equipment, like sticks or improvised weapons, is also used as striking weapons in law enforcement.

These weapons are designed to cause pain through kinetic impact. As a result, strikes may cause a certain degree of injury, but they are not supposed to cause more serious injury or death. However, the actual impact on a person's health will depend on the design of the weapon and the way it is used.

Batons are used regularly in all types of law enforcement interventions: when carrying out an arrest, in the handling of public order situations, when intervening to prevent the commission of an offence and/or in violent confrontations between individuals or groups of individuals. As for any use of force, when resorting to batons, law enforcement officials must respect the principles of legality, necessity, proportionality, non-discrimination and accountability. However, Amnesty International research has documented that batons are among the most frequently misused weapons in law enforcement. The present recommendations provide guidance on how law enforcement agencies should prevent such misuse and ensure that this weapon

is only resorted to in a fully human rights compliant manner.

When law enforcement officials resort to the use of batons while fulfilling their duty, they must do so in full compliance with international human rights law and standards. Batons may only be used in situations in which this is duly justified. These rules even apply in a situation of emergency, such as the COVID-19 pandemic. When a situation requires the use of a baton, this must be carried out in a way that minimises harm and injury.

When the use of batons is not in compliance with these rules it may even amount to torture or other cruel, inhuman and degrading treatment.

In many instances, the assessment of whether or not the use of a baton complies with international human rights law will largely depend on the situation and the way it is used. But there are several devices that should never be used: the related human rights concerns are simply too great to accept the use of these devices, given that they are either inherently abusive or likely to cause excessive harm).

To ensure the human rights compliant use of batons, state authorities must ensure proper instructions and training of all law enforcement officials equipped with this weapon. They also have important obligations regarding the development and testing and the trade and transfer of these weapons to security forces in other countries.

RULES AND KEY PRINCIPLES GOVERNING THE DEPLOYMENT AND USE OF BATONS

GENERAL PRINCIPLES

1. Batons are not a tool to simply obtain compliance with an order. Their use must comply with the principles applicable to any use of force: legality, necessity, proportionality, non-discrimination and accountability.
2. Each baton strike must be justified, and law enforcement officials must be held accountable for each of them. Repeated baton strikes are likely to be excessive.
3. As a rule, batons are supposed to be used as weapons of self-defence or defence of another person.
4. Batons should never be used as a means of punishment. Law enforcement officials must never use force for this purpose.
5. Batons may only be used against persons violently resisting or otherwise engaged in violence against another person.
6. Batons should never be used to disperse a peaceful assembly.
7. Law enforcement officials should never use batons for the mere purpose of enforcing COVID-19 restrictions when there is no or only limited violence.

MANNER OF USE

8. As a rule, a clear order and verbal warning must precede the use of batons. This warning must seek to de-escalate the situation and convince a person to give up a violent behaviour.
9. As a rule, strikes should aim at the major muscle mass.
10. Strikes aimed at areas where more serious injury can be caused must be avoided.
11. As a rule, the use of a baton in an even more dangerous manner likely to cause serious injury or even death (such as strikes the head, neck, spine, throat or groin area) should be prohibited, except in the extreme situation of a threat of serious injury or even death that cannot be addressed with less harmful means.
12. Equally, the use of batons for stabbing/poking should be prohibited.
13. Overhead strikes are inherently dangerous and must be avoided.
14. Specific caution is required for persons with only little muscle mass, such as children, older persons, or persons of an otherwise slimmer stature.

PROHIBITIONS

15. The unlawful use of force, including by the means of batons, by law enforcement officials in violation of the principles of legality, necessity or proportionality will in many circumstances amount to cruel, inhuman and degrading treatment or - if additional requirements are met - even torture. They are prohibited at all times.
16. Inherently abusive handheld kinetic impact devices should be prohibited, in particular electric stun batons, spiked batons, whips/sjamboks, and weighted batons.

INSTRUCTIONS AND TRAINING

17. Law enforcement agencies must clearly instruct and train the personnel on the use of batons, including how they should be used, precautions to be taken to minimise harm and clear prohibitions when and how they may not be used.

18. They should only hand out these weapons to certified law enforcement officials.
19. Instructions must require to report each baton use in order to allow an assessment whether it was justifie.

DEVELOPMENT AND TESTING

20. All weapons used by law enforcement officials, including batons, must be subjected to thorough, independent testing to ensure they are safe and appropriate for human rights compliant use by law enforcement officials.



DOS AND DON'TS

DO: Law enforcement officials **should**:

- ✓ only use batons as a means of defence against violent attacks.
- ✓ only use batons when there is no less harmful alternative available.
- ✓ prior to using a baton, issue a clear order to stop the violence and warn about the use of force if the order is not complied with.
- ✓ target the larger muscles areas of the body (thighs and upper arms) and avoid areas where more serious injury can occur.
- ✓ be able to justify each single strike and stop using the baton as soon as they achieve the objective.

DON'T: Law enforcement officials **should not**:

- ✗ use batons against persons who are peaceful or only passively resisting.
- ✗ use a baton against a person already under control.
- ✗ use a baton to disperse a peaceful assembly.
- ✗ carry out “baton charges”, i.e. chasing fleeing protestors with batons strikes.
- ✗ target “high-risk” areas (e.g. the head, neck, spine, throat, groin area) except in a situation where there is an imminent threat of serious injury or death that cannot be countered otherwise.



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