

From: AELE@aol.com [mailto:AELE@aol.com]
Sent: Wednesday, October 09, 2002 7:49 PM
To: aslet@aslet.org
Subject: RE: [ASLET] Baton Thrusting

In general, courts do not micromanage police defense training. If a court or jury finds that the use of an impact weapon was excessive in a particular instance, the type of baton (wood, hollow metal, plastic/composite) and the size of the baton (weight, width and length) are irrelevant to that finding.

The degree of injury sustained is usually related to the amount of damages awarded. The type and location of a baton strike, and the kind of baton used, MIGHT be relevant to the degree of injury sustained. But if the use of a baton was proper under the circumstances, the type and location of a baton strike, and the kind of baton used ordinarily are NOT relevant.

In general, the method of striking the person is not relevant in a lawsuit unless:

1. the strike was unjustified, and was intended as punishment (rather than to overcome actual resistance) -- or --
2. there was an intentional or negligent head strike -- even if the use of a baton was justified -- or --
3. the particular strike was prohibited by agency policy or training AND the use of a baton under those circumstances was excessive force.

Impact weapon industries -- both the manufacture of branded batons and the trainers and schools that teach the use of impact weapons -- are highly competitive. Some rumors start accidentally; others begin because of unfair competition or jealousy. A professional trainer is careful not to spread unsubstantiated rumors.

--- Sent by:

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