

ASP BATON

By

William R. Balzer
Dane J. Reister

Western Oregon State College
Senior Seminar
Study conducted Sept.-Dec. 94

CJ 456
Dr. Stevenson
Nov. 21, 1994

The ASP Baton

Law enforcement officers that do not carry a baton or do not have one readily available when necessary, are eliminating an option for a level of force. In the past, this is the main problem that police officers have been experiencing while using the traditional, wooden PR24 and Straight batons. These batons have been proven to be too cumbersome for police officers to carry on their belts, and in the car (Janin & Gilbert, 1990). In many confrontational situations these batons have been left behind in the patrol car, leaving the officer ill-equipped and unprepared. By carrying the ASP baton, the individual officer always has the baton at his disposal. The officer does not have to remember to bring it to the call. The ASP baton would enable the officer to deal with the use of physical force against him/her self (or a third person), before the situation escalates to a degree where deadly physical force becomes the only option available. Thus by using the ASP baton, we feel, the issue of liability to both the officer and the police department will be significantly limited. Therefore, the newly developed ASP baton is more convenient, practical, and effective for law enforcement use, as opposed to traditional batons, and should be adopted by all law enforcement agencies as a use of force option.

The idea for the ASP tactical baton is not new, since the idea for Expandable Batons originated in the Orient in the 1960's (Janin, Michael. Personal Interview. 18 Nov. 1994). The first commercially available weapons of this type were the Tokushu Keibo, manufactured by the Nobel Company in Tokyo, Japan and the Ni Baton designed by Professor Ni of the Central States Police College in Taipei (ASP Liability Manual,

1994). The Nobel baton was widely distributed in Japan and used by the two largest police departments, the Tokyo Metropolitan Police Department, and the National Railroad Police. Although well conceived, the baton had the flaws of relatively thin tubing, sharp edges, and knurling that was not compatible with American law enforcement regulations (ASP Liability Manual, 1994). In addition, this baton had a wrist strap which did not coincide with modern training principles. The Ni baton also had its flaws. This baton suffered from poor construction technology. The Ni baton used the method of automatic spring extension, unlike the Nobel baton. The Ni was also too complex and had a tendency to unexpectedly open.

The first American-made Expandable Baton was the "Titan Taper" that received limited exposure during the 1960's (Janin, Michael. Personal Interview, 18 Nov. 1994). Unfortunately, the method of construction and the unit's durability were not realistic in terms of long term law enforcement use. The ASP (Armament Systems and Procedures) Tactical Baton was designed by Dr. Kevin Parsons with the idea to provide an intermediate impact weapon that was both concealable and yet durable enough for extended operational use (Janin, Michael. Personal Interview). A primary emphasis was placed upon a design that was suitable for investigative, undercover, tactical team and uniform use. The end result was a number of batons in a variety of lengths to meet specific needs. All of the ASP's are characterized by an absence of knurling or sharp edges that might tear clothing or cut a person. In order to improve the handling characteristics, durability and ease maintenance, extensive testing over a five year period was conducted under field conditions (ASP Liability Manual, 1994). This resulted in the first weapon of its category to meet the specifications established by the Federal Law Enforcement Agencies. The recent adoption of the ASP Tactical Expandable Baton by the United States Capitol Police, various agencies in both the US Department of Justice and Department of the Treasury, the US Coast Guard, as well the US Army Advanced

Testing and Development Office has led to a great deal of interest in this weapon's concept on the part of the municipal, county, and state agencies (ASP Liability Manual).

As you can see, the Criminal Justice System has had a very positive response in dealing with this issue. Law Enforcement agencies have a need to properly equip and prepare their officers for potentially volatile situations, while at the same time, agencies are continually developing ways to create a better relationship with the public. The most recent trend of "community policing" certainly demonstrates this. In this aspect, the ASP baton is certainly more compatible with day-to-day interaction with the public. The ASP does not portray an aggressive appearance, like the "billy club." It is often misinterpreted for a small, thin flashlight (Cole, 1990). The recent adoption of the ASP baton by numerous agencies represents a clear transformation from the traditional wood baton (PR 24, side-handle, or straight batons), to one that is more practical, convenient, and effective. The traditional baton is simply too cumbersome, uncomfortable, and easily forgotten by the officer who might drastically need it.

The important advantage in adopting the use of the ASP expandable baton, is that it is carried to every call, and not left in the car or locker. More importantly, it is available to the officer at all times. No longer would an officer be placed into a situation where he did not expect to need a baton, realizes the need, yet has none. By carrying the ASP baton, an officer may exercise an alternative prior to the use of deadly physical force (Clede, 1988). The ASP baton is not awkward to carry or run with, and is in fact convenient to carry. It fits all body types, and there is no longer a concern as to where it should be placed in the vehicle (Cole, 1990). While carrying the ASP, there is little risk to the officer while wrestling with a subject while worn on the duty belt. This has been a significant problem with the traditional batons in the past, since they are so bulky and can actually create a hindrance during a struggle. The traditional baton is clearly visible to the possible assailant, making it more likely that the attacker will attempt to grab for, and

use it against the officer. The ASP baton is, for the most part, hidden on the officers belt, and out of view and reach of a potentially violent subject.

In a survey performed by Michael Janin of the Beaverton Police Department in 1990, Janin asked the officers in his department about their current baton use/practices. Out of the 50 surveys that were returned by the officers, 37 of the officers indicated that they currently carry a wood baton in their patrol vehicle (Janin Wood Baton Survey, 1990). Only 7 officers indicated they carry the baton on every call, 24 officers indicated they carry the baton only on disturbance calls, and 10 officers indicated that they find it "awkward to carry" (Janin Survey, 1990). Also determined in the survey was that only 4 patrolmen carried the wooden baton on every call, and that 15 officers could relate to calls where they had gotten to the disturbance and then wished they had brought a baton with them. Obviously, with the adoption of the new ASP Expandable Baton, officers would no longer encounter these problems, and they would be much more prepared to face any situation that may arise. In addition, there was an overwhelming positive response among the survey participants to adopt the new ASP baton as a department issued impact weapon.

The issue of liability is also a significant consideration to law enforcement agencies that may adopt a new baton. The very effective psychological deterrent of the loud clack as the baton is expanded provides a "clear-cut display of the escalation on the force continuum" (Fortin, 1990). This certainly offers a legal advantage. The dramatic shift from low profile to high profile clearly highlights the combatant's opportunity to cease hostility (Fortin, 1990). This, along with the ASP's lightness, making it less prone to inflicting serious injury, should promote the defense of its use. In addition, Armament Systems and Procedures INC (ASP) will provide, upon request, expert witnesses to defend the use of their batons.

There are many consequences that may arise if police agencies fail to deal with the issue of impact weapons. First, it may cause an officer not to be fully prepared to deal with the use of force continuum. If an ASP baton is not being used and the traditional straight or side handled baton is, the baton may be left behind. These traditional batons are usually left in the patrol car because they are cumbersome, uncomfortable to carry, and sometimes even forgotten. Next, the absence of the ASP baton may force an officer to use deadly force when it is not necessary, thus not justifying the officer's actions. In a situation like this the officer would have to skip a level of force on the use of force continuum and use deadly force. Along with skipping a level of force it also eliminates a step of officer safety. Finally, other batons and impact weapons do not have the psychological deterrent that the ASP does, when it is expanded. The sound the ASP makes is similar to the racking of a pump action shotgun. This noise and psychological effect will often defuse the situation before it gets out of hand.

When looking for alternatives we considered other use of force options. The ASP baton falls within the Serious Physical Control level on the use of force continuum. Chemical Agents and Electronical devices such as, pepper spray (OC), mace (CN), tasers or stun guns could be used. The use of focused blows and carotid restraints could be used to control or contain the offender. Other impact weapons such as the traditional side handled and straight batons are still commonly used. We also found other collapsible batons but they were not as effective, efficient, or durable as the ASP baton's. The last option we could think of was for the officer not to carry any baton. However, this creates an unwise elimination of an important level of force and officer safety.

As stated earlier, we feel that the ASP Tactical Baton should be adopted by all law enforcement agencies. The baton has been thoroughly tested internationally. The tests, conducted in the field of law enforcement have proven to be effective. The training provided by Armament Systems and Procedures is excellent. The Basic Certification

Course can be taught to a level of competency to any officer in a relatively short period of time. The Basic Certification consists of three open mode strikes and three closed mode strikes which the officer is able to retain in a confrontational setting. The officer should always maintain or create a safe distance and a strong pyramid type stance before using one of the open or closed mode strikes (Janin, Michael. Personal Interview). The baton was designed to be the most court defensible control device on the market today. The design of the baton has no sharp edges, and the balance is such that it minimizes the likelihood for injury while increasing the likelihood for control (ASP Liability Manual). There is no decision of whether or not to take the baton on a call. It's always there. Because of its very low profile image, it is perfect for the new trend of community policing. It would be best to never have to use the ASP baton, but now if the situation warrants, the officer is prepared to meet the situation in a confident and effective manner.

References

1. Armament Systems and Procedures, INC (I991). Agency Evaluation Manual. I-16.
2. Armament Systems and Procedures, INC (I994). Liability Manual. 1-190.
3. Clede, Bill. (1988). Expandable Batons. Law and Order, 35-36.
4. Cole, Larry S. (1990). Expandable Baton Update. Trooper News - Oregon State Police, 24.
5. Fortin, Neal. (1990). The ASP Expandable Baton. Police Marksman, 19.
6. Janin, Michael. (1990). Beaverton Police Department Wood Baton Survey.
7. Janin, Michael. (18, November 1994). Personal Interview.
8. OST Interview: Dr. Kevin Parsons, ASP Inc. (I990). Oregon State Trooper. 4.