



**General Order 1.3  
USE OF FORCE AND FIREARMS POLICY**

I. PURPOSE

The purpose of this order is to promulgate to all sworn personnel the general rules of policy and procedure dealing with matters related to the use of force by sworn members of this Department. Although other directives may potentially deal with the use of force issues, this order shall serve as the primary document addressing use of force by members of this Department.

II. POLICY

- A. It is the policy of this Department that personnel of this Department shall use only those types and amounts of reasonable force immediately necessary to affect the lawful objectives of the Department.
- B. Each officer is equipped with a firearm and other items of equipment to defend themselves and/or others against force up to and including deadly force.
- C. The officer obtains the right to use force, including deadly force, in certain situations from 11 Delaware Code Sections 461-471, generally, and Section 467, specifically.
- D. This Department recognizes the legal standard set forth by the Delaware Legislature regarding the use of force/deadly force. All officers must completely familiarize themselves with these sections of the law. However, in a situation which may require the use of force, officers must not only consider the legality of the act but, moreover, the absolute necessity of their actions.

III. FORCE OTHER THAN DEADLY FORCE

An officer is issued the following items of equipment to assist him in making a lawful arrest when resistance is encountered to prevent an escape or for the purpose of protecting himself or a third party from bodily harm. An officer will use only that amount of reasonable force immediately necessary to effect lawful objectives.

A. Baton

- 1. All officers of the Department will be issued Monadnock auto locking batons.
- 2. The baton is a defensive weapon issued to Department members for use in situations when other defensive equipment is not effective or its use is impractical.
- 3. The baton should be carried on the person of all uniformed personnel upon exiting their police vehicle to answer calls for service and/or vehicle stops.
- 4. Non-uniform personnel when performing operationally oriented functions will carry their baton in their police vehicle.

5. Accepted Uses

The baton is to be used by all officers in the following manner for defense from and to counter attacks of violent, aggressive, or unruly persons:

- a. Blocking blows and kicks of your opponent.
- b. Striking blows to those places on your opponent's body where bone is close to skin (excluding the head and face), such as elbow, shin, knee, ankle, etc. Short swing and back swing blows may also be directed to the thick muscle groups of the buttocks, thigh, and calf.
- c. Delivering jabs to soft tissue area of the opponent's trunk and back.
- d. For use as a move-along, come-along, elbow-locking, handcuff, and other legitimately recognized uses for the baton.

5. Unacceptable Uses

The following uses of the baton shall be avoided whenever possible:

- a. Blows to the opponent's head and face. The opponent could be killed instantly instead of merely being brought under control. Blows delivered to the head place the baton in a position which is vulnerable to counterattack or a disarming movement. The opponent could very well seize the baton and disarm the officer.
- b. Blows to any part of the opponent's body above the nipples of the chest are prohibited and shall be outside the policy of this department, for reasons set forth above.
- c. The baton shall not be used as a strangling device. Strangle holds are dangerous and should not be considered for use unless as a last resort in controlling an opponent who has either gone berserk or is extremely violent. An officer must exercise good judgment in utilizing any techniques to strangle an opponent. In most instances strangle holds, whether a baton is used or not, shall be considered outside policy.

B. Flashlight

1. All officers of the Department will be issued Stinger flashlights.
2. Members who possess other alternative flashlights may use them in place of the department issued flashlight.
3. The primary application of the flashlight is as a source of illumination.
4. It is not a weapon, nor is it intended to replace the baton, although there may be exceptional situations where it may be necessary to use the flashlight as a defensive instrument.

5. When a situation of this nature arises, the flashlight shall be used in the same manner and under the same rules as those governing the baton.
6. The flashlight shall be carried in the vehicle on all shifts.

C. Handcuffs

1. Officers of this Department are issued Smith and Wesson and/or Peerless handcuffs to be used to restrain and secure persons in police custody and not as a defensive weapon.
2. The Department recognizes that it cannot predict each and every situation that will require the use of handcuffs. The final decision as to the need for the use of the handcuffs is most frequently left to the best judgment and discretion of the arresting or transporting officer's assessment of the prisoner and situation.
3. Department members will, however, be held responsible and strictly accountable if an escape is effected due to the lack of use of handcuffs.
4. Handcuffs shall be used in the following situations:
  - a. All felony arrests.
  - b. All persons who are known to have resisted arrest or have assaulted police officers in the past, regardless of present charge.
  - c. All unruly, hostile, and extremely argumentative persons regardless of present charge.
  - d. All persons who the arresting officer has reason or should have reason to believe will attempt to escape or cause harm to themselves or others regardless of the present charge.
  - e. In all cases where the prisoner is or has been violent, a second officer will ride in the left rear seat so as to protect the driver of the police vehicle, provided, of course, that such a second officer is available.
5. Practices to be avoided when using handcuffs:
  - a. Do not handcuff a prisoner to a fixed object (sign post, automobile bumper, etc.).
  - b. Do not handcuff a prisoner's hands in front (unless they are suffering from a deformity or other disability).
  - c. Do not handcuff yourself to the prisoner.
  - d. Do not use the handcuffs as a "come-along".

- e. Do not forget to double lock and check the handcuffs after they have been applied.
- f. Do not search a prisoner before handcuffing them unless an unusual situation dictates otherwise.
- g. Do not intentionally tighten the handcuffs in such a fashion so that they pinch the skin, restrict circulation, or intentionally cause the prisoner unreasonable discomfort or pain.

D. Knives

- 1. Knives are not issued by the Department. However, officers, at their option, may carry a folding blade pocket knife on their person as permitted under State Law.
- 2. If carried, the blade will not be longer than 3" in length, as legally allowed by State Law.
- 3. Department members are given the authorization to carry a knife for use in situations that may arise in the performance of their duties requiring a cutting edge.
- 4. The knife is not to be carried for the specific purpose of using same as a defensive weapon.

E. Chemical Agents (Cap Stun)

- 1. All officers of this department are issued Oleoresin Capsicum, "CAPSTUN", First Defense X2, 4% strength.
- 2. Officers are hereby authorized to use captstun in certain circumstances, after attending an authorized training session detailing its usage.
- 3. This chemical agent is to provide protection from bodily harm when making an arrest or apprehension, or when subduing a combative, aggressive or resisting person.
- 4. Capstun will be used only after reasonable efforts to control a violent subject have failed, or when such effort would clearly be futile. The amount used will be only that amount necessary to subdue the subject.
- 5. Capstun will not be used against passive resistors, nor as a "come-along".
- 6. Capstun issued to officers of the Dover Police Department is not alcohol based and therefore, not considered to be flammable when used in conjunction with an electronic stun device or in proximity to an open flame source.
- 7. Capstun will not be used in a hospital or medical facility setting

8. Unauthorized use of Capstun will subject the officer to the same disciplinary action as would the use of any unauthorized or unnecessary force.

F. Electronic Control Device (Taser)

1. All officers of the department are issued a Taser. The Taser is a handheld weapon which deploys two (2) probes from a replaceable cartridge. These probes are connected to high voltage insulated wires transmitting powerful electrical pulses into the body of the target. The Electro-Muscular Disruption (EMD) technology uses a five (5) second burst of electrical signal to temporarily override the central nervous system and directly control the skeletal muscles.
2. The Taser is a defensive instrument listed in the force continuum at the same level as chemical agents (CapStun). An officer justified in using chemical agents is justified in using the Taser.
3. The Taser is categorized as less-lethal force and may be used to protect the officer from bodily harm when making an arrest or apprehension and to control a dangerous or violent subject when lethal force does not appear to be justified; attempts to control the subject by other conventional tactics have been ineffective; or there is a reasonable expectation that it is unsafe for officers to approach within contact range of the subject.
4. Only officers who have received the required training and certification by a Taser certified instructor are authorized to carry or deploy the weapon. Re-certification will occur annually by a certified instructor. During the recertification process the Taser will be inspected by the certified instructor.
5. The Taser will be stored in the accompanying holster and when worn on the duty belt it shall be carried on the support side of the officers uniform allowing for a cross draw by the officer's strong hand. The weapon will be carried fully armed with the safety on, in preparation for its use in appropriate circumstances.
6. Officers issued a Taser will maintain the weapon in a high condition of cleanliness and readiness for use and will notify their immediate supervisor should a problem with the weapon occur. If the weapon is deemed unsafe it will immediately be removed from service. Certified Taser instructors will examine Tasers found to be defective and determine the best course of action to repair or replace the Taser.
7. Officers shall be issued one spare cartridge, and have it accessible in case of cartridge failure or the need for reapplication.
8. The Taser may be deployed to safely effect the arrest of a noncompliant individual, or an individual who has used or threatened to use physical force, when there is a reasonable expectation the officer or the offender would be injured without the use of the Taser.

9. The Taser shall not be unnecessarily discharged. No horseplay of any kind involving the use of the Taser will be tolerated and is considered a violation of policy. Officers are permitted to test the Taser daily to insure readiness.
10. In determining whether to discharge the Taser, officers must consider the reasonableness of its use to include:
  - a. The level of force being confronted
  - b. The subject's location (elevated positions) and the possibility of secondary injuries as a result of falling to the ground while being tazed.
  - c. The subject's age. The use of the Taser on small children and the elderly will normally be considered outside of policy. Elderly are defined as senior citizens who are feeble and/or infirm. Small children are defined as children of elementary school age.
  - d. Any known medical conditions, i.e. pregnancy or heart problems.
  - e. In any instance where the subject has come in contact with flammable liquids or is in a flammable atmosphere (gas pumps, clandestine drug labs, etc.).
  - f. In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force cover to protect the officer and /or any civilians present.
11. The Taser will not be used against passive, non violent protesters.
12. Whenever possible a verbal warning shall be given to the suspect prior to deployment of the Taser. This warning will also serve notice to other officers in the area that the Taser is being readied for deployment.
13. Electrical charges may be released from the Taser in two ways:
  - a. Firing two probes from distances up to twenty-five (25) feet from a disposable cartridge which is connected to the Taser by insulated wires and releases electrical discharge pulses into the body.
  - b. Drive Stun, which is when the Taser is applied directly to the body, consistent with pain compliance measures.
14. Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective. Each Taser has a data port that stores the date and time the weapon is fired. The data protects the officer from claims of excessive force by documenting each firing accurately and completely. The information contained in the data port can be accessed by Internal Affairs.

15. Each discharge of the Taser against a subject shall be documented on a Dover Police Department Use of Force Report and submitted through the chain of command to the Deputy Chief of Police. At a minimum the report should include:
  - a. The number of times the subject was energized, detailing the use of the probes and/or drive stun(s).
  - b. Any secondary injuries as a result of using the Taser.
  - c. The location where the probes hit the body and approximate distance between the probes.
  - d. The serial number of the cartridge.
16. The Taser is designed for temporary immobilization of a subject. It should not cause any significant injury. However, a subject may receive secondary injuries as the result of falling when the subject is immobilized.
17. If the subject complains of medical problems or the officer observes any injuries to the subject, appropriate medical aid must be rendered and photographs will be taken to document visible injuries.
18. If the probes embed into soft tissue areas such as the neck, face, eyes, breasts, or groin the officer shall require the subject be treated at the nearest medical facility or by responding Medics or Paramedics. The probes shall only be removed from these areas by medical personnel. Removal from other areas shall be at the discretion of the officer.
19. Once the probes have been removed by the officer, the entry sight will be treated with antiseptic and band-aids applied if necessary.
20. The arresting or transporting officer will make continuous observations of an individual in their custody who has received an electrical pulse from a Taser, for signs of distress. This period of observation will be, at a minimum, 20 minutes. Individuals who display shortness of breath, tightness in the chest or symptoms not consistent with the situation, shall be transported immediately to a medical facility or paramedics may be summoned to the cell block. Following the 20 minute observation period, the desk officer will be informed when a subject has received an electrical pulse from the Taser and placed into the cell block for arrest processing.
21. Post Deployment procedures:
  - a. The spent cartridge and probes should be collected and preserved as evidence. Use caution when collecting the probes because they have penetrated the skin of the subject.
    - i. The insulated leads "wires" should be saved and kept intact if possible.

- ii. The probes should be placed back into the holes in the cartridge, point first.
- iii. Evidence tape should be placed over the face of the cartridge to secure the probes in the holes.
- iv. The packaged device should be placed in an evidence bag with the wires.
- v. The bag should then be processed as an individual piece of evidence under the same CR number as the incident in which the Taser was deployed.
- vi. The bag shall be labeled with a biohazard liable and evidence tag, then submitted to evidence.
- vii. In the event the Taser is used during a deadly force incident or any incident where a death occurs, the cartridge wire (every effort should be taken to keep the wires intact), doors, and AFID (antifelon identification) which can be located shall also be collected and submitted with the cartridge and probes.

22. It is recommended prior to each shift the officer test his taser to ensure the equipment is working properly. The officer should remove each cartridge from the taser and point the weapon in a safe direction. Once the taser is pointed in a safe direction the officer should pull the trigger to the rear and allow the taser to cycle for five seconds. If the taser is working properly the officer should return the two cartridges back to the taser and holster the weapon in a safe manner. If the taser is not functioning property during the testing phase the officer should remove the taser from service and have it repaired immediately.

G. The Department recognizes that certain extreme and exceptional circumstances may arise which may require the officer to employ equipment authorized in this section as a deadly weapon and its use may, in fact, result in serious physical injury and death to an opponent. These circumstances would be restricted to those requiring the use of deadly force and where it would not be practical or possible for the officer to use his handgun and/or other issued firearm.

H. PROHIBITED WEAPONS

The following weapons are strictly prohibited for use and/or carrying by officers of this Department:

1. Sap gloves
2. Brass knuckles
3. Slap-jacks
4. Mechanical Claws and other non-issue "come-along" devices
5. All other defensive weapons not issued or specifically authorized by this Department.

IV. DEADLY FORCE

A. Purpose

1. The purpose of this Section of this Order is to provide officers of the Dover Police Department with policy guidelines to follow regarding the use of deadly force generally, and firearms in particular, and establishing review procedures relating thereto.
2. This policy must be viewed as a guide for decision making before the fact and not as a standard for civil or criminal litigation judging the propriety of an action already taken which is a matter of established law as well as a process for prosecutors, courts, and juries reviewing the specific facts of a given incident.
3. This Order may, however, provide basis for internal disciplinary action where violated.

B. Philosophy

1. The decision to employ deadly force against another human being is, in all probability, the most serious and difficult decision a law enforcement officer will be faced with.
2. The primary responsibility of law enforcement is that of protecting life. This responsibility dictates the need for consideration of not only the legal aspects of the use of deadly force, but also the moral issues arising from the reverence for the value of life.
3. It is, therefore, in the interest of both the public and the individual law enforcement officer that uniformly accepted guidelines clearly govern the use of deadly force, including firearms, in the enforcement of the law.

C. Definitions

1. "Deadly Force" - means force which the defendant uses with the purpose of causing or which he knows to create substantial risk of causing death or serious physical injury. Purposely firing a firearm in the direction of another person or at a vehicle in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the defendant's purpose is limited to creating an apprehension that he will use deadly force, if necessary, does not constitute deadly force. See 11 Del.C. Section 471(d).

2. "Serious Physical Injury" - means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ. See 11 Del.C. Section 222(21).

D. POLICY

1. It is the policy of this Department that the use of deadly force, including firearms, may be employed only after all other reasonable means of apprehension have been exhausted, the police officer reasonably believes the force employed creates no substantial risk of injury to innocent persons, and the deadly force is employed as a means to:
  - a. defend himself or another person from death or imminent danger of serious physical injury; or
  - b. effect an arrest or prevent the escape from custody after an arrest for a felony involving the use or attempted use of deadly force when the officer reasonably believes that the person to be arrested or rearrested will cause death or serious physical injury if his apprehension is delayed. See 11 Del.C. Section 467.
2. The firing of warning shots is considered outside of policy, except in extreme and extraordinary circumstances. The burden is upon the officer employing such warning shots to prove extreme and extraordinary circumstances.
3. Discharging a firearm from a moving vehicle at a moving vehicle is considered outside of policy unless occupants of the other vehicle use deadly force against the officer by means other than the vehicle.
4. It is the policy of this Department that only those officers meeting the minimum requirements for proficiency in the use of firearms as established by the Council on Police Training and this Department shall be allowed to carry firearms in the course of their employment. The firearms training must be successfully completed prior to carrying the firearm on or off duty.
5. It is the policy of this Department that only Department issued weapons and ammunition be carried in the performance of duty.
6. Officers carrying weapons off duty (personally owned or Department issued) are to refrain from the consumption of alcoholic beverages. In any event, no officer is to carry a weapon, either on duty or off duty, while impaired .
7. In no case, however, shall an officer of this Department carry a weapon after having consumed any substance which presently impairs that officer's judgment.

8. It is the policy of this Department that officers are not required to carry their weapon off duty, but may do so with special permission, in writing, from the Chief of Police. Additionally the following criteria must be met:
  - a. Completion of Field Training
  - b. The off duty weapon must be a semi-automatic pistol inspected and approved by the firearms officer.
  - c. The ammunition must comply with what is listed on the directive memorandum of authorized firearms and ammunition.
  - d. Successful completion of the Departments weapons qualifications course with the weapon to be carried.
  - e. Procedurally, an officer wishing to carry a weapon off duty shall obtain a statement from the (firearms unit officer) that requirements a through d, above, have been met. This statement shall accompany the permission request form which will be obtained from the Office of the Chief of Police and filed therewith upon completion.
9. Upon obtaining the requisite permission, officers are authorized to carry their Department issued service weapons or their personally owned, properly registered off duty weapons within the City Limits of Dover. For guidance concerning carrying weapons officers should refer to 11 Del.Code §§1441, 1442, including HR 218 and other applicable provisions of Delaware Law..

E. Procedure

1. Reporting of Firearms Discharge
  - a. Whenever any officer discharges a firearm either on or off duty, whether accidentally or intentionally, and excepting authorized training, competition, or recreation purposes, a firearms discharge report (Appendix A hereto) shall be submitted to the Deputy Chief setting forth the circumstances of the incident.

The usual crime report will also be completed and submitted through the chain of command.
  - b. In every case where an injury or death occurs, the incident will be investigated according to Section V of this Order.
  - c. The unit commander, or in his absence the officer acting in his capacity, of the involved officer shall immediately be notified in all cases involving discharge of a firearm.
2. Upon receipt of the reports required above, the Deputy Chief shall oversee the investigation and may appoint an officer to further investigate the incident to determine whether substantial evidence exists to support an

allegation of violation of any Rules, Regulations, Orders, Procedures, or directives of this Department. In addition, the investigator shall direct his inquiry toward the issues of proper police procedure and officer judgment in the incident.

3. Upon completion of the investigation, the Deputy Chief shall submit his report and/or that of the appointed investigator to the Chief of Police. This report shall include a conclusion as to whether substantial evidence exists to support an allegation of violation of any Rules, Regulations, General Orders, Procedures, or other directives of this Department, or any Law of the State of Delaware. A copy of said report will be forwarded to the involved officer pursuant to 11 Del.C. Section 9200(C)(11).
4. The Deputy Chief, or other investigator, if any, shall conduct his investigation in conformance with these Orders and 11 Del.C. Chapter 92.
5. Upon receipt of the report of the Deputy Chief, the Chief of Police shall determine whether substantial evidence exists to support a complaint of misconduct. If such evidence exists the Chief of Police shall:
  - (a) refer the matter to the officer's unit commander for summary punishment; or
  - (b) refer the matter to the Professional Standards Board for a hearing.
6. Upon completion of his review of the above report, the Chief of Police shall inform the involved officer of the results of the review in writing.
7. Public Disclosure: In every incident involving the discharging of a firearm by a police officer which results in death or injury to another person, the Chief of Police shall make public the findings of the investigation and the imposition of disciplinary action, if any.

F. Other Prohibited Acts

Officers are prohibited from discharging their firearm in the following instances:

1. When it appears likely an innocent person will be hit;
2. At a motor vehicle and/or the occupants therein unless as a last resort, and the operator of the vehicle is directing the vehicle as deadly force against the officer or other innocent persons, except as set forth in Section IV D-3 of this notice, and the officer believes that employing deadly force creates no substantial risk of injury to innocent persons; and
3. When the officer does not have a clear line of fire or a safe background.

G. State Law Incorporated

The provisions of 11 Del.C. Sections 461-471 are incorporated herein by reference. Where other provisions of this ORDER are more restrictive on the use of force, deadly or otherwise, than State Law, the provisions of this Order shall prevail.

V. PROCEDURE FOR INVESTIGATING USE OF DEADLY FORCE RESULTING IN PHYSICAL INJURY OR DEATH

A. Notification

1. Upon receipt of information that a police officer has been involved in the use of deadly force resulting in physical injury and/or death as either the principal or victim, the following persons will be notified immediately by Communications Center Personnel, in the following order:

- a. Chief of Police
- b. Deputy Chief
- c. Operations Division Commander
- d. Criminal Investigations Unit Commander
- e. Patrol Unit Commander
- f. On call CI Detective

2. All releases of information to the public concerning the incident will emanate directly from the Chief of Police or his designee. Any member of this Department who violates this provision will be considered to have committed a serious act of misconduct.

B. General Procedure and Duties of Units Involved in the Investigation

1. Patrol Unit

a. A Section Leader or Platoon Leader will immediately respond to the scene and insure that sufficient personnel are present to perform the following functions:

- (1) At least one officer will remain with the body or injured person, report all pertinent data and secure any physical evidence available, until relieved by available CI Unit personnel.
- (2) At least one officer will protect the crime scene, secure all persons present, and prevent anyone from entering the area until relieved by CI Unit personnel.

(3) At least one officer will remain with the officer involved to assure his personal safety and well being until relieved by CI Unit personnel. This officer will NOT initiate any discussion of the incident with the officer involved.

b. In cases where the deadly force used is an automobile, the Patrol Unit Commander will be notified and will assign a motor vehicle crash reconstruction expert to assist the Criminal Investigations Unit with the investigation. He will report to the Deputy Chief or his designee.

2. Criminal Investigations Unit

a. The Deputy Chief or his designee will be in charge of the investigation and be responsible for its completion. He will report the progress of the investigation via the normal chain of command. He will insure the following are complied with in the handling of the involved officers:

(1) That the involved officer(s) is afforded all Constitutional guarantees by the Criminal Investigations Unit Personnel

(2) That the personal safety and well being of the involved officer are guaranteed by the Criminal Investigations Unit Personnel

(3) That the weapon, gun belt, magazines and all ammunition of the involved officer is secured by the Criminal Investigations Unit Personnel

(4) That the involved officer is questioned without force or fear and without any promises or threats being made to him

(5) That the investigation will relate to matters of criminal law or violations of Departmental Policy

(6) That all provisions of 11 Del.C. Section 9200(C) are complied with

3. Public Information Function.

The Public Information officer will be responsible for disseminating information to the news media, but only after it had been approved by the Chief of Police or his designee.

4. All personnel involved in any way in the investigation as delineated in Sub-sections 1 through 3 of this Section shall record all actions, conversations and interviews relevant to the investigation and shall prepare a report of same (supplemental) which shall be forwarded through the normal chain of command.

C. Procedure for Relief From Duty Following the Use of Deadly Force Resulting in Physical Injury or Death

1. When a Departmental Member uses deadly force which results in physical injury or death, they shall be immediately removed from duty by the Chief of Police or his designee and reassigned to administrative duties until completion of the internal investigation by the Dover Police Department.
2. The Chief of Police or his designee will place the involved officer on administrative leave with pay if he feels it is warranted.
3. An officer who is assigned to administrative duties including leave pursuant to this section shall be temporarily assigned to the Deputy Chief pending completion of the investigation.
4. All officers who have used deadly force which has resulted in physical injury or death shall undergo psychological/psychiatric evaluation to determine fitness for duty prior to returning to full duty status.

D. Procedure For Relief From Duty for Employees Involved in a Critical or Traumatic Incident or When Their Actions May have Contributed to the Death or Serious Physical Injury of a Person

1. The Chief of Police shall consider the community's interest and the welfare of the employee in deciding when to place an employee on administrative leave and/or reassignment to administrative duties. In all cases where the employee's actions, in an official capacity, may have resulted in death or serious physical injury, that employee shall be removed from line of duty assignment pending administrative review.
2. The Chief of Police or his designee will place the involved employee on administrative leave with pay if he feels it is warranted.
3. An employee who is assigned to administrative duties including leave pursuant to this section shall be temporarily assigned to the Deputy Chief pending completion of the investigation.
4. The Chief of Police, in consideration of all circumstances, may require the employee to undergo psychological/psychiatric evaluation to determine the fitness of the employee prior to returning to full duty status.

VI. REPORTING INCIDENTS INVOLVING USE OF FORCE OTHER THAN DEADLY FORCE

- A. Whether chemical agents, the Taser, or a blow is struck by an officer of this Department utilizing the baton, flashlight, fist, or other object; or whenever a prisoner or arrestee is injured as a result of police action, on or off duty, the officer shall immediately notify the on-duty supervisor.
- B. In addition to the normal crime report, the officer using such force shall submit a Use of Force Report detailing the force used and the circumstances leading up to its use which shall be forwarded to the Deputy Chief via the chain of command. The condition of the subject, treatment and antidote administered, the identity of treating physicians and all other pertinent data, including the full identity of all witnesses, shall be included in said report. Photographs will be taken of all injuries to the subject and the officer. These photographs will be included with the Use of Force Report. The photographs will properly document any injuries to either party and help to protect the officer from claims of excessive force. Format for the Use of Force Report is attached hereto as Appendix B.

VII. USE OF FORCE REVIEW

A. Review

- 1. All Use of Force Reports and Firearms Discharge Reports shall be submitted via chain of command to the Deputy Chief.
- 2. The Deputy Chief, who is charged with responsibility for the internal affairs function and ultimate responsibility for the inspections function, shall review all such reports to determine if the officer(s) complied or failed to comply with the Rules, Regulations, General Orders, Procedural Notices, Directives, policies and procedures of this Department. The Deputy Chief shall also review the applicable directives in light of the facts of each case.
- 3. The Deputy Chief shall report all findings to the Chief of Police, recommending therein the need for corrective action in regard to the officers and/or directives involved.

B. File

- 1. The Deputy Chief shall establish and maintain separate files for the Use of Force Reports and Firearms Discharge Reports.
- 2. The purpose of these files shall be to track and identify matters of use of force within the Department so as to identify training and equipment needs.
- 3. These files may also be used to identify those officers who may be developing tendencies for involvement in violent situations so that the causes may be identified and dealt with in the appropriate manner.

4. These files shall be considered CONFIDENTIAL INTERNAL FILES and shall not be open to public review without court order. Firearms Discharge Reports shall remain permanently on file.

VIII. DISPLAY OF FIREARMS

- A. An officer shall never display firearms unnecessarily or draw them in any public place except for inspection or official use.
- B. Members are specifically warned against "dry firing" of firearms at any place other than an approved range.
- C. An off duty member and on duty members not in uniform will wear the firearm as inconspicuously as possible.

IX. HANDLING OF DEPARTMENTAL FIREARMS

A. Authorized Weapons

Officers are only permitted to carry authorized firearms listed on the "Authorized Firearms and Ammunitions" Directive Memorandum while on duty with the exception of those issued by the Department or expressly authorized by the Chief of Police. At no time shall an officer carry more than one issued side arm on duty without express authorization to do so.

B. Inspections

Firearms shall be inspected prior to the use, accepting and/or returning of same, for such things as obstructions in the barrel, shells in the firearm, or any apparent mechanical defect that would render the firearm unsafe. All officers must conduct inspections of their issued firearms prior to deploying with same for duty.

C. Loading

Shotguns should be loaded and unloaded out of doors; not while in the police building or police vehicle. The shotgun will be loaded with four rounds, all placed in the magazine. No rounds shall be chambered unless imminent use of the firearm is expected. The slide action shall be kept forward.

D. Other Shoulder Weapons

1. All clip and magazine fed (including tub fed) shoulder weapons are to be loaded and unloaded out of doors, not in the police building.
2. Semi/full automatic weapons shall be carried and /or transported with the bolt closed, safety on, and the bolt dust cover closed, if so equipped.
3. Where weapons are mounted in car racks, such racks shall remain locked at all times weapon is not in actual use.

4. No rounds shall be chambered unless imminent use of the firearm is expected.
5. Shoulder weapons shall not be unnecessarily displayed to persons not members of this Department.

E. Safety

All firearms shall be kept in "safe" trigger position until momentarily before intended discharge.

F. Rounds

1. Only Department issued rounds will be used in Department firearms.
2. A rifle slug will only be loaded into the shotgun when the situation dictates its appropriateness or upon order of a supervisor.

X. CARE OF FIREARMS

- A. Each officer will maintain his firearm in a high condition of cleanliness and readiness for use.
- B. No repairs or tampering with the mechanism of a Departmental firearm is authorized except by designated personnel.
- C. Any firearm which is in need of repair will be returned to the Range Officer.
- D. Firearms will be fully loaded while on duty except where provided by other directives (ie. Storing weapons within the designated evidence locker).
- E. Extreme care shall be exercised to secure the firearm while off duty to prevent it from being mishandled.

XI. TRAINING

A. Firearms

Officers are required to participate in scheduled firearms training programs, and must qualify at least once a year with each authorized firearm.

B. Deadly Force Policy

All officers will be issued copies of and will be instructed in the policy on use of deadly force while at the police academy before being authorized to carry a firearm.

XII. REPORTING LOST OR STOLEN DEPARTMENTAL FIREARMS

All lost or stolen Departmental Firearms must be reported immediately to the supervisor on duty. An incident report fully explaining the circumstances shall be submitted by the officer within eight (8) hours of knowledge of loss or theft.

XIII. FIREARMS SAFETY

The safe handling, transporting and discharging the firearms shall be in accordance with the safety standard established by this Department. The following practices are considered extremely dangerous, unsafe, and strictly prohibited:

- A. Horseplay of any kind involving a firearm.
- B. The practice of quick draw unless the practice is part of an authorized training exercise at the range and under the supervision of the range officer.
- C. Pointing a firearm at an unarmed, handcuffed suspect.
- D. Drawing a firearm while exiting a vehicle. Officers should wait until they are out of vehicle and have solid footing before unholstering their firearms, unless an emergency situation exists and the circumstances dictate otherwise.
- E. The use of the service firearm and/or shotgun or other issued firearm as a defensive weapon or bludgeon, unless extreme or unusual circumstances dictate otherwise.
- F. All officers are to handle all firearms as if fully loaded at all times. This includes personally owned, departmental and confiscated/seized weapons.
- G. Negligent handling of any weapon which results in the accidental discharge of said weapon shall be considered a serious act of misconduct.

XIV. SUPERSEDES

This order supersedes all orders written or otherwise, which are not in total conformity herewith.

XV. EFFECTIVE DATE

This order shall become effective immediately upon execution and issuance.

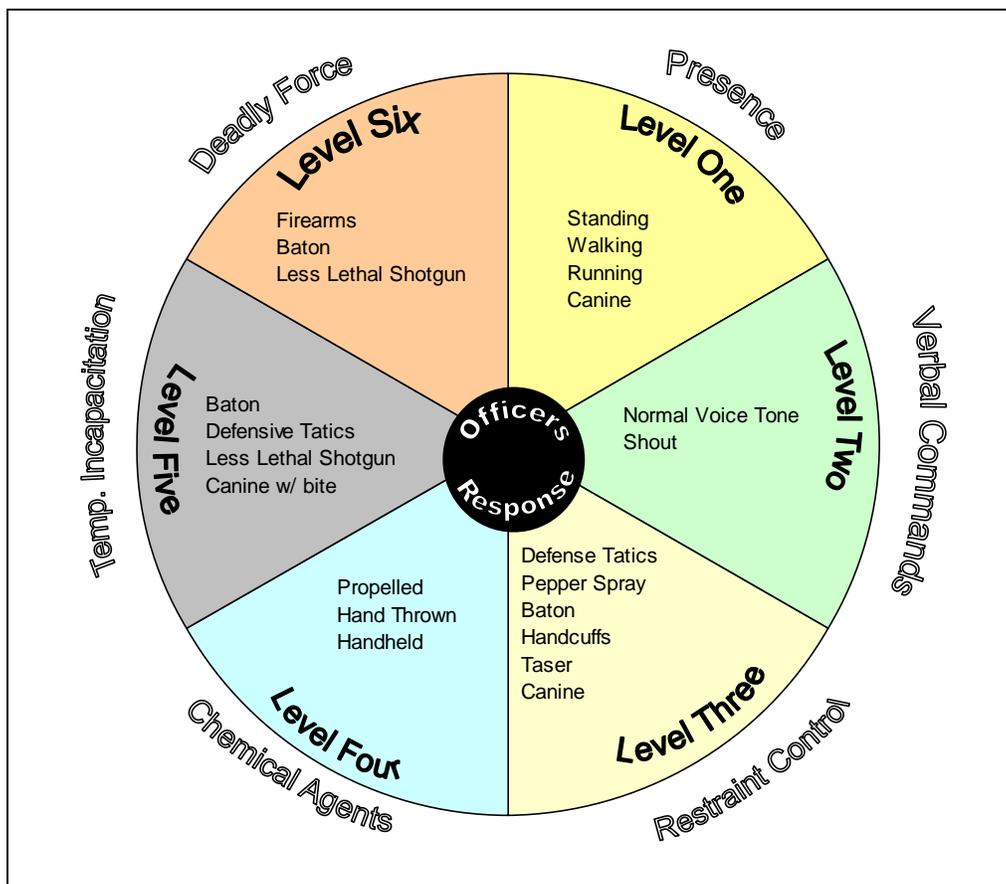
ORDER EXECUTED and ISSUED this \_\_\_\_\_ day of July, 2015.

\_\_\_\_\_  
Paul M. Bernat  
Chief of Police

# APPENDIX A

## USE OF FORCE OPTIONS

Use of Force Options is a visual representation of force options available to the officer. It is a fluid instrument which attempts to embody the dynamics of a confrontation. The actions of the officer are dependant on the resistance level of the subject.



When possible, only department approved weapons and training techniques should be used. Other than the firearms, issued equipment is intended as less lethal force. However, in certain situations, such weapons may be used in a deadly force incident. During non-deadly force incidents members are to avoid striking the neck and head of suspects with any issued equipment, unless confronted with a deadly force situation.

The following are authorized pieces of equipment, restraints and techniques:

**1. Presence and Verbal Communication (Levels 1 & 2)**

Officers should, whenever possible, use verbal skills to attempt to control subjects before resorting to physical control methods.

**2. Defense Tactics (Levels 3,5 & 6)**

Officers should only use tactics appropriate to the situation and that have been taught by department defensive tactics instructors.

**3. Aerosol Spray (Level 3)**

Pepper Spray may be used when a person displays the intent to engage in active, aggressive or aggravated resistance. Pepper spray may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or citizens.

**4. ASP (collapsible baton), Flashlights, or Riot Baton (Levels 3, 5 & 6)**

Batons are designed for blocking, jabbing, striking, or to apply control holds. Flashlights are not intended to be used as a weapon or as a replacement for the baton, but there may be exceptional situations where it may be necessary to use the flashlight as a defensive instrument.

**5. Handcuffs, Flex cuffs, or other Restraint Devices (Level 3)**

In an attempt to minimize the risk of personal injury to officers and others during arrest situations, all officers should handcuff, as soon as possible, all persons arrested.

**6. Less Lethal Shotguns (Level 5 & 6)**

Less Lethal shotguns may be used against persons who are armed with a weapon, excluding firearms, that could cause substantial injury or death to themselves or others or when a subject poses a significant threat to the safety of the officer or other persons. This includes, but is not limited to: an edged weapon, club, pipe, bottle, brick, etc.

Two officers are required to be present when a less lethal shotgun is deployed. It may be used as an option to deadly force, only when circumstances allow the officers involved to bring an incident to a safe conclusion without unnecessary risk to the officers.

**7. Chemical Agents (Level 4)**

Chemical agents will only be used under the direction of the On Scene Commander, and only then by officers assigned to the Special Operations Response Team.

**8. Specialized Methods (Level 1,3 & 5)**

K-9 (bites and injuries) and pyrotechnic devices; Only those members assigned to units receiving specialized training in these tactics or tools are authorized to use them, and any other tool or technique not listed in which they have been trained and have been approved. Training and use of such methods are under the control of those specialized units.

**9. Taser (Level 3)**

The Taser is categorized as a less lethal force and may be used to protect the officer from bodily harm when making an arrest or apprehension and to control a dangerous or violent subject when lethal force does not appear to be justified.

# APPENDIX B

DOVER POLICE DEPARTMENT  
FIREARMS DISCHARGE REPORT

TO: \_\_\_\_\_  
DEPUTY CHIEF

FROM: \_\_\_\_\_  
(Reporting Officer)

\_\_\_\_\_  
(Unit Designation)

THROUGH: \_\_\_\_\_  
(Platoon/Section Leader)

\_\_\_\_\_  
(Unit Commander)

\_\_\_\_\_  
(Division Commander)

DATED: \_\_\_\_\_

I. BASIC DATA

CR# \_\_\_\_\_ DATE & TIME OF INCIDENT

ACCIDENTAL: Yes  No  INTENTIONAL: Yes  No  ROUNDS FIRED: \_\_\_\_\_

INJURY/DAMAGE TO: Human  Animal  Property

WAS INJURY FATAL: Yes  No

II. WEAPON(S) USED: (Describe weapon giving make, model & serial # & barrel length)

III. ROUND(S) EXPENDED: (For each round expended state caliber, configuration, placement of round, observed effect of round)

- IV. IF OPPONENT WAS ARMED, DESCRIBE WEAPON USED BY DEFENDANT.
  
- V. NAME ALL PERSONS INJURED & DESCRIBE INJURIES.
  
- VI. DESCRIBE ALL INJURIES SUSTAINED BY YOU OR OTHER POLICE PERSONNEL PRESENT.
  
- VII. IF DAMAGE/INJURY WAS TO ANIMAL(S) OR PROPERTY, GIVE NAME(S) ADDRESS(ES) OF OWNER(S) AND DESCRIBE EXTENT AND TYPE OF INJURY/DAMAGE (ESTIMATE VALUE).
  
- VIII. IF ACCIDENTAL DISCHARGE, GIVE RECOMMENDATIONS FOR IMPROVING TRAINING, EQUIPMENT AND/OR PROCEDURES SO AS TO AVOID FUTURE INCIDENTS.
  
- IX. GIVE NAMES, ADDRESSES AND/OR DESCRIPTIONS OF ALL WITNESSES OR PERSONS PRESENT.
  
- X. NARRATIVE DESCRIPTION OF INCIDENT (attach additional sheets as needed)
  
- XI. CERTIFICATION

I, the undersigned, hereby certify that the information contained within this report is true and correct.

Officer's Signature

# APPENDIX C

DOVER POLICE DEPARTMENT

USE OF FORCE REPORT

TO: DEPUTY CHIEF OF POLICE

FROM: \_\_\_\_\_ , \_\_\_\_\_  
(Reporting Officer) (Unit Designation)

THROUGH: \_\_\_\_\_  
(Platoon/Section Leader)

\_\_\_\_\_  
(Unit Commander)

\_\_\_\_\_  
(Division Commander)

DATED: \_\_\_\_\_

I. BASIC DATA

CR# \_\_\_\_\_ DATE & TIME OF INCIDENT \_\_\_\_\_

DEFENDANT'S NAME: \_\_\_\_\_ AGE: \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_

DEFENDANT'S D.O.B. \_\_\_\_\_

II. NARRATIVE DESCRIPTION OF INCIDENT (Attach additional sheets if needed)

III. WEAPON(S) USED BY OFFICER (Describe - includes fists, etc.)

IV. WEAPON(S) USED BY DEFENDANT (Describe - includes fists, etc.)

V. DESCRIBE RESISTANCE BY DEFENDANT

VI. DESCRIBE FORCE USED BY OFFICER

VII. DESCRIBE INJURY & TREATMENT - DEFENDANT

VIII. DESCRIBE INJURY & TREATMENT - OFFICER(S)

IX. COMMENTS (Continuation of above)

X. DESCRIBE DAMAGE TO CITY PROPERTY (Uniform, etc.)

XI. IDENTIFY ALL WITNESSES AND PERSONS PRESENT

XII. CERTIFICATION

I, the undersigned, hereby certify that the information contained within this report is true and correct.

(Officer's Signature)