



GENERAL ORDER 4 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 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 shall use only those types and amounts of reasonable force immediately necessary to achieve the lawful objectives of the Department.
- B. When possible, Officers should issue a warning and/or use de-escalation techniques prior to resorting to force. However, it is recognized that some situations do not allow for warnings and/or de-escalation techniques and immediate action is necessary.
- C. Each Officer is equipped with a firearm and other items designed to defend themselves, and/or others, against harmful force. This may at times, include the necessity for deadly force.
- D. 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.
- E. This department recognizes the legal standard set forth by the Delaware Legislature regarding the use of force and use of 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 action but also the absolute necessity of those actions.
- F. In situations where the use of force appears to be unnecessary or excessive in nature, Officers have a duty to intervene. This duty may involve a transition to a more appropriate level of force or to stop the use of force entirely. Any Officer who is aware of unnecessary or excessive use of force is required to report the incident in writing, through the chain of command, to the Deputy Chief.

III. FORCE OTHER THAN DEADLY FORCE

An Officer is issued the following equipment to assist them in making a lawful arrest when resistance is encountered or to prevent an escape. It is also provided for the purpose of protecting the Officer, or a third party, from bodily harm. An Officer will use only that amount of reasonable force, immediately necessary, to achieve lawful objectives.

- A. Baton
 - 1. All Officers will be issued Monadnock auto-locking batons. Officers are only permitted to carry and use a departmentally issued baton.
 - 2. The baton is a defensive weapon issued 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 when on duty.
4. Only Officers who have received the required baton training and certification are authorized to carry or deploy the weapon. Retraining in its use will occur at least every two years. Officers must be trained by an instructor who is certified as a trainer with the weapon.

5. Accepted Uses

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

- a. Blocking the blows and kicks of your opponent.
- b. Striking blows to those places on your opponent's body where there are thick muscle groups such as 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.

6. 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.
- b. Blows to any part of the opponent's body above the nipple line of the chest are prohibited and shall be outside of policy for reasons set forth above.
- c. The baton shall not be used as a choking device. Choke holds are dangerous and should only be used as a last resort where deadly force is justified.

B. Flashlight

1. All Officers are issued department-approved handheld flashlights.
2. Members who possess alternative, but equally effective 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 and is not intended to replace the baton. However, 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 on the duty belt at all times.

C. Handcuffs

1. Officers are issued Smith and Wesson and/or Peerless brand handcuffs to be used to restrain and secure persons in police custody. They are not issued as a defensive weapon.
2. Handcuffs shall be used for all in-custody arrests. For situations where handcuffing is not possible, such as a deformity or handicap, the duty supervisor will be advised of the situation. The supervisor will determine the best method for transport and control.
3. Handcuffs may be used when detaining a subject who is believed to have committed a crime. In these situations, handcuffing is for the safety of both the subject and the Officer and/or when there is a risk of possible escape.
4. In all cases where the prisoner is or has been violent, the Officer should attempt to use a caged vehicle in conjunction with the hobble leg restraint. In situations in which a caged transport vehicle is not available, and the hobble leg restraint is not available or is insufficient, a second officer may ride in the left rear seat so as to protect the driver of the police vehicle.
5. Recommendations 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. An Officer should not handcuff themselves to a prisoner.
 - d. Do not use the handcuffs as a "come-along".
 - e. 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 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 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 it as a defensive weapon.

E. Chemical Agents (Capstun)

1. All Officers are issued Oleoresin Capsicum, also known as Capstun.
2. Only Officers who have received the required capstun training and certification are authorized to carry or use it. Retraining in its use will occur at least every two years. Officers must be trained by a certified Capstun or OC spray instructor.
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 lessor effort would have little chance to be effective. The amount used will be only that amount necessary to subdue the subject.
5. Capstun will not be used against passive resisters, nor as a "come-along".
6. Capstun issued to Officers 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, medical facility, or other healthcare 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 under the following circumstances. 1) When lethal force does not appear to be justified; 2) When attempts to control the subject by other conventional tactics have been ineffective; or 3) When 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 provided holster and will be worn on the support side of the body either on the belt or vest allowing for a cross draw by the officer's strong hand.
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 (i.e. elevated positions) and the possibility of secondary injuries as a result of falling to the ground while being tased.
 - 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 EMS. 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 for signs of distress from an individual in their custody who has received an electrical pulse from a Taser. 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 EMS 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.
 - b. The insulated leads "wires" should be saved and kept intact if possible.
 - c. The probes should be placed back into the holes in the cartridge, point first.
 - d. Evidence tape should be placed over the face of the cartridge to secure the probes in the holes.
 - e. The packaged device should be placed in an evidence bag with the wires.
 - f. 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.
 - g. The bag shall be labeled with a biohazard liable and evidence tag, then submitted to evidence.
 - h. 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 all 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 their Taser to ensure the equipment is working properly. The Officer should remove the 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 it to cycle for five seconds. If the Taser is working properly, the Officer should return the cartridge back to the weapon and holster it in a safe manner. If the Taser is not functioning properly during the testing phase, the Officer should remove the weapon from service and have it repaired immediately.

G. Hobble leg restraint

1. Officers will have the option of using the leg restraint device. In situations where a prisoner becomes violent during transport in a police vehicle, or it's is believed that the prisoner will become violent in the rear of the transporting vehicle, an officer will use the cloth leg restraint. These cloth leg restraints are also known as police Hobbles.
2. Upon the prisoner becoming violent or unruly, the transporting Officer will notify dispatch of their situation and location. The transporting Officer will notify dispatch of the nearest safe location where they can stop and dispatch will send a second unit to assist.
3. Once stopped, the Officer will exit the vehicle and stand near the rear doors, with the doors closed, until the arrival of the second unit to prevent an escape.
4. Upon arrival of the second unit, the two Officers together will remove the prisoner from the vehicle by controlling the upper body. The Officers will lay the prisoner, face up, outside the vehicle.

5. The Officers will avoid standing near the prisoner's feet where they can be kicked. One Officer will pin the prisoner's legs while the second officer applies the Hobble. Once applied, the Officers will place the prisoner back in the rear of the police vehicle. The prisoner will be placed upright and be seat-belted. At no time will a prisoner be placed face down.
6. Depending on the situation, an Officer may choose to place a spit mask on the prisoner to prevent the subject from spitting on others.
7. Upon arrival at the police station, the prisoner will be taken to the cell block using the Emergency Restraint Chair (ERC), in accordance with the policy, if necessary.

H. Less Lethal Shotgun

1. Only Officers who have received training and certification by a less-lethal instructor are authorized to carry or deploy the weapon system.
2. The less-lethal 12-gauge shotguns are identified with an orange stock, an orange fore grip, and are carried in the "less lethal" orange shotgun case.
3. The less-lethal 12-gauge shotgun is categorized as less-lethal force; however, it can cause death with improper round placement or deployment.
4. During the deployment of the less-lethal 12-gauge shotgun, the operator will always have another Officer as lethal coverage.
5. Only the 12-gauge, drag stabilized, bean bag round will be deployed from the less-lethal 12-gauge shotgun. When loading a "less lethal" round, the Officer will have a second Officer observe, and verbally verify, that the round is in fact a "less lethal" round.
6. Each discharge of the less-lethal 12-gauge shotgun against a subject, other than for training purposes, will 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 Use of Force Report should include:

- a. The number of times the less-lethal shotgun was deployed against the suspect.
 - b. Any secondary injuries as a result of using the less-lethal shotgun.
 - c. The location where the bean bag round(s) struck the body of the suspect.
 - d. Photographs of the impact site(s) immediately after arrest, if possible.
- I. 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 their handgun and/or other issued firearm.

J. 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

IV. DEADLY FORCE

A. Purpose

1. The purpose of this section is to provide Officers with policy guidelines to follow regarding the use of deadly force in general, firearms in particular, and establishing the relating review procedures.
2. This policy must be viewed as a guide for decision-making before the fact. It should not be viewed 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 face.
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 in the interest of both the public, and the individual Officer, that uniformly accepted guidelines clearly govern the use of deadly force, including firearms, in the protection of lives and 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.

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.

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 defense and/or apprehension have been exhausted, the Officer(s) reasonably believe the force employed creates no substantial risk of injury to innocent persons, and the deadly force is employed as a means to:
 - a. defend themselves, 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(s) reasonably believes that the person to be arrested, or rearrested, will cause death or serious physical injury if his apprehension is delayed.
 - c. The use of a choke hold should only be used as a last resort and only when deadly force is justified.
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. 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. In the event an Officer is unable to qualify with their duty sidearm, they will be assigned to perform administrative duties within the Department. The Planning and Training Unit supervisor and the Firearms Training Unit will schedule the Officer for remedial firearms training. In the event the Officer is still unable to qualify, the Planning and Training Unit supervisor will confer with the Council on Police Training for necessary further action for the Officer to qualify and retain police certification.
5. 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 or off duty, while impaired.
7. At no time shall an Officer carry a weapon after having consumed any substance which presently impairs that Officer's judgment.

8. Officers are not required to carry their weapon off-duty but may do so as long as the following criteria is 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 Department's weapons qualifications course with the weapon to be carried.
 - e. Procedurally, an Officer wishing to carry a personal weapon off-duty shall obtain a statement from the Firearms Training Unit that requirements b and d, above, have been met.

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 shall be submitted to the Deputy Chief setting forth the circumstances of the incident.
 - b. The usual crime report will also be completed and submitted through the chain of command.
 - c. In every case where an injury or death occurs, the incident will be investigated according to Section V of this Order.
 - d. The unit commander, or in their absence the Officer acting in their capacity, of the involved Officer shall immediately be notified in all cases involving a discharge of a firearm.
2. Upon receipt of the reports required above, the Deputy Chief shall assign the investigation to Internal Affairs 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, Internal Affairs shall direct their inquiry toward the issues of proper police procedure and Officer judgment in the incident.
3. Upon completion of the investigation, Internal Affairs shall submit their report to the Chief of Police through the Chain of Command. 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 a "Letter of Finding" will be forwarded to the involved Officer pursuant to 11 Del.C. Section 9200(C)(11).

4. Internal Affairs shall conduct their investigation in conformance with these Orders and 11 Del.C. Chapter 92.
5. Upon receipt of the report from Internal Affairs, 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. impose a punishment in accordance with General Order 26A.

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 an 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 staff 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

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 involved Officer to assure their personal safety and wellbeing until relieved by CI Unit personnel. This Officer will NOT initiate any discussion of the incident with the officer involved.
 - 4) Ensure that a brief public safety statement is collected individually from the involved officer(s), covering only information necessary to focus the initial police response and direct the preliminary investigation. This includes information on:
 - a) Type of force used.
 - b) Direction and approximate number of shots fired by Officers and suspects.
 - c) The number of suspects involved.
 - d) Location of injured persons.
 - e) Description of at-large suspects and their direction of travel, the time elapsed since the suspects were last seen and any suspect weapons.
 - f) Description and location of any known victims or witnesses.
 - g) Description and location of any known evidence.
 - h) Any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.
 - i) See the Dover Police Department Public Safety Statement attached hereto as Appendix A.
- 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. They will report to the Deputy Chief or his designee.

2. Deputy Chief

a. The Deputy Chief will have oversight of the investigation and will be responsible for its completion. With input from the Criminal Investigations Unit Commander, the Deputy Chief will assign a lead detective from the Detectives Section. Other detectives will be assigned duties as needed. The lead detective will report the progress of the investigation via the normal chain of command. The Deputy Chief will insure the following are accomplished in the handling of the involved Officer(s):

- 1) That the involved Officer(s) is afforded all Constitutional guarantees by the Criminal Investigations Unit personnel.
- 2) That the personal safety and wellbeing of the involved Officer(s) are guaranteed by the Criminal Investigations Unit personnel.
- 3) That the weapon, gun belt, magazines and all ammunition of the involved Officer(s) is secured by the Criminal Investigations Unit personnel.
- 4) That the involved Officer(s) is questioned without force or fear and without any promises or threats being made to them.
- 5) That the investigation will relate to matters of criminal law.

b. The Deputy Chief is responsible for notifying the Office of Professional Standards Commander when a deadly use of force incident occurs.

- 1) At the direction of the Office of Professional Standards Commander, the Internal Affairs Commander, or other supervisor acting in that capacity, will be responsible for investigating matters that relate to departmental policy.
- 2) The Internal Affairs Commander will ensure that all provisions of 11 Del.C. Section 9200 (C) are followed.

3. Public Information Function.

The Public Information Officer (PIO) will be responsible for disseminating information to the news media, but only after it has been approved by the Chief of Police or their designee. Any member of this department who violates this provision will be considered to have committed a serious act of misconduct. Whenever a deadly use of force incident occurs within the City of Dover, and another agency is involved, the affected agency will be consulted before any public information is released.

4. Attorney General's Office

Whenever a deadly use of force incident occurs, the lead detective is required to contact the Attorney General's Office of Civil Rights and Public Trust. This office will assign an investigator to investigate the deadly use of force incident. They will generally work alongside of the Dover Police Department's lead detective but will make an independent determination of the facts.

5. Training requirements

Personnel who are responsible for managing a deadly use of force incident are required to be trained in the process as it pertains to their position. All personnel who are potentially impacted by a deadly use of force incident will receive awareness training.

6. All personnel involved in the investigation, in any way, 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 their designee, and reassigned to administrative duties until completion of the internal investigation by the Dover Police Department.
2. The Chief of Police, or their designee, will place the involved Officer(s) on administrative leave with pay if they feel 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 a 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. In such an event, 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 their designee, will place the involved employee on administrative leave with pay if they feel 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 a 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, any treatment or 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 any party and help to protect the Officer from claims of excessive force.
- C. Upon notification of any Use of Force employed by any Officer, including extra duty Officers, the Platoon / Section Leader will be responsible for locating and collecting video evidence of the incident if any exists. The Platoon / Section Leader can assign another Officer not involved in the incident to obtain the video if necessary. Reasonable steps shall be taken by the Officer tasked with collecting the video that all possible sources are checked for footage of the incident. (Below are some possible sources). All video of the incident shall be submitted with the Use of Force Report for review through the chain of command. Locations checked and sources of video shall be noted on the cover page of the report where appropriate. Additionally, any malfunctions of equipment leading to the failure to capture footage shall be noted in the same location.
- Dover Police vehicles equipped with in car cameras at the scene
 - Other Law Enforcement agency camera vehicles at the scene
 - Commercial and residential surveillance or security cameras
 - City of Dover Downtown cameras
 - Any area business with video recording devices
 - Personal electronic devices such as cell phones
 - The body cameras of any agency's Officers that may be present

If a cell phone video is taken by a citizen witness. The Platoon / Section Leader, or their designee, will request that a copy of the video be sent immediately via email or text to the Platoon / Section Leader. The citizen's name, address and contact number will also be obtained and forwarded. If the citizen refuses to voluntarily send a copy of the video as requested, the Platoon / Section Leader, or designee, will make every reasonable attempt to identify the person in possession of such video. This may include asking for the person's name, address and contact number or obtaining a photo ID or vehicle registration. If an Attorney General's subpoena is required to obtain a video, the Platoon / Section leader shall note same on the Use of Force report and indicate what Officer is requesting that subpoena. All information obtained will be included in the Use of Force report, or a supplement report, and the information will be forwarded thru the chain of command to the Deputy Chief.

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 shall review all such reports to determine if the Officer(s) complied or failed to comply with the departmental Rules, Regulations, General Orders, Procedural Notices, Directives, policies or procedures.
3. The Deputy Chief shall report all findings to the Chief of Police, recommending therein the need for corrective action in regard to the Officer(s) and/or directive(s) 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 addressed 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. Any off-duty member, and on duty members who are not in uniform, will wear the firearm as inconspicuously as possible. This does not apply to non-uniform detectives, who are clearly identifiable as being an officer.

IX. HANDLING OF DEPARTMENTAL FIREARMS

A. Authorized Weapons

Officers are only permitted to carry the authorized firearms that are listed in Procedural Notice 4.4, Weapons and Ammunition while on duty with the exception of those expressly authorized by the Chief of Police. At no time shall an Officer carry more than one issued sidearm 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 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 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

Only department issued rounds will be used in Department firearms.

X. CARE OF FIREARMS

- A. Each officer will maintain their 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 and the Animal Control Officer 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. The Officer shall submit an incident report fully explaining the circumstances within eight (8) hours of knowledge of the loss or theft. If the officer is out of state and is unable to submit an incident report, they will be required to do so within eight (8) hours of returning to Delaware.

XIII. FIREARMS SAFETY

The safe handling, transporting and discharging of 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 un-holstering 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.

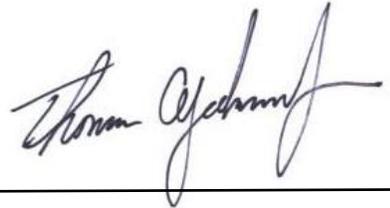
XIV. SUPERSEDES

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 24th day of November 2020.

A handwritten signature in black ink, appearing to read "Thomas A. Johnson, Jr.", written over a horizontal line.

Thomas A. Johnson, Jr.
Chief of Police

APPENDIX A

PUBLIC SAFETY STATEMENT

“Officer, I am ordering you to give me a Public Safety Statement. Due to the immediate need to take action, you do not have the right to wait for representation to answer these limited questions.”

- Were you involved in an officer-involved shooting?
- Approximately how many rounds did you fire and in what direction did you fire them?
- Do you know if any other officers fired any rounds?
- Is it possible the suspect fired rounds at you?
- Is anyone injured? If so, where are they located?
- Are you aware of any witnesses? If so, what is their location?
- Approximately where were you when you fired the rounds?
- Are there any outstanding suspects? If so, what is the description, direction, and mode of travel?
- How long have they been gone? What crime(s) are they wanted for? What weapons are they armed with?
- Are there any weapons or evidence that need to be secured/protected? Where are they located?

Additionally, supervisors should obtain the public safety statements of all substantially involved personnel before they are transported from the scene. The supervisor, absent exigent circumstances, shall remain at the scene to provide the Public Safety Statement to responding investigators. The information shall be provided, either voluntarily or with representation, to the investigators upon their request.

These questions should be followed by an order not to discuss the incident with anyone, prior to the arrival of the assigned Investigators, with the exception of legal representatives.