

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY 4227
USE OF FORCE

The Milford School District Board of Education and its school constables recognize the value of human life, specifically, the lives of students, staff, and visitors of the school district. The use of force, especially force likely to result in serious bodily injury or death by use of a firearm, is a serious action. When deciding to use force, the school constables shall act within the boundaries of the United States and Delaware constitutions and laws. It is the policy of the Milford School District Board of Education to provide its school constables with guidelines for the use of deadly force in accordance with Delaware Code Title 11, Section 464-465.

It is the policy of the Milford School District to afford school constables the authority to use deadly force to the extent permitted by Delaware law statute. A school constable is authorized to use deadly force only when the constable's belief is, to the greatest extent afforded deference by Title 11, authorized by Title 11 given the circumstances known to the constable at the time in order to protect students, school employees, or visitors of the Milford School District from apparent death, serious physical injury, kidnapping or sexual intercourse compelled by force or threat.

The Superintendent and/or their designee is empowered to implement and monitor the provisions of this policy.

Restrictions on the Use of Force:

School constables shall not resort to the use of deadly force if the constable believes (to the greatest extent such belief is afforded deference by Title 11) that an alternative to the use of deadly force will avert or eliminate an imminent danger of death, serious physical injury, kidnapping or sexual intercourse compelled by force or threat.

School constables will not use deadly force on persons whose actions are only destructive to property.

School constables shall not discharge a weapon as a signal for help or a warning shot.
School constables shall not pursue an individual who has left the school grounds.

Exhibiting a Firearm:

A school constable shall not unholster or exhibit a firearm except under the following circumstances:

- a. For maintenance of the firearm.
- b. To secure the firearm in an appropriate secure area.
- c. During training, practice or qualification with the firearm.

- d. When circumstances create a reasonable belief that it may be necessary to use the firearm for the protection of any students, staff, or visitors of the Milford School District.

Definitions:

"Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury; or any disabling chemical spray, or any electronic control devices, including but not limited to a neuromuscular incapacitation device, designed to incapacitate a person.

"Deadly force" means force which the defendant uses with the purpose of causing, or which the defendant knows creates a substantial risk of causing death or serious physical injury, including the use of a chokehold. 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, serious bodily harm, kidnapping or sexual intercourse compelled by force or threat, by the production of a weapon or otherwise, so long as the defendant's purpose is limited to creating an apprehension that deadly force will be used, if necessary, does not constitute deadly force.

"Deadly weapon" includes a firearm, bomb, knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any dangerous instrument, which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.

"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, or which causes the unlawful termination of a pregnancy without the consent of the pregnant female.

ADOPTED: 3/20/23