

CONSTABLES USE OF DEADLY FORCE

Definitions

- a. "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.
- b. "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.
- c. "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.
- d. "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.

I. Policy Statement

The Indian River 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 Indian River 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.

II. Purpose

It is the policy of the Indian River 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 he/she reasonably believes it necessary given the circumstances known to the constable at the time in order to protect students, school employees, or visitors of the Indian River School District from apparent death or serious physical injury, kidnapping or sexual intercourse compelled by force or threat.

Restrictions on the Use of Force:

School constables shall not resort to the use of deadly force if the constable reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or 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.

III. 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 Indian River School District.

Adopted 10/28/13

Revised 9/26/16, 1/27/20, 6/28/21, 9/26/22