


REHOBOTH BEACH POLICE DEPARTMENT
Department Directive

	Subject: LAW ENFORCEMENT ROLE AND AUTHORITY
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	Reviewed by: Police Officers (X) Union (X) Chief of Police (X)
	Issued by: Chief Keith W. Banks
	Signature:
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DIRECTIVE

PURPOSE: This Directive relates to the basic role and authority of the Rehoboth Beach Police Department. It addresses policy concerning the law enforcement function, the limits of authority, and the use of force.

I. MISSION STATEMENT

The mission of the Rehoboth Beach Police Department is to protect the lives and property of our fellow citizens; preserve the peace, order, and safety of the community we serve; safeguard those guarantees provided under the Constitution of the United States and the State of Delaware; enforce the law in a fair and impartial manner; and provide other police related services as required by the community in a manner consistent with the values of a free society.

In order to fulfill this mission, the Rehoboth Beach Police Department will work in partnership with the citizenry to resolve problems and improve the quality of community life; ensure the safe and expeditious movement of vehicular traffic on public roadways; maintain a proactive patrol attitude in order to reduce the opportunity to commit crime; and strive to aggressively identify, pursue, and apprehend offenders.

Although a society free from crime and disorder remains an unachievable task, it is the responsibility of the Rehoboth Beach Police Department to approach that idea as closely as possible by having its members develop a reputation for fairness, civility, and integrity that wins the respect of all citizens.

In order to respond in a professional manner to the challenges set forth in our mission, the Rehoboth Beach Police Department will create and maintain a quality work and managerial environment that focuses on agency goals and provides for career development for its personnel through training, advancement, and reward for exemplary performance.

II. LAW ENFORCEMENT AGENCY ROLE (1.1.1, 11.5.1) (S1)

A. All department personnel, prior to assuming sworn status, shall, utilizing an (RB60) (Attachment A), take an oath of office to enforce and uphold:

1. The Constitution of the United States.
2. The Constitution of the State of Delaware.
3. All Federal and state statutes, and
4. The Code of the City of Rehoboth Beach.

B. The department's role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons. It is not the role of the department to legislate, to render legal judgment, or to punish. The duties, basic roles and authority of the department are established by the Charter of the City of Rehoboth Beach, Delaware, as contained in Senate Bill No. 119, Chapter 61, Volume 56, Laws of Delaware (July 5, 1967). Department policy is shaped from these basics, and offers guiding principles to be followed in activities directed toward the attainment of departmental

objectives. In turn, these broad principles must be defined in a system of goals for the department, the attainment of which can be readily measured and identified. Employees are given directions and guidelines for the standardization of job performance. In this way, employees can see how their efforts have a direct relationship to accomplishing the specific goals and objectives of the department. Members of the public are thus provided with a way to measure the department's performance. Goals and objectives, once established, must be updated periodically, with input obtained from all employees as a means of improving the relevance and coverage of goals and objectives statements. All personnel must constantly be aware of the following functional and resource objectives of the department.

1. **Prevention of Crime:** The primary responsibility of upholding the law lies not with the police but with the people. Since crime is a social phenomenon, crime prevention is the concern of every person in society. Society employs full-time professional police to apprehend those who violate the law. Crime is a symptom of ills within society which are not the responsibility of the department to cure. The department is responsible, however, for interacting with the community to generate mutual understanding so that there may be public support for crime prevention. Community involvement is essential to facilitate a free flow of information between the public and the department, to assist in the identification of problem areas, and to inform the public of crime statistics and trends. Additionally, knowledge of the community is necessary so that each employee may be instilled with a sense of concern for crime problems and law enforcement needs.
2. **Deterrence of Crime:** Street crime is curbed by the potential criminal's fear of immediate apprehension or by the increased likelihood of detection. Deterrence of crime requires the investigation of behavior which reasonably appears to be criminally directed. In deploying patrol forces to inspire public confidence in the department's ability to ensure a peaceful environment, a balance must be struck between the desirable deterrent effect of visible patrol and the undesirable appearance of oppression.
3. **Apprehension of Offenders:** The administration of criminal justice consists of the identification, arrest, prosecution, punishment, and rehabilitation of the violator, the objective of which is voluntary compliance with the law. Once a crime has been committed, it is the duty of the department to initiate the criminal justice process by identifying and arresting the perpetrator, to obtain necessary evidence, and to cooperate in the prosecution of the case. As the certainty of swift and sure punishment serves as an effective deterrent to crime, so must the department strive to solve all crime and bring the perpetrators to justice.
4. **Recovery and Return of Property:** The actual cost of crime is difficult to measure. However, it is possible to observe the steadily mounting cost of lost and stolen property. The loss, as well as the other costs of crime, must ultimately be borne by the victim. To minimize the losses, the department shall make every reasonable effort to recover lost or stolen property, to identify its owners, and ensure its prompt return.
5. **Movement of Traffic:** To facilitate the safe and expeditious movement of vehicular and pedestrian traffic, the department must enforce traffic laws, and develop driver awareness of the causes of traffic collisions. The department shall appropriately warn or arrest traffic violators. Traffic collisions are investigated to protect the rights of the involved parties, to care for the injured, and to determine the causes of the crashes so that methods of prevention may be developed.
6. **Public Service:** Often, because there are no other public or private agencies available, the public relies upon the police for assistance and advice in routine and emergency situations. Saving lives; aiding the injured; locating lost persons; keeping the peace, and providing for many other miscellaneous needs are basic services provided by the department.
7. **Departmental Personnel:** Police officers are frequently required to make decisions affecting human life and liberty with no opportunity to seek advice and little time to

weigh alternatives. Law enforcement requires that an officer have the stamina, intelligence, moral courage, and emotional stability necessary to deal with human beings fairly and impartially. To obtain the caliber of personnel necessary for professional law enforcement, it is essential that the department aggressively pursue a program of providing equal employment opportunity throughout the recruitment, selection, and promotional processes.

8. **Utilization of Resources:** Law enforcement is one of the most expensive and complex services provided by the City. The quality and extent of service provided is limited by available resources. To ensure that the highest level of service is provided, the management and budgeting techniques available, and ensure all employees avoid waste and abuse of department resources.
- C. Departmental Goals and Objectives, as outlines above, will be annually reviewed by the Chief and his Staff.
1. Process:
 - a. By January 31, of each year, Shift Supervisors and any other departmental employee who supervises personnel, will review, revise, and submit to the Chief of Police all required personal objectives for their employees. All submissions will relate to specific department objectives and will include evaluation criteria.
 - b. By December 15, of each year, the Chief of Police and his Staff will review, revise, and issue a proposed set of departmental goals and objectives. The proposal will be circulated among all employees who will be asked to provide input, suggestions for change, additions, etc.
 - c. By February 01, of each year, the Chief of Police will compile, publish, and distribute, through his Shift Supervisors, the annual departmental goals, objectives, and component personal objectives for the coming year.
 - d. Required personal objectives are contained in attachments to Directive 35.

III. CODE OF ETHICS (1.1.2)

- A. The Delaware Police Chiefs' Council, Inc. has promulgated a canon of ethics. This canon constitutes a body of principles or general statements of professional and personal conduct upon which a Police Chief can rely for guidance in many specific situations, and which are expected of Police Chiefs in their relationships with the public; their administration; their department; other departments and agencies, and the legal system as a whole. These principles represent goals toward which every Police Chief should strive, and are stated as follows:

As the Chief of Police for the City of Rehoboth Beach, I will strive to:

1. See that my department provides lawful and impartial police services to all members of the community.
2. Manage the delivery of police services free from special interest, interference of pressures, and at the same time remain responsive to legitimate requests and directions of my administrative superiors and to the needs of the community.
3. Manage the affairs of my department to assure the integrity and competence of the Police profession.
4. Demonstrate the highest possible degree of personal integrity, trust, and conduct in all aspects of my professional and personal life.
5. Encourage all police officers to conduct themselves in accordance with the highest possible professional, legal, and ethical standards.

6. Continuously strive to improve administrative and technical practices and promote their use in police work.
 7. Be forthright in informing the public of the dangers of crime and how they can join with The department in minimizing loss of life and property that occurs through crime.
 8. Keep the public apprised of policy, legislative, and other issues that affect public safety in the community, and
 9. Foster police cooperation within the criminal justice system.
- B. **Agency Code of Ethics:** Each sworn member and all other department employees, where applicable, shall abide by the following Code of Ethics:
1. As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.
 2. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint, and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and professional life, I will be exemplary in obeying the law of the land and the regulations of my department. Whenever I see or hear of a confidential matter or one that is confided to me in my official capacity, it will be kept ever secret unless revelation is necessary in the performance of duty.
 3. I will never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions, with no compromise for crime and with relentless prosecutions of criminals.
 4. I will enforce the law, courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.
 5. I recognize the badge of my office as a symbol of public trust, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession – law enforcement.
- C. **Agency Police Code of Conduct:** Each sworn member and all other department employees where applicable, shall abide by the following ethical mandates as guidelines to meet the code of Ethics:
1. **Primary Responsibilities of a Police Officer:** A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace, and insuring the rights of all to liberty, equality, and justice.
 2. **Performance of the Duties of a Police Officer:** A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religious creed, sexual orientation, political belief, age, national origin, ancestry, handicap or disability. All citizens will be treated equally with courtesy, consideration, and dignity. Officers will never allow personal feelings, animosities, or friendships to influence official conduct. Laws will be enforced appropriately and courteously; and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.
 3. **Discretion:** A police officer will use reasonably the discretion vested in him and

exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest, can be a more effective means of achieving a desired end.

4. **Use of Force:** A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with the greatest restraint and only after discussion, negotiation, and persuasion has been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading, or inhuman treatment of any person.
 5. **Confidentiality:** Whatever a police officer sees, hears, or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise.
 6. **Cooperation with Other Police Officers and Agencies:** Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer, assist colleagues fully and completely with respect and consideration at all times.
 7. **Personal-Professional Capabilities:** Police officers will be responsible for their own standard of professional performance, and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never ending process of personal and professional development that should be pursued constantly.
 8. **Private Life:** Police officers will behave in a manner that does not bring discredit to their agencies or themselves. A police officer's character and conduct while off-duty must always be exemplary, thus maintaining a position of respect in the community in which he lives and serves. The officer's personal behavior must be beyond reproach.
- D. **Conduct Unbecoming an Officer:** To the majority of people, the police officer is a symbol of stability and authority upon which they can rely. Police conduct is scrutinized and when actions are found to be excessive, unwarranted, or unjustified, is criticized far more severely than comparable conduct of persons in other walks of life. The conduct of a public employee, on and off duty, reflects the department. Therefore, employees must avoid conduct which could reasonably be construed as having the potential of resulting in damage to the public trust and/or reputation of the department within the community which they serve to such an extent that the ability of the department or the individual member to serve that community could reasonably be affected.
- E. **Integrity:** A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers. Police officers must avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any item or promise that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.
- F. **Courtesy:** Effective law enforcement depends on a high degree of cooperation between the department and the public. The practice of courtesy in contacts encourages understanding and appreciation, and is consistent with the firmness and impartiality that characterizes a

professional police officer.

1. All members of the department shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, remaining calm regardless of provocation to do otherwise. Members shall be attentive to, and take suitable action on, reports and complaints by a private person except when circumstances make it necessary for them to report the matter or refer the complaint to a more suitable police officer or other agency. Members shall fulfill proper requests for information or assistance, or they shall aid the person in otherwise obtaining the requested information or assistance.
2. Members shall be courteous, civil, and respectful to their supervisors, associates, and other persons whether on or off duty. They shall be quiet, orderly, and attentive, and shall exercise patience and discretion in the performance of their duties. When requested to do so, they shall give their names and badge numbers in a respectful, polite manner.
3. Both civilian and sworn members shall refrain from harsh, violent, coarse, profane, sarcastic, or insolent language. They shall not use terms or resort to name calling which might be interpreted as derogatory, disrespectful, or offensive to the dignity of any person. Under no circumstances shall members use epithets or terms that tend to denigrate or demean any person(s) due to sex, race, religious creed, sexual orientation, political belief, age, national origin, ancestry, handicap or disability, EXCEPT when necessary in police reports or during courtroom testimony. This prohibition shall also extend to off-duty members when inside any portion of the police department building or grounds.

IV. LIMITS OF AUTHORITY

(1.2.1) (S2, S5)

- A. The United States Constitution guarantees each citizen a variety of rights protecting them from government intervention into their lives. Accordingly, these protections have generated authority on the police to enforce the laws of the nation, state, and city. The purpose of this section is to define the legally mandated authority for the enforcement of law, to set forth guidelines concerning the use of discretion by Rehoboth Beach police officers, and to define the authority, guidelines, and circumstances when police officers should exercise alternatives to arrest and pre-trial confinement.
- B. Limitations on police authority are derived from Federal, state, and local statutes and judicial interpretations of laws, opinions of the Attorney General, Departmental Directives, rules and regulations, and city administrative policies. These limitations include but are not limited to:
 1. Enforcement of Laws Outside the City Limits: Rehoboth Beach police officers are limited to enforcement of laws within the corporate limits of the city, except as otherwise authorized by 11 Del. C., Sec. 1911 (a-f). Section 1911 grants certain specific authority to municipal officers to enforce state laws beyond the cities corporate limits.
 2. An employee shall not leave the corporate limits of the city unless directed to respond by dispatch, at the request of SusCom, or authorized by the Shift Commander. The only exception shall be during an immediate pursuit of a person to be arrested.
- C. Periodically, changes take place which may impose new limitations on police authority, or remove or alter existing limitations. Whenever immediate changes are required in departmental operations, such information may be received orally or confirmed in writing.
- D. Delaware law gives the department the authority to enforce the criminal and traffic laws of the State of Delaware and The Code of the City of Rehoboth Beach. Consequently, all sworn personnel shall:
 1. Maintain the peace and good order within the corporate limits of the city of Rehoboth Beach according to their powers and authority;

2. Have the authority to arrest all persons who, in their presence, commit any riot, affray, or other breach of the peace, or who are riotously assembled, or take them before a Justice of the Peace or Alderman to be dealt with according to law;
 3. Use diligence in arresting murderers, thieves, and other felons, and disturbers of the peace, and in case of resistance to their authority or other case of necessity, may command the aid of any of the people of the State (11 Del. C., Sec. 1241); and
 4. Duly prevent all bloodshed, affrays, and breaches of the peace and execute all other duties in accordance with the law.
- E. The Use of Discretion by Police Officers: (1.2.7) Police officers, by the nature of their job, are constantly afforded opportunities to exercise discretion in the performance of their duties. The Rehoboth Beach Police Department provides officers with written directives and procedures, departmental orders, directed patrol assignments, and training in order to aid them in making decisions which call for the use of discretion in performing their duties. In all cases, members shall use discretion in the performance of their duties which reflects sound judgment and will not tarnish the image of the officer, the department, or the citizens they protect.
- F. Alternatives to Arrest: (1.2.6)
1. Under certain circumstances, police officers are faced with situations where no criminal laws have been violated, and arrest and pre-arraignment is not necessary. When these situations arise, officers may elect to exercise certain alternatives, such as referral to a social service agency.
 2. Authority to Issue Summonses in Lieu of Arrest/Confinement: According to 11 Del. C., Sec. 1907, police officers are authorized to issue a Uniform Criminal Complaint and Summons in lieu of arrest to persons charged with criminal misdemeanors or traffic offenses in violation of 21 Del. C. In situations where it is obvious that a warning will suffice as well or better than an actual full-custody, physical arrest, a member may give a warning, PROVIDED the circumstances justify the warning and not an arrest.

V. **USE OF FORCE** (1.3.1, 1.3.12) (S7, S10, S11)

A. POLICY

1. There are understandable occasions in the normal course of any police action which may demand an officer's lawful application of that force necessary to execute his legal authority. Officers are confronted with situations in which control must be exercised to affect an arrest. Control may be achieved through advice, warning, persuasion, or by physical force. All care will be exercised by members of this department to avoid the use of physical force or the threat of physical force if reasonable alternatives are available.
2. An officer obtains the right to use force, including deadly force, in certain situations from 11 Del. C., Sec. 467. The Rehoboth Beach Police Department recognizes the legal standards set forth by the Delaware Legislature, regarding the use of force up to and including deadly force. In situations 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.
3. Officers may use reasonable force to perform their sworn duty. But in all cases officers shall use only the minimum amount of force which is consistent with the accomplishment of their mission. Deadly force may only be applied by an officer when all other reasonable means of apprehension or defense have been eliminated or exhausted, and then only to protect the person, the officer, or another from death or serious bodily injury. There shall be no implied or expressed exceptions to this policy.
4. No member of this department will commence his duties as a police officer without having first received a copy of this directive, read the entire contents of same, and

having the directive further explained by a Field Training Officer. The FTO shall certify upon the training records that this directive was read and explained to the probationary officer.

5. It is most important to understand that the only difference between the application of lethal or severely injuring force and non-lethal or non-destructive force is the resulting death or injury. For example, the use of a baton may result in the application of a minimum amount of force, such as being used as a “come-along”. The same baton may, in defense of life, be made to inflict a lethal blow. Any application of force may result in injury, complaint of injury, or complaint that unnecessary or excessive force was used. Reasonable alternatives should be exhausted or be determined clearly inappropriate prior to the application of force. The decision to resort to force and the degree of force to be used must be based only on facts, or what reasonably appears to be fact known to the officer at the time the action is taken. The degree of force an officer uses may escalate according to the necessity to overcome increasing amounts of resistance or increasingly unreasonable threats to safety.
 6. An officer will use only that amount of force necessary to affect lawful objectives. Those objectives should be:
 - a. To control the situation,
 - b. To restrain or subdue an individual, and
 - c. To protect oneself or another from physical harm.
 7. The selection of a level of force must be appropriate to the resistance, the threat level or potential, and the purpose of the arrest. The application of force should be confined to the escalating levels of force listed below, although it may not always be feasible to apply each level in turn. Moreover, there will be occasions when an officer should elect not to escalate the application of force to all, even to the point of abandoning the effort to affect the arrest. These six (6) escalating levels of force, commonly referred to as the “Use-of-Force Continuum” or “Ladder of Force”, ranging from the least to greatest are:
 - a. Presence
 - b. Use of Verbal Communication
 - c. Use of Manual Force, Pressure Point Control Techniques, defensive tactics.
 - d. Use of Inflammatory Agents, Neuro-muscular incapacitation device
 - e. Use of Impact Weapon,
 - f. Deadly Force.
 8. If an officer determines that medical aid is required after use of force has been applied, aid shall be rendered by on-scene personnel, until medical personnel can be summoned. Upon arrival, professional medical personnel shall determine if the subject needs further attention on-scene or transport to medical facilities.
- B. **Issued Equipment:** (1.2.2, 1.3.4, 1.3.5, 1.3.6) 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 oneself or a third party from bodily harm. All officers shall be properly trained in the use of all issued equipment consistent with the requirements of the State of Delaware Council on Police Training.
1. Inflammatory Agents
 - a. Only inflammatory agents of the types known as Oleoresin Capsicum (OC) or “pepper spray”, in the form of a spray or foam, shall be carried and used by members of the department.
 - b. Members are reminded that OC varies individually in its effectiveness. They shall be continually alert to the possibility that other means may be

necessary to subdue an armed assailant and shall consequently avoid placing themselves or innocent persons in danger due to the use of OC.

- c. Inflammatory agents will be used only after reasonable efforts to control a violent subject have failed, or when such effort would clearly be futile. Inflammatory agents may be used at an officer's discretion under the following circumstances:
 - (1) When lower levels of force are deemed inappropriate or ineffective
 - (2) When necessary to defend himself or others.
 - (3) To effect an arrest, or when subduing a combative, aggressive, or resisting person.
 - (4) To prevent the commission of a criminal offense.
- d. The improper use of OC will not be tolerated. Unauthorized use of OC will subject the officer to the same disciplinary action as would the use of any unauthorized or unnecessary force.
- e. The duration of application of OC shall be limited to that required to effectively control the subject.
- f. As soon as feasible after the individual on whom OC has been used is subdued to an extent that he/she can be controlled without possible injury to himself or others, members shall administer first aid by providing an opportunity for the individual to eliminate the effects of the OC by flushing the contaminated areas with water.
- g. Individuals in police custody on whom OC has been used who complain of continued effects after first aid has been administered shall be transported to Beebe Medical Center (BMC) for treatment.
 - (1) The officer who used OC on the subject shall be required to complete the top two sections of an Arrestee's Injury or Illness Report and Request for Examination and Treatment form (RB90) prior to the subject being transported to BMC.
 - (2) The transporting officer shall take the RB90 to BMC, and ensure that the treating physician in the Emergency Room completes and signs the "Hospital's Report" section of the RB90.
 - (3) The transporting officer shall turn the RB90 over the on-duty Shift Commander upon returning to the police station.
 - (4) The Shift Commander shall complete the "Shift Commander's Report" section of the RB90, to include a brief recommendation as to whether the arrestee's injuries were consistent with the facts reported by the arresting officer; whether the officer was in compliance with this directive regarding the use of force, and if any further investigation is warranted.
- h. A Use of Force Report (RB35) along with an OC Administrative Warning (RB35-A) form shall be submitted whenever OC is deployed.
 - (1) The RB35-A shall be read in its entirety to the contaminated person by the officer handling the case as soon as possible after the person has received emergency first aid, and is recovered sufficiently to understand the contents of the form.
 - (2) If the person refuses to answer, the officer shall check the box "refused" after each question. If the person refuses to sign the form,

the officer shall enter his signature and have another police officer enter his signature as a witness on the appropriate lines.

- (3) The completed RB35-A shall be attached to the RB35 and turned in to the on-duty Shift Commander.
 - i. All unintentional discharges or use of OC shall be reported to the Shift Commander immediately or no later than the end of the member's tour of duty.
 - j. Only members who have been trained and certified on the use of OC, and who have executed an Inflammatory Agent Certification form (RB96), shall be authorized to carry OC.
 - k. All OC dispensers shall be carried in an issued or approved carrying case attached to the Sam Browne belt at all times, unless otherwise authorized by the Shift Commander.
 - l. No OC dispenser shall be left in a member's private vehicle.
 - m. Any damage to or loss of an OC dispenser or carrying case shall be reported on a REPORT of Damage to or Loss of Departmental Property (RB98) to the Shift Commander immediately or by no later than the end of the member's tour of duty.
2. Neuro-Muscular Incapacitation Device (NMID): This is a weapon which uses propelled wires or fixed contact points to conduct energy to a subject, thereby affecting the sensory and motor nervous systems of the body.
 - a. Definitions specific to the NMID, and used within this directive.
 - (1) Data Download: Method of recovery of information saved by the NMID upon each discharge.
 - (2) Data Port: Computer interface for the recovery of usage information from the internal memory of the NMID.
 - (3) Deployment: When an NMID cartridge is discharged for the purpose of taking a subject into custody.
 - (4) Discharge: To fire an NMID or to touch a subject with an NMID causing energy to transmit across the circuit.
 - (5) Employment: When the NMID is displayed and a subject is warned of its potential use.
 - (6) Exigent Circumstances: Circumstances where the need to use the device clearly outweighs the concerns inherent with such use. These concerns involve the potential for enhanced risk of injury and/or loss of public trust. In situations where such clarity is lacking or in doubt, the decision will be made on behalf of not using the NMID.
 - (7) Probe: Thin metal barbed dart discharged from a NMID.
 - (8) Active Aggression: Active aggression occurs when an officer encounters behavior from an individual or individuals, which he believes is indicative of actions and behaviors which are about to be committed and are intended to cause physical injury upon himself or others.

- (9) Active Resistance: Active resistance occurs when an officer encounters behavior which physically counteracts his attempt to control and which creates risk of bodily harm to the officer, subject, and/or other person.
 - (10) Passive Resistance: Passive resistance occurs when a subject refuses to comply with a directive from a law enforcement officer but does not attempt to engage in physical action likely to cause bodily harm to the officer or to another person.
- b NMIDs are considered an additional law enforcement tool and are not intended to replace firearms or other control techniques.
 - c NMIDs shall only be used by officers who have completed the required course of instruction. A certified instructor shall provide a yearly update for this device, with records maintained by the Departmental NMID Officer. This training shall include the use of the device on each officer participating in the training.
 - d Utilization of the NMID:
 - (1) Officers trained on and assigned a NMID shall carry the NMID on the duty belt in the issued holster in the manner prescribed in training.
 - (2) Officers authorized to use a NMID may use it to overcome active resistance or its threat, beyond passive resistance, to restrain a subject consistent with the department's force options continuum. The NMIDs shall fall on the same level as pepper spray. The NMID may also be used against an aggressive animal.
 - (3) Following the discharge of a NMID, officers shall provide an opportunity for an individual to comply with verbal commands prior to the delivery of another cycle of energy. Officers shall endeavor to limit the number of cycles of energy to the minimum necessary to achieve their lawful objective.
 - (4) All circumstances surrounding an incident, including but not limited to the display or use of the NMID to gain compliance, shall be documented in the appropriate Initial Report. Accidental discharges of a NMID shall be reported in the same manner.
 - (5) In addition to being documented in the appropriate Initial Report, each incident in which an officer deploys a NMID shall be recorded on a Use of Force report (RB35). The on-duty Shift Commander shall complete an After Action Report, forwarded to the Chief of Police, by the end of the shift, if possible.
 - (6) Discharge of a NMID resulting in serious bodily injury or death shall be investigated by the department's Criminal Investigator, in a manner consistent with departmental directives.
 - (7) Following the discharge of a NMID, the on-duty Shift Commander shall insure, as soon as practicable, a data download is completed as outlined within this directive.
 - (8) During the investigation of a NMID incident, it may be necessary for the investigator to take possession of an officer's NMID. The on-duty Shift Commander shall make arrangements for immediate replacement of the NMID.

e Employment/Deployment:

- (1) A NMID may be used when it reasonably appears it will be the most effective force option, after consideration of the totality of the circumstances, to successfully attain lawful objectives.
- (2) Prior to deployment of a NMID, a verbal warning shall be issued to alert the suspect and other person that an NMID is about to be deployed unless doing so would place the officer and others at risk.
- (3) If possible, have a back-up officer with a second NMID ready to fire in the event the probes miss the target or there is a malfunction.
- (4) The NMID is programmed to deliver a five (5) second energy charge. The officer using the NMID can shorten the automatic five (5) second cycle by turning the weapon off.
- (5) The primary method of deployment will be the deployment of the probes. The press stun will be the secondary method.
- (6) The press stun shall not be used as a means to prod or escort a suspect or defendant.
- (7) No more than one (1) officer should activate a NMID against a single individual at one time.
- (8) The operation and use of a NMID shall not be demonstrated at any time except during approved training sessions.
- (9) Laser sights shall not intentionally be directed at the eyes of a subject, and officers should avoid firing probes at a subject's head, neck or groin area, and should aim at center mass.
 - (a) The top probe on the NMID will follow the front and rear sights and the laser sight.
 - (b) The bottom probe on the NMID will travel at an eight (8) degree downward angle below the aim point/laser sighted area. The bottom probe will drop approximately one foot (1') for every seven feet (7') it travels from weapon to target.
- (10) A NMID shall not be deployed in the following instances:
 - (a) Against a compliant subject
 - (b) In order to rouse an unconscious or intoxicated subject.
 - (c) In the vicinity of a confirmed/suspected methamphetamine lab location.
 - (d) Near flammable liquids, gases, fumes, or other highly combustible materials. Some self-defense sprays are flammable and should not be used in conjunction with the NMID.
 - (e) Against an individual who is in control of a vehicle in motion, unless exigent circumstances exist.
 - (f) Against a suspect who is handcuffed unless he is actively

resisting or exhibiting active aggression and/or to prevent an individual from harming himself or others.

(g) When a subject is in a location where a fall may cause substantial injury or death.

(11) NMIDs generally should not be used against pregnant women, elderly persons, young children or visibly frail persons unless exigent circumstances exist.

(12) Officers shall attempt to handcuff or control an individual while they are immobilized from the energy of the NMID. The NMID may be used to control a subject only until he is compliant.

f Responsibilities of the on-duty Shift Commander, in addition to 2 d (5) (7) and (8) above:

(1) Respond to the scene where the NMID has been or is expected to be deployed.

(2) Evaluate and ensure that appropriate investigative units respond when/if necessary.

(3) Ensure that the officer(s) who discharge the NMID complete the appropriate Use of Force, and NMID Employment/Deployment Reports.

(4) Ensure all reports are forwarded to the appropriate personnel.

(5) Investigate each incident where the NMID is used on a subject, with actual firing of probes or touch stunning. Review all reports pertinent to the incident.

(6) If necessary, ensure that EMS personnel examine the subject on which the NMID was deployed.

(7) Ensure photographs are taken of the probe penetration sites and any secondary injuries.

(8) Ensure that the officer (2) who discharged the NMID secure all NMID evidence at the scene.

(9) Ensure that the NMID is properly tested at the beginning of each shift.

g Officers assigned a NMID shall wear it when on duty, with the following exceptions:

(1) When in training, or working special duty, out of uniform.

h Firearms Officer responsibilities;

(1) Receive, inspect and ensure the maintenance and replacement of the NMIDs assigned to department personnel.

(2) Establish and maintain systems to record issuance of the NMID and air cartridges, with serial numbers recorded.

(3) Maintain an adequate supply of batteries and air cartridges for replacement.

- (4) Return defective or damaged NMID devices and cartridges to the supplier, or obtain service and or replacement if required.
- (5) Coordinate with the departmental Evidence Officer to ensure that used air cartridges are packaged and maintained as evidence.
- (6) Provide annual in-service training to certified users, and coordinate training for certification as requested by the Chief of Police.
- (7) Maintain training updates for NMID users.

i. Medical Considerations:

- (1) Following the use of a NMID, when a subject is brought under control the subject shall be monitored for indications of medical problems.
- (2) A medical field evaluation will be conducted by the employing officer on any subject whom the NMID has been deployed. Should the officer observe any adverse effects, or the subject has received three (3) or more activations of the NMID, the officer will seek medical treatment for the subject immediately. Officers who have been issued the NMID will be provided with training in the phenomenon of excited delirium in those subjects while considering the use of the NMID. If such signs are present, emergency medical assistance will be requested immediately.
- (3) Any subject requesting a medical evaluation following the deployment of the NMID on them will be provided with a medical evaluation as requested, utilizing an Arrestee's Injury or Illness Report and Request for Examination and Treatment (RB90)
- (4) Probe removal shall be accomplished by department personnel in the following manner:
 - (a) The officer shall utilize medical latex gloves, placing one (1) finger on either side of the probe and stretching the skin taut.
 - (b) Using a brisk pull, the officer shall pull the probe out of the subject.
 - (c) The puncture site shall be wiped with a sterile alcohol swab and an adhesive bandage applied to the site.
- (5) Probe removal during extenuating circumstances, or from vital areas, such as the face, neck and groin, shall only be accomplished at a medical facility by medical personnel.
- (6) Photographs shall be taken of the probe penetration sites and any secondary injuries.

j. Following deployment of the NMID, the air cartridge and probe should be retained as evidence.

- (1) The officer should wear protective latex gloves when handling the cartridges due to the potential biohazard.
- (2) The wires shall be wound around the cartridge and the probes inverted into the portals they deployed from. This will prevent the sharp ends from penetrating the evidence envelope.

- (3) Tape should be placed over the portals to secure the probes in the cartridge. The evidence shall be placed in a biohazard container and sealed with evidence tape.

k. Proper Handling of the NMID

- (1) Testing and maintenance shall be consistent with the Specifications outlined during training. All officers will conduct a functional one (1) second "spark test" during the first thirty (30) minutes of their shift. Any activation outside the "spark test" will require the immediate verbal notification of the on-duty Shift Commander, who shall document the activation in his Shift Commander's Report for that day. The Shift Commander shall then forward copies of this Shift Commander's Report to the Chief of Police and the Firearm's Officer for documentation purposes.
- (2) Officers shall routinely inspect the NMID and the cartridges to ensure they are kept clean and are functioning properly.
- (3) Hands shall be kept away from the front of the NMID at all times, unless the safety is on and the unit is deactivated.
- (4) Probes and wires should not be touched during activation of a NMID. Any person who comes in contact with a probe or wires during activation may receive the full effect of the energy current.
- (5) Officers shall not remove the battery from a NMID except when required to perform maintenance, to replace the battery, when directed during training or to complete a data download. Officers shall replace the battery when the battery life indicator reads twenty percent (20%). All batteries shall be returned to the Firearms Officer.
- (6) A damaged or malfunctioning NMID shall be removed from service and submitted to the on-duty Shift Commander, who shall forward the damaged or malfunctioning unit, with a completed Report of Damage or Loss of Department Property (RB98) to the Firearms Officer, who shall provide a replacement.
- (7) A lost NMID shall be immediately reported to the on-duty Shift Commander with a completed Report of Damage or Loss of Department Property (RB98). The Chief of Police shall be notified of the loss by the on-duty Shift Commander as soon as reasonably possible.

l. Data Download

- (1) Following the deployment of a NMID, a download of usage data from the data port on the device will be performed. A printed copy of the usage data shall be attached to the Initial Report and the NMID Employment/Deployment Report (Attachment B)
- (2) Data downloads will be performed by the deploying officer's immediate supervisor, or NMID instructor.
- (3) Access to computers with the data download software, and the computer cables used to connect the NMID data port to a computer, shall be restricted to the Chief of Police, NMID instructor, and the Shift Commanders. These cables shall be kept in a secure location in the Sergeant's office when not in use.

- (4) Only a NMID instructor, Chief of Police or Shift Supervisor shall be authorized to correct a time synchronization error on the internal clock of the NMID. Completion of a supplemental report to the appropriate Initial Report indicating time synchronization was conducted shall be completed when this occurs.
- (5) Every assigned NMID shall undergo a periodic and random data download. During this download, a time synchronization of the NMID will be conducted and the unit will be inspected for any damage, defects or wear which may require repair. A NMID Inspection Report (Attachment C) will be completed on each unit and submitted to the Firearms Officer along with a copy of the data download for that unit. The Firearms Officer will be notified immediately of any units which are not functional.
- (6) The officer conducting the download of the NMID shall enter his rank, name, and IBM# in the download software each time a data download is conducted.

m. Administration

- (1) A file for each user shall be maintained by the NMID instructor.. This file shall contain four (4) folders, one for Data download printouts, one for employment reports, one for deployment reports and one for certification documentation.
 - (2) Additional/Spare cartridges shall be kept in the Sergeant's office, with a Cartridge Sign-out Log (Attachment D). When an officer needs a new cartridge, it will be provided by the on-duty Shift Commander who will complete and sign the log.
 - (3) Shift Commander's shall conduct a data download of each officer's NMID every month. At that time the Shift Commander shall review the report for any discrepancies. "Spark checks" should not exceed two (2) seconds.
- 3 Baton: The baton is an intermediate defense weapon issued to sworn members for use in situations where other defensive issued equipment would not be effective or its use would be impractical.
- a. The baton shall be carried on the person of all uniformed officers upon exiting their police vehicle to answer calls for service and during vehicle stops.
 - b. The baton is to be used by officers in the following manner for defense form and to counterattack a violent, aggressive, or unruly person:
 - (1) Blocking blows and kicks of an aggressor.
 - (2) Striking blows to places on the aggressor's body where bone is close to the skin, excluding the head and face. Short swing and back swing blows can be directed to the thick muscle groups of the buttocks, thigh, and calf.
 - (3) For use as a move-along, come-along, elbow locking, handcuff, and other legitimately recognized uses for the baton.
 - c. The following uses of the baton should be avoided:
 - (1) Blows to the aggressor's head and face. The subject could be killed 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.

(2) Use as a strangling device, or to administer choke holds.

- d. The baton will not be used to strike a handcuffed individual who is properly secured.
 - e. No sworn member, full-time or seasonal, shall be authorized to carry an expandable baton, unless he is certified in the use of same by a certified police instructor. Officers shall be re-certified annually on the expandable baton during in-service training or during the training program for seasonal patrolmen.
- 4 Handcuffs: Sworn members are issued handcuffs to be used to restrain and secure persons in police custody, and not as a defensive weapon. The decision to use handcuffs is in many cases left to the discretion of the arresting officer, and members are expected to exercise good judgment. Generally, handcuffs should be used any time a member makes an arrest and deems it necessary to protect himself, the public, and the prisoner. It is not necessary that the prisoner exhibit some form of aggressive behavior to justify the use of handcuffs. The mere belief in the arresting officer's mind that the prisoner may need restraining is sufficient justification for their use. Leg shackles and plastic ties are not issued to each officer but are available to all officers, and should be used with the same discretion and judgment specified for the use of handcuffs.
- a. While it is not practical to try to specify all the various arrest situations in which handcuffs shall be used, certain incidents are considered serious enough to require their use each time. Therefore, in the following situations, members SHALL use handcuffs, regardless of the prisoner's sex, unless the age or infirmity of the prisoner dictates otherwise:
 - (1) When a prisoner is charged with a felony or crime of violence.
 - (2) Regardless of the offense for which he has been arrested, when a prisoner is resistive, belligerent, violent, or exhibits other irrational behavior; or when the arresting officer has reason to believe the prisoner will attempt to escape or cause harm to himself or others.
 - (3) When a prisoner has or is suspected of having a weapon or evidence concealed on his person.
 - b. When handcuffs are used on an individual prisoner, the arresting officer shall:
 - (1) Restrain the prisoner's arms by handcuffing them behind the back. The only exception to this would be if the prisoner is suffering from a deformity or other disability.
 - (2) Apply the handcuffs with the prisoner's palms facing outward.
 - (3) Double lock the handcuffs and check same after they have been applied.
 - (4) Not remove the handcuffs until the prisoner is within a secure area.
 - c. Prisoners shall be handcuffed before they are searched, unless the situation dictates otherwise.
 - d. Members shall be held responsible if an escape occurs due to the lack of the use of handcuffs.

- e. Practices to be avoided when using handcuffs:
 - (1) EXCEPT when inside a police station, correctional facility, or court building containing a secure room for prisoner detention, or having permanent fixtures to which handcuffs can be attached, do not handcuff a prisoner to a fixed object.
 - (2) Do not handcuff a prisoner's hands in front, unless he is suffering from a deformity or other disability.
 - (3) Do not tighten handcuffs in such a manner that they pinch the skin, restrict circulation, or intentionally cause the prisoner unreasonable discomfort.
- 5 Knives: Knives are not issued by the department. However, officers may carry at their own option a folding blade pocket knife or buck knife with a blade no more than three (3") inches in length. Knives may be carried on the Sam Browne belt in a plain black leather case.
 - a. A knife is not to be carried for the specific purpose of being used as a defensive weapon. Officers are authorized to carry a knife for use in situations that may arise while performing their duties requiring a cutting edge.
 - b. The department recognizes that certain extreme and exceptional circumstances may arise that require an officer to employ the equipment authorized in this section as a deadly weapon, and its use may, in fact, result in serious physical injury or death. 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 department issued service weapon and/or shotgun.
- 6 Flashlights: The primary application of the flashlight is as a source of illumination. It is NOT a weapon, however, if a situation arises during which the flashlight has to be used as a defensive weapon, it shall be used in the same manner and under the same rules as those for the baton, as provided in Section B 2.
- 7 Prohibited Weapons: The following defensive weapons are strictly prohibited:
 - a. Sap gloves.
 - b. Brass knuckles.
 - c. Slapjacks and blackjacks.
 - d. Mechanical claws and other non-issued "come-along" devices.
 - e. All other weapons not issued or specifically authorized by this department.

C Training – Non-Deadly Force

- 1. All officers shall receive mandatory initial training on all non-deadly force weapons prior to carrying and or deploying such weapons.
- 2. All officers shall complete annual in-service training on the use of all non-deadly weapons and restraints issued by this department, and the procedures/policies governing the use of these devices.
- 3. All officers shall receive an OC spray activation and a NMID activation according to training specifications as part of their employment. There will be no exceptions.
- 4. The department's training officer shall assure that all training requirements are met. The training officer shall be responsible for documenting and recording all training. All training records shall be permanently maintained by the department.

5. Officers who maintain instructor level certification and/or advanced training in the use of a particular non-deadly force weapon may be exempted by the Chief of Police from completing annual in-service training or portions thereof.

VI. USE OF DEADLY FORCE (1.3.2, 1.3.3) (S8, S9)

A. POLICY

1. The policy of the Rehoboth Beach Police Department shall be that an officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to arrest. This section incorporates the holdings of the United States Supreme Court in Tenn. v. Garner in matters of the application of liability. Departmental objectives require officers to be continually cognizant of the fact that their primary responsibility is saving lives whenever possible.
2. Situations are acknowledged to exist when retreat is authorized, or when escalation of force to the level of deadly force is not justifiable. That is, no arrest mandates the use of force, especially the use of deadly force. Only that amount of force necessary to affect the arrest and to minimally overcome resistance is authorized.
3. A Rehoboth Beach police officer is justified in discharging a firearm and using deadly force under the following circumstances:
 - a. To defend himself or protect another person from an immediate threat of attack which he reasonably believes could result in death or serious bodily injury. Such force will be limited to the following situations:
 - (1) There is a clear and present danger.
 - (2) Circumstances afford no reasonable alternative.
 - (3) Articulate probable cause exists to believe that the suspect poses such a threat, and the suspect has the opportunity to cause death or serious physical injury to the officer or another person.
 - (4) The lives of innocent bystanders will not be endangered.
 - b. To effect the arrest or prevent the escape of a fleeing felon, provided that:
 - (1) Every other reasonable means of effecting the arrest or preventing the escape have been exhausted; AND
 - (2) There is probable cause to believe that the suspect has committed a felony or attempted to commit a felony involving the actual or threatened infliction of death or serious bodily injury; AND
 - (3) There is probable cause to believe the felon will pose a significant threat to life if the escape occurs, AND
 - (4) The lives of innocent bystanders will not be endangered.
 - c. To kill a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering, provided that innocent bystanders will not be endangered.
 - d. For target practice or competition on an approved range.
4. No Rehoboth Beach Police officer shall discharge a firearm or use deadly force under the following circumstances:

- a. To affect the arrest or prevent the escape of a person who has committed a misdemeanor or a minor violation.
- b. To effect the arrest or prevent the escape of a felon no longer presenting an immediate threat to human life.
- c. To affect the arrest or prevent the escape of a felon who has committed a felony which does not involve an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury.
- d. At a motor vehicle unless the occupant(s) of the vehicle uses deadly force against the officer.
- e. From a moving vehicle.
- f. As a warning.

VII. REPORTING OF INCIDENTS INVOLVING THE USE OF FORCE (1.3.6, 1.3.7, 1.3.8, 1.3.13)
(S12, S13)

- A. All incidents involving the deployment of force by means of firearms, inflammatory agents, NMIDs, and batons or flashlights, shall be reported. In such cases where a firearm has been intentionally directed at an individual, that level of force will be reported as well. The use of manual force or controls consistent with accepted techniques for restraining or subduing resistive or violent persons shall only be reported if the use of such manual or passive techniques results in or is alleged to have resulted in visible injury or death to another person.
- B. Any member who uses force or has knowledge that force has been used by any other member of the department in any jurisdiction, either on or off-duty, except as authorized in Part VI, shall:
 - 1. Report same immediately to the on-duty Shift Commander.
 - 2. If on duty and the incident occurs off-duty, submit a Use of Force Report (RB35) to the on-duty Shift Commander as soon as possible, but not later than the end of the shift.
 - 3. In addition to the above notification, if off-duty and the incident occurs off-duty, submit an (RB35) as directed by the on-duty Shift Commander.
 - 4. If the incident occurs in another jurisdiction, notify the local law enforcement agency, the department's on-duty Shift Commander, and record these notifications in his report.
- C. Use of Privately Owned Firearms:
 - 1. When any member of the department uses or has knowledge that another member has used a privately owned firearm, in the capacity of a police officer in any jurisdiction, and such use constitutes a violation of any ordinance or law in the jurisdiction where the firearm was used, shall notify the on-duty Shift Commander as soon as possible.
 - 2. Members shall submit a written explanation to the Chief of Police of their use of a privately owned firearm, or their knowledge of such use by another member, regardless of whether a report was taken by authorities in the jurisdiction involved.
- D. Delay in the required notifications and reporting requirements shall be allowed only as follows:
 - 1. To render First Aid.

2. To maintain the arrest or prevent the escape of a fleeing felon.
 3. When the member involved is incapacitated.
- E. Investigation: It is essential that an immediate investigation be conducted on all cases involving the use of force. This After Action Report will include all pertinent factors and documentation pertaining to the use of force incident. The Chief of Police or his designee will be in charge of the overall investigation, and be responsible for its completion. A final investigative report will be submitted to the Chief of Police for his review and action, pending review by the Department of Justice, where applicable. Therefore, when any such use of force incident occurs:
1. The Shift Commander shall immediately proceed to the scene; evaluate the incident; request additional assistance as warranted; and notify each appropriate level of command and the Chief of Police of his preliminary findings.
 2. The senior ranking on-duty officer at the scene will assign at least one officer when available, to do the following:
 - a. Secure and protect the incident scene.
 - b. Detain all involved persons at the scene until they are released by the Detective or investigating officer.
 - c. Prevent all unauthorized persons from entering the scene.
 - d. Remain with the decedent or injured person until the arrival of medical personnel.
 - e. Protect any physical evidence present, particularly any ejected cartridge casings, for subsequent recovery by Crime Van technicians.
 3. Only the senior ranking on-duty officer will initiate any discussion of the incident with the involved officer, and shall ensure that the officer is afforded all Constitutional guarantees, and that all provisions of 11 Del. C., Ch. 92, are adhered to.
 4. If the officer still retains the firearm in his holster, he shall not be required to relinquish it until he leaves the scene and returns to the station. It will be the responsibility of the senior ranking officer to secure the firearm in the exact condition as it was immediately following the discharge. This officer shall note and later document the condition in which the weapon was received and the number of rounds found in the chamber and/or magazine, if possible, so that the officer conducting the crime/incident scene examination can be alert for the total number of empty casings that must be located or accounted for.
 - a. If a handgun, do not cycle the slide or eject the magazine. If a shell has already been ejected and the weapon is in "single action", be sure to make the weapon "safe".
 - b. If a shotgun, do not operate the action. However, the safety may be set when it is necessary to handle the weapon, as opposed to leaving it in place as part of the incident scene.
 5. All information concerning the incident shall emanate directly from the Chief of Police. Specifically, no member of the department other than the Chief of Police or his designee shall be authorized to issue press releases or give interviews to representatives of the news media. Any member who violates this provision will be considered to have committed a breach of conduct.
 6. After the scene and witnesses have been secured, focus should be moved to the involved officer. The Rehoboth Beach Police Department recognizes that officers involved in shooting situations and or other high level uses of force are likely to experience one or more of the following physiological reactions:
 - a. A sense of slow motion.
 - b. A sense of detachment, including auditory blocking.

- c. Tunnel vision
- d. A skewed sense of time and space relations
- e. Nausea or vomiting
- f. Increased blood pressure
- g. Rapid heart beat
- h. Involuntary urination/defecation
- i. Speech impairment
- j. Uncontrollable crying
- k. Shock
- l. Guilt
- m. Anger
- n. Disbelief

The department's goal is to minimize the negative effects and potential threat to health of any of the above reactions.

- 7. At least one officer will be assigned as a peer support officer and will remain with the officer involved to assure his personal safety and well being until relieved by the Chief of Police. The peer support officer will NOT initiate any discussion of the incident with the officer involved.
 - 8. The involved officer shall be removed from the scene by the peer support officer and transported to the police department for evaluation as soon as possible.
 - 9. Under no circumstances will an officer either directly or as a witness be placed in the rear of a patrol vehicle. No officer will be held or isolated in any area without peer support.
 - 10. The Chief of Police or his designee shall, where feasible, personally go to the home of the officer involved to make notification to family members and provide transportation to any location required.
 - 11. Crisis response personnel will be contacted and directed to the involved officer's location.
 - 12. After medical evaluation and treatment (if needed), the assigned peer support officer shall transport the involved officer to his or her home. Under no circumstances will the officer involved be permitted to drive himself home.
 - 13. Should the incident take place outside the jurisdictional boundaries of the City of Rehoboth Beach, the first responding Rehoboth Beach Police officer will immediately take charge and control of the involved officer and shall remain with him at all times. The involved officer and the responding/support officer should take into consideration the direction and assistance of the investigating agencies officers. However, where the directions or orders of another agency are contrary to the directives of the Rehoboth Beach Police Department, the officer involved or responding/support officers of the Rehoboth Beach Police Department shall not be required to follow any directive of another police agency or take commands of any officer of another agency without the express authorization of the Chief of Police of Rehoboth Beach or his designee.
- F. Duty Status of Involved Officer: When an officer's use of deadly force results in physical injury or death, the officer shall:
- 1. Be immediately placed on administrative leave with pay with police powers temporarily limited by the Chief of Police until the completion of the investigation.
 - 2. Be temporarily under the immediate and direct supervision of the Chief of Police pending completion of the investigation.
 - 3. Be required to keep the department apprised of where he may be contacted at all times.

4. Shall undergo psychological/psychiatric evaluation to determine fitness for duty prior to returning to full duty status.
 5. In the event that the Chief of Police uses deadly force which results in serious physical injury or death, he shall be immediately removed from duty by the Mayor and placed on administrative leave with pay for a period of two (2) weeks. After that time period, the Chief of Police may be permitted to return to work, however, his assignments shall be restricted to administrative related work pending completion of the investigation.
- G. Annual Review: In order to reveal patterns or trends indicating training needs, equipment upgrades, and/or directive modifications, the Chief of Police and his staff shall review by December 01, of each year, all reports involving the use of force for the previous calendar year.

VIII. ISSUED SERVICE HANDGUNS: REGISTRATION, INSPECTION, CARE, SAFETY, QUALIFICATION
(1.3.9, 1.3.10, 1.3.11) (S14, S15, S16)

- A. All full-time certified police officers, while on uniform patrol, shall carry their department issued pistol as their primary weapon in their department holster. A secondary firearm may be carried in a manner approved by the Chief of Police and the department's firearms instructor. While working, but not on active uniform patrol, officers may carry their secondary firearm as their sole firearm so long as it is in a manner approved by the Chief of Police and the department's firearms instructor.
- B. Every officer will be required to demonstrate his proficiency with all department issued firearms by participating in scheduled firearms training programs, and must qualify at least three (3) times per calendar year or according to the minimum standards established by the Council on Police Training. If a member fails to qualify with the department issued firearms during scheduled firearms training session, the following procedures shall be complied with:
 1. A Notice of Temporary Limitation of Police Powers (RB18) will be served on the member by a sergeant or the Chief of Police. The Firearms Officer who supervised the training session will immediately notify the Chief of Police of the circumstances.
 2. The member will be relieved of his police duties, without pay, until such time as he does qualify.
 3. The Firearms Officer will schedule a re-qualification session with the member within five (5) calendar days.
 4. A member who successfully qualifies with his weapon at this point will be restored his normal duties by the supervisor who served the (RB18) on the member. This will be accomplished by completing Part V of the original (RB18). A summary report will be forwarded to the Chief of Police by the Firearms Officer.
 5. Members who fail to qualify during the first re-qualification attempt will be given forty (40) hours of remedial training, during which time the member's police powers will remain revoked, without pay. After the forty (40) hours of remedial training have been completed, the member will be given the opportunity to qualify.
 6. If a member qualifies at this point, full police powers will be restored per 4 above.
 7. If a member still fails to qualify, he will be sent for a full medical examination at his own expense to determine if there is a medical reason which keeps the member from qualifying. If the physician finds no reason, the member shall be directed to the Chief of Police for further recommendations or dismissal.
 8. If the physician does find a reason for the member's inability to qualify, once the problem has been corrected, the member will be given the opportunity to qualify. If the member still fails to qualify, he shall be given another forty (40) hours of remedial

training during which time his police powers shall remain revoked, without pay. At the completion of the remedial training, the member shall be given the opportunity to qualify again. If the member then fails to qualify, he shall be directed to the Chief of Police for further recommendations or dismissal.

- C. A member returning from an extended leave of absence of one hundred eighty (180) days or more must qualify immediately upon returning from such absence, and before returning to full duty status.
- D. All department issued firearms will be registered with the Chief of Police. Any loss of a firearm will be immediately reported to the Chief of Police. A Crime Report and an (RB98) full explaining the circumstances shall be submitted within eight (8) hours of knowledge of the loss or theft.
- E. Firearms shall be subject to inspection at any time, and shall be serviced annually, by the department's armorer.
- F. Service ammunition shall be replaced periodically.
- G. Officers will be instructed in the proper procedures for cleaning their weapon by the Firearms Officer, and shall be responsible for keeping the weapon in a high condition of cleanliness and readiness for use at all times. If an officer suspects that there is a problem with his firearm, he shall immediately notify the Shift Commander. If necessary, the Firearms Officer shall temporarily issue a replacement weapon until the member's original firearm can be repaired.
- H. No repairs or tampering with the mechanism of a department issued firearm are authorized. The use of hand grips other than those issued with the service weapon must be approved by the Chief of Police and the Firearms Officer.
- I. The safe handling, transporting, and discharging of firearms shall be in accordance with the safety standards established by this department. The following practices are considered extremely dangerous, unsafe, and are strictly prohibited.
 - 1. Horseplay of any kind.
 - 2. The practice of quick-draw, unless the practice is part of an authorized firearms training exercise at the Firearms Training Facility, and under the supervision of the Firearms Officer.
 - 3. Pointing a firearm at a handcuffed suspect while trying to search him.
 - 4. The use of a firearm as a defensive weapon or bludgeon, unless extreme or unusual circumstances dictate otherwise.
- J. Officers are specifically warned against "dry firing" of firearms at any place other than on an approved range.
- K. Officers shall never display firearms unnecessarily, or draw them in any public place, EXCEPT for inspection or official use.
- L. Extreme care shall be exercised to secure a member's department issued firearm at all times, whether on or off-duty, and regardless of location to prevent it from being mishandled, damaged, or stolen.
 - 1. Department issued handguns shall not be left unsecured or unattended at any time inside the police department building or other city-owned property.
 - 2. If an officer removes his Sam Browne belt or off-duty holster at any time because of a duty assignment or task during a regular shift, special duty, or grant funded overtime due to the nature of the task or for personal comfort, he shall remove his service handgun from the holster and secure it. A Sam Browne belt and weapon may also be secured.

3. Any employee who finds an unsecured or unattended firearm anywhere in the police department building or other city owned property or structure shall immediately turn the firearm over to the on-duty Shift Commander. The Shift Commander shall properly secure the weapon, as per L 2 above, and report the incident in writing to the Chief of Police.
4. When using a restroom in the police department building or at any other city owned property or structure, officers shall likewise secure firearms as in L2 above, or keep same in their immediate possession. If using a public restroom, the weapon shall be kept in the officer's immediate possession.
5. Department issued handguns should be secured in a gun lock box, locker, or the Chief's safe when officers are absent from their residences for long periods of time.
 - a. If a member places a department issued or privately owned handgun in a gun lock box so that the gun will remain there for more than twenty four (24) hours, he shall provide the information to the on-duty Shift Commander who will make note of the gun lock box number, the make and serial number of the weapon, and the date the gun was placed therein. This information will then be given to the Chief of Police, in memorandum format. The Chief of Police shall retain the information until the weapon is removed.
6. Violations of this section shall constitute a Class D offense.

IX. OFF-DUTY ENFORCEMENT

- A. Being off-duty will not be deemed as relieving a sworn member of the department from taking official action in matters within the department's mission. Sworn members shall, when in an off-duty status within the corporate limits of the City of Rehoboth Beach, preserve the public peace, prevent crime, protect life and property, and enforce state and local laws and ordinances, while at all times exercising good judgment and being mindful of officer safety.
- B. Off-duty officers may at their option carry a firearm on their immediate person, but are not required to do so. Members who do carry a firearm off-duty may carry only an approved handgun. While wearing civilian clothing, members shall wear their department issued handgun in a manner which conceals it from view, and shall so carry it in a department issued or personal, non-issued holster which has been approved by the Firearms Officer for this purpose. In addition officers shall carry their departmental issued identification card or badge.
- C. When off-duty and carrying their department issued handgun in another jurisdiction, officers shall carry it in an issued or approved/authorized off-duty holster at all times, except when removing the weapon for official use, to clean it, or for the purpose of inspection. In addition, members shall be responsible for determining and shall take those steps necessary to ensure that they are in compliance with all laws in that jurisdiction relating to concealed deadly weapons.
- D. When carrying a handgun off-duty, officers must carry their badge and departmental identification card.
- E. If an off-duty member is consuming alcoholic beverages, or is taking a prescription drug whose container/bottle bears a warning stating that the medicine may induce drowsiness and the patient should not operate a motor vehicle or heavy equipment while taking the prescription, the officer shall not be armed.
- F. No member of this department, when off duty and has consumed alcoholic beverages to a degree that he is impaired, (.08%) shall become involved in any manner of law enforcement.
- G. When a member carries a department issued weapon aboard public transportation that member shall follow the guidelines prescribed by the carrier regarding carrying that weapon.

X. SPECIAL PURPOSE TACTICAL FIREARMS

- A. The department will train officers in the use of special purpose tactical firearms as necessary. Privately owned firearms of this nature will be carried and used only upon written authorization of the Chief of Police.
- B. A department issued shotgun may be used in situations when an officer is dealing with an armed subject. However, officers should keep in mind that possession of a shotgun in certain tactical situations can be more of a hindrance than a help. Moreover, when utilizing a shotgun in a tactical situation that could lead to the use of deadly force, members must at all time be aware of the increased danger of injury to innocent bystanders if/when a shotgun is discharged.
- C. The shotgun shall be kept in the vehicle, either in a locked bracke, or a carrying case in the trunk.
- D. Prior to the beginning and after the completion of his tour of duty, officers will carefully inspect any shotgun in their vehicle.
- E. The firearm shall be kept in the "safe" trigger position until momentarily before its discharge.
- F. Shotguns shall be removed from vehicles prior to being left at any garage or auto service Department, other than the city garage.
- G. Only department issued ammunition shall be used in department shotguns.

XI. SUPERCEDES

- A. This order supercedes all orders written or otherwise, which are not in total conformity herewith and constitutes a direct order.

(ATTACHMENT A)



**CITY OF REHOBOTH BEACH
POLICE DEPARTMENT**

229 Rehoboth Ave
Rehoboth Beach, DE 19971-2197

KEITH W. BANKS
Chief of Police
Telephone (302) 227-2577
Fax: (302) 227-6054
www.cityofrehoboth.com

OATH OF OFFICE

I, _____, do voluntarily enter service with the
Rehoboth Beach Police Department as a _____, on this, the _____
Day of _____, 20____.

I do solemnly swear that as long as I am employed by the Rehoboth Beach Police
Department, I will bear true faith and allegiance to the Constitution of the United States of
America; the Constitution of the State of Delaware; and the Charter of the City of Rehoboth
Beach, Delaware. I promise to faithfully and impartially discharge and perform all the duties
Incumbent on me as a patrolman for the City of Rehoboth Beach, According to the best of my
ability.

SO HELP ME GOD!

AFFIANT'S SIGNATURE

CHIEF OF POLICE

ALDERMAN (SEAL)

The Patrolman listed above is hereby appointed to that position in the City of Rehoboth
Beach. This appointment is made in accordance with Title 29, Section 5102 of the LAWS OF
THE STATE OF DELAWARE.



(Attachment B)
REHOBOTH BEACH POLICE DEPARTMENT
NMID Employment/Deployment Report

Date: _____ Day of Week: _____ Time: _____ Complaint#: _____

Location: _____

Initial Type of Incident (Check one)

- | | |
|--|---|
| <input type="checkbox"/> Disorderly Subject | <input type="checkbox"/> Traffic Investigation Crash etc |
| <input type="checkbox"/> Traffic Stop Vehicle/Suspicious Vehicle | <input type="checkbox"/> Traffic Stop Ped. /Suspicious Person |
| <input type="checkbox"/> Drug Investigation | <input type="checkbox"/> Criminal Investigation |
| <input type="checkbox"/> Warrant Service/Wanted Subject | <input type="checkbox"/> Domestic Investigation |
| <input type="checkbox"/> Emotionally Disturbed Person | <input type="checkbox"/> Suicidal Subject |

Other: _____

Defendant/Suspect Information

Last, First, Initial: _____

Date of Birth: _____ Age: _____ Male: _____ Female: _____ Race: _____

Height: _____ Weight: _____

Behavior (Check initial reason for employment/deployment only)

- | | | |
|------------------------|---|---------------------------------------|
| Threat of Resistance: | <input type="checkbox"/> Verbal | <input type="checkbox"/> Physical |
| Active Resistance: | <input type="checkbox"/> Pulling Away | <input type="checkbox"/> Running Away |
| Assaultive Resistance: | <input type="checkbox"/> Fighting/Combative | |

Was Weapon Displayed

Yes: _____ No: _____

Type of Weapon (Check which apply)

None: _____ Lethal Cutting Instrument: _____ Firearm: _____ Threat of Weapon: _____

Other: _____ Describe: _____

Other control means attempted prior to Employment/Deployment (Check all that apply)

Verbal: _____ Hand/Physical Control: _____ Pepper Spray: _____ ASP: _____

Other: _____

NMID Employment

Display Only: _____ Reaction (*Check one*)
____ No Reaction ____ Continued Defiance ____ Initial Compliance, then return to defiance
____ Full Compliance

____ Other: _____

Display with light and laser: _____ Reaction (*Check one*)
____ No Reaction ____ Continued Defiance ____ Initial Compliance, then return to defiance
____ Full Compliance

____ Other: _____

NMID Deployment Cartridge Used, Serial#: _____

Activation 1: Length of Time in seconds: _____ Press Stun: _____ Yes _____ No
Distance: _____ <4' ____ 5'-9' ____ 10'-14' ____ 15'-19' ____ 20'+ ____ Undetermined
Reaction: (*Check one*)
____ No Reaction ____ Continued Defiance ____ Initial Compliance, then return to defiance
____ Full Compliance

____ Other: _____

Activation 2: Length of Time in seconds: _____ Press Stun: _____ Yes _____ No
Reaction: (*Check one*)
____ No Reaction ____ Continued Defiance ____ Initial Compliance, then return to defiance
____ Full Compliance

____ Other: _____

Activation 3: Length of Time in seconds: _____ Press Stun: _____ Yes _____ No
Reaction: (*Check one*)
____ No Reaction ____ Continued Defiance ____ Initial Compliance, then return to defiance
____ Full Compliance

____ Other: _____

Provide justification for three (3) or more activations, along with what actions were taken following the activation (Use additional pages if necessary and attach)

If deployment was not effective explain cause (i.e. dart(s) missed, baggy clothing, etc.)

NMID Dart Hit Location

Dart Impact Location (Utilizing the chart below record the location where the each dart struck the subject)

Dart 1: _____ Number _____ Letter _____ Missed
 Dart 2: _____ Number _____ Letter _____ Missed
 Press Stun: _____ Number _____ Letter

	1	2	3	4		5	6	7	8
	FRONT					BACK			
A									
B									
C									
D									
E									
F									
G									
H									

NMID Dart removed by: (Check appropriate block)

_____ Deploying Officer _____ Other trained person (Name) _____

_____ Medical Personnel _____ Other: _____

What treatment was administered

_____ Did not require treatment _____ Wipe and band-aid _____ Medical treatment

_____ Describe: _____

Reporting Officer: _____ IBM# _____

Primary Responder Officer: _____ Back-up Officer: _____

Supervisor: _____ IBM# _____



NMID Usage Supervisory/Administrative Review Checklist

This checklist is intended to assist supervisors in their review of a NIMD use/deployment. This checklist should only be used as a guide, as there may be other issues related to the use/deployment of a NMID that are not addressed on this checklist.

- A review of the NIMD usage report insuring all applicable areas are completed and explained
- A review of the NIMD usage report with the deploying officer
- Details which led up to the deployment of the NMID
- Level of aggression displayed by the subject
- Type of crime the subject committed or was committing
- Other use of force options considered (if any)
- Was the subject a person in an at risk population (pregnant, elderly, child), if so what was the justification for use of the NMID?
- The number and length of NMID cycles used to control the subject
- The effects of the NMID on the subject
- The medical precautions taken following the use of the NMID
- The type of medical care provided (if any)
- The type of injuries to the subject and officer (if any)
- Was evidence collection necessary and if so was it completed, using proper procedures?
- Has the data download been completed?
- Was the report completed, reviewed and forwarded to the Firearms Officer before the end of the shift, as required?
- Were all departmental directives and procedures followed?
- Has the incident/crime report been completed?
- Do you have any other questions regarding the incident?

Questions or comments regarding any issue related to the NMID should be addressed with the Firearms Officer or the Chief of Police.



(Attachment C)
REHOBOTH BEACH POLICE DEPARTMENT
NMID Inspection Report

Manufacturer: _____ Model: _____ Serial#: _____

	Acceptable	Non-Acceptable
Appearance		
Cleanliness		
Functional		
Data Download		
Clock Synchronization		
Damaged	Yes	No

Officer: _____ IBM#: _____ Date: _____

