

SMYRNA SCHOOL DISTRICT

POLICY

Section:	2000 Administration	Office Responsible:	Board of Education
Policy:	2201 Constables Use of Force		
Related Policies:	2200	Administrative Procedure:	N/A

I. Purpose

Outline the Use of Force permitted to be used by Smyrna School District Constables. ^[OBJ]

II. Authority

Delaware Code § Title 10, Title 11, and Title 14

III. Definitions

- a. **Dangerous Instrument:** 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:** 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 use deadly force does not constitute the use of deadly force if appropriately used to prevent death, serious bodily harm, kidnapping, or sexual intercourse compelled by force or threat.
- 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 no more than 3 inches in length.
- d. **Serious Physical Injury:** Physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss of impairment of the function of any bodily organ, or which causes the unlawful termination of a pregnancy without the consent of the pregnant person.

IV. Policy Statement

The Smyrna 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

SMYRNA SCHOOL DISTRICT

POLICY

district. The use of force, especially force likely to result in serious bodily injury or death by use of 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 Smyrna 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, Sections 464-465*.

V. Policy

It is the policy of the Smyrna School District to afford school constables the authority to use deadly force to the extent permitted by Delaware law statute. A school constable is authorized to use deadly force only when the constable's belief is, to the greatest extent afford deference by Title 11, authorized by Title 11 given the circumstances known to the Constable at the time in order to protect students, school employees, or visitors of the Smyrna School District from apparent death, 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 believes (to the greatest extent such a belief is afforded deference by Title 11) than an alternative to the use of deadly force will avert or eliminate an imminent danger of death, serious physical injury, kidnapping, or sexual intercourse compelled by force or threat.

- a. School constables will not use deadly force on persons whose actions are only destructive to property
- b. School constables shall not discharge a weapon as a signal for help or a warning shot
- c. School constables shall not pursue an individual who has left the school grounds.

Exhibiting a Firearm

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

- a. For maintenance of the firearm under exigent circumstances and upon approval from the Supervisor of School Safety.
- b. During on-duty training, practice, or qualification with the firearm, and under the supervision of a qualified range master. All training, practice, or qualifications shall occur off district property.
- c. When the circumstances create a reasonable belief that it may be necessary to use the firearm for the protection of the life(s) of any students, staff, or visitors of the Smyrna School District.

SMYRNA SCHOOL DISTRICT

POLICY

Use of Deadly Force

In the event deadly force is used, the Smyrna School District:

- a. Immediately contact emergency services
- b. Cooperate fully with local law enforcement with regards to:
 - i. The response to the event
 - ii. The release of information to external stakeholders
 - iii. The investigation and release of any relevant evidence
- c. Place the Constable on administrative leave immediately
- d. Secure support services as needed for students and staff impacted by the incident

*Italics indicate Delaware Regulation Administrative Code Title 14 wording

Board Approval Acknowledged by:



Christine Malec, *President*
Smyrna School District Board of Education

Policy Actions

Adopted: 8/20/2023
Revised: 10/25/2023
1/15/2025