



NEW CASTLE COUNTY POLICE

USE OF FORCE & SHOW OF FORCE
REPORTING, INCIDENT INVESTIGATIONS, REVIEW, &
TRAINING

DIRECTIVE #4

Appendix 4-A

Updated May 30, 2025

I. Definitions

- A. *Use of Force* other than deadly force includes incidents when an officer utilizes force to gain compliance from a subject. These incidents will require the involved officers to generate a use of force report utilizing the use of force reporting software (herein referred to as force report).
- B. *Show of Force* includes incidents when an officer displays and/or targets force to gain compliance. A show of force report will be generated when an officer displays and/or targets a subject with mace, a handgun, a long gun, a TEW, a less lethal weapon, or an ASP baton. For the purposes of this policy, the word “targeted” - is when an officer unholsters a firearm or TEW (TASER) in any position (low ready, high ready, aiming) other than a clearly downward manner relative to the officer’s position or towards a subject intending to gain the compliance of the subject. The word “displayed” occurs when an officer unholsters a force option in a clearly downward manner relative to the officer’s position and provides a verbal warning of deploying that force option with the intent to gain the subject’s compliance. This category will also be used when a canine is utilized as a display of force, but not deployed. This does not apply to a slung rifle, shotgun, or extended-range impact weapon.

II. Procedure

- A. A force report or show of force report shall be completed when an Officer:
 - 1. Applies resistance control using less lethal weapons.
 - 2. Utilizes deadly force as applied in Del. 11 §464 or §467
 - 3. Displays and/or targets a Taser Energy Weapon at another person, regardless of whether the device is on, off, or in stealth mode.
 - 4. Conducts a non-contact demonstration of the Taser Energy Weapon’s ability to discharge electricity to gain compliance from a subject with a lawful order.
 - 5. Targets or discharges an Extended Range Impact weapon at a subject.
 - 6. Applies any weaponless physical force as defined in the force definition, (IA)
 - 7. Displays and/or targets a firearm at another person. **(4.2.1)**
- B. The officer involved will immediately contact a supervisor when a use of force incident, as defined in I.A., occurs and necessitates a force report; moreover, if the person is injured or complains of an injury caused by the officer or any other officer. The supervisor will conduct a review of the incident. If an officer is uncertain whether a force report is necessary, the officer shall contact a supervisor. (Refer to the Supervisor Review section for guidelines used during the review.)

- C. Officers are required to enter all pertinent information in the force report. In the event an officer directs force toward an unknown or unidentified subject, the officer shall create a force report which details the use of force toward the unidentified subject as “unknown – no match” and any additional identifiers known to the reporting officer.
1. All supporting documents such as Taser Energy Weapon download reports will be electronically attached to the force report. If the TEW download has not been completed at the time the officer is completing their report, it will be the supervisor’s responsibility to attach the report during their review. In cases where the TEW download to force report cannot be completed, it will be the supervisor’s responsibility to ensure that the TEW download has been attached to the force report in Evidence.com.
 2. Photographs of the subject’s injuries will be downloaded and electronically attached to the force report for forwarding to the Use of Force Review Unit.
 3. If the subject is treated for injuries sustained during the use of force incident, every effort will be made to obtain a copy of a hospital or medical release document. The officer will note the police case number in the upper right corner of the document and electronically attach it to the force report for forwarding to the Use of Force Review Unit.
 4. Officers will submit the report through the appropriate chain of command for review and approval. All force reports will be completed and submitted by the end of the officer’s scheduled workday unless otherwise approved by the officer’s supervisor and documented in the officer’s report. Officers will receive an email through the Division’s email system notifying them if the report has been returned for correction.
 5. All BWC videos and external videos must be uploaded to Evidence.com to ensure timely use of force reviews. All force reports should be completed before the end of the involved officer’s shift. If extenuating circumstances exist and with the approval of a supervisor, the report must be completed within 72 hours of the incident. Exceptions to this policy include Officers who are involved in or witness to a critical incident.
 6. Upon notification of a force report being returned for correction, the Officer must review and correct the force report by the end of the next scheduled workday.
- D. Supervisory Review:
1. Officers shall notify first line supervisors of an incident involving use of force, as defined in I-A (page 2) which necessitates a force report. The first line supervisor shall discuss and review the incident with the officer. The supervisor will ensure all investigatory and reporting requirements such as witness statements, photographs, downloads and/or other attachments are adhered to per divisional policy.

2. First line supervisors will receive an email through the Division's email system notifying them that a force report is pending their review.
 - a. First line supervisors are required to review all force reports submitted to them by subordinates. First line supervisors will ensure that all supporting documents, such as photographs and Taser Energy Weapon download reports, are attached to the force report. The first line supervisor will conduct a review of the report and the incident, to include reviewing any photographs of injury or injuries to the person as well as all BWC video, in-car video or external video sources that capture the actions of the submitting officer. The first line supervisor will provide an assessment as to whether the level of force is in accordance with divisional policy and will approve the report and forward it up the chain of command. If the first line supervisor has any comments regarding compliance with any divisional policy, the report should be approved and the "comments section" of the force report will be completed.
 - b. First line supervisors who identify any aspect of the force review, such as but not limited to, report writing, decision-making, tactics or significant report-video discrepancy shall document in the "comments section" a discussion with the officer occurred addressing the identified area of interest or a referral to the UFRU for supplemental training.
 - c. First-line supervisors are required to return reports in need of correction to the initiating officer. The supervisor may include comments explaining the reason(s) for rejecting the report or may have a consultation with the officer to provide the reasons for rejection. The initiating officer must correct and resubmit any returned reports by the end of their next scheduled workday.
3. Patrol Squad Commanders and Unit Commanders will receive an email through the Division's email system notifying them that a force report is pending their review.
 - a. Patrol Squad Commanders and Unit Commanders are required to review all force reports received. They will assess the level of force and provide any comments regarding accordance with applicable divisional policies. The report will then be approved and forwarded to the Use of Force Review Unit.
 - b. Patrol Squad Commanders and Unit Commanders are required to return reports in need of correction to the submitting Officer and copy the approving supervisor. Patrol Squad Commanders and Unit Commanders may include comments explaining the reason(s) for rejecting reports or may have a consultation with the officer to provide the reasons for rejection. Once the report is corrected by the submitting Officer, it should be returned through the chain of command by the end of the next scheduled workday.
4. Use of Force Review Unit Responsibilities
 - a. Use of Force Review Unit personnel will review all force reports and show of force reports electronically submitted to the UFRU group box by Squad and Unit Commanders. UFRU will conduct a review of the report and incident to determine if division policies were adhered to. If the report is approved by UFRU, it will be forwarded to the UFRU Commander.

- b. When the UFRU Commander identifies and completes a force review of a serious nature, such as a potential policy violation/remedial training, or serious physical injury, the Unit Commander will review the file for completeness and provide final approval, based on the comments from the UFRU Commander. Once approved by the Administrative Services Section Commander, the force report data will be stored in the UFRU files.
- c. UFRU personnel will return reports in need of correction to the author of the report and copy the appropriate Squad or Unit Commander. UFRU personnel must include comments explaining the reason(s) for rejecting reports.
- d. If the Use of Force Review Unit determines that the Division Use of Force policy was **not** adhered to, the UFRU Commander will contact the Administrative Services Section Commander. The Administrative Services Section Commander will then contact the Chief of Police to seek approval to begin an investigation. If approved, the incident will then be referred to the Professional Standards Unit. The UFRU will provide its findings to PSU for use in their investigation.
- e. The Use of Force instructors shall analyze use of force reports and prepare a documented annual summary noting any patterns or trends that need to be addressed by policy modification, training, or equipment upgrades. **(4.2.4)**
- f. Annually, the Use of Force instructors shall review all assaults on officers to determine trends or patterns and document any recommendations to enhance officer safety, revise policy, or address training issues. **(4.2.5)**

E. Unintentional Firearm Discharge

- 1. Whenever an officer unintentionally discharges a firearm, the supervisor on duty will immediately be notified.
 - a. The on-scene supervisor will immediately contact the on-duty Lieutenant who will contact the Staff Duty Officer who will assess the incident and determine one of two responses:
 - i. If there is a suspected crime or gross negligence, the Criminal Investigation Unit will be contacted by the Staff Duty Officer to initiate an investigation. The Staff Duty Officer will also contact the Professional Standards Unit Investigator to initiate an investigation.
 - ii. If it is determined that an investigation by the Criminal Investigation Unit is not warranted, the Staff Duty Officer will contact the Professional Standards Unit Investigator to initiate an investigation.
 - b. The scene will be held until released by the investigators.
 - c. Unintentional discharges should be classified as a miscellaneous investigation.
 - d. Any officer responsible for an unintentional firearm discharge due to negligence shall be required to undergo remedial firearm training.

F. Animal Euthanasia

- 1. A CPC (Field Service Report) should be submitted for any animal euthanasia.
- 2. A force report is not required for euthanizing injured animals.

3. Any firearm discharge involving aggressive animals will require the involved officer to submit a LEISS report and a force report detailing the circumstances of the incident. A supervisor may notify Staff duty of the incident via email within 24 hours.

G. Critical Incident Response On-Scene Procedures

1. Involved Officer(s)/Witness Officer(s) shall:
 - a. Immediately notify RECOM, request medical assistance, if necessary, and request that a supervisor respond to the scene.
 - b. Render first aid to any injured parties, if the tactical situation allows it.
 - c. Protect the scene.
 - d. Direct and coordinate back-up units as necessary.
 - e. Provide a public safety statement to a non-involved supervisor when requested.
 - f. All items, weapons, vehicles, and equipment should be left in their original positions unless required to be removed to render medical assistance. Their original location should be documented and brought to the attention of a supervisor and investigator.
2. Field Supervisor shall:
 - a. Respond to the scene and assume the role of Incident Commander.
 - b. Ensure that the entire crime scene is secured by proper placement of crime scene tape.
 - c. Ensure a crime scene log is maintained.
 - d. Refrain from interviewing the involved officer(s) other than to gather a public safety statement, which should be limited to the questions outlined in section "H", Public Safety Statement.

H. Public Safety Statement

1. Public safety statements provide critical information that can protect the lives of citizens and officers, provide aid to any injured parties, and preserve evidence. The field supervisor shall ask any officer involved in the use of force which results in death the following questions.
2. Public safety statements should be limited to the following:
 - a. Are you injured? Is anyone else injured? If so, what is their location?
 - b. Are there any outstanding suspect(s)? If so, what is the description, direction, and mode of travel? How long have they been gone? What crime(s) are they wanted for? What weapons are they armed with?
 - c. Were you involved in a police shooting?
 - d. Were there any other uses of deadly force?
 - e. Approximately how many rounds did you fire and in what direction did you fire? Approximately, where were you when you fired your rounds?
 - f. Do you know if any other officers fired any rounds?

- g. Is it possible that the suspect fired rounds at you? If so, from what direction were the rounds fired?
- h. Are you aware of any witnesses? If so, what is their location?
- i. Are there any weapons or evidence that need to be secured/protected? Where are they located?

- 3. Witness officers are required to answer all questions in the public safety statement and may be asked additional questions as determined by a supervisor or investigator.
- 4. Once the public safety statement is obtained, the involved officer(s) shall be directed to refrain from discussing the incident except as required during the investigation.
- 5. A detailed interview should only be conducted by a CIU investigator or PSU investigator.

I. Post-Incident Procedures:

- 1. To maintain chain of custody and evidentiary integrity, the involved officer's body-worn camera, weapon, and magazines will be collected by an Evidence Detection Squad officer at the direction of a supervisor. An on-scene officer may collect the body-worn camera in exigent circumstances and forward the camera to the ranking police supervisor. Involved officers are required to maintain their weapons and magazines in their immediate post-incident condition.
- 2. The involved officer(s) will be transported to a medical facility, accompanied by a peer officer, for a wellness check by a doctor.
- 3. Members of the Division's Critical Incident Stress Management Team will be available to speak with any officer post-incident.
- 4. Involved officers will be allowed to notify their families as soon as possible about the incident. When an officer(s) is unable to do so, a division official shall personally notify the involved officer(s) family and if need be, arrange for transportation to the hospital and police headquarters.
- 5. The officer(s) will be transported to police headquarters once the wellness check is completed and escorted to a quiet room by a peer officer who was not involved in the incident. The peer officer shall remain with the involved officer(s) and shall not discuss the incident. There should only be one peer-officer per involved officer.
- 6. The Division will formally interview an officer(s) who used deadly force as soon as practical. The timing of the formal interviews will vary depending on the specific circumstances of the individual incident.
- 7. The Division will not request blood, urine, or breath samples from an involved officer(s) as a part of the criminal investigation unless probable cause exists that would lead a reasonable person to believe that the involved officer is under the influence of drugs or alcohol. If probable cause exists, a search warrant will be obtained. According to Directive 26 and as a part of the administrative investigation, the Division may request blood, urine, or breath samples from an involved officer(s) if it is suspected that an involved officer(s) may have consumed alcohol or used drugs.

8. A force report shall be completed by the UFRU Commander after a thorough review of all available case material. The force report narrative should refer to the CIU master report only. The force report will then be forwarded to the Administrative Services Section Commander for approval. UFRU will then provide the force report to the Professional Standards Unit.
9. The Criminal Investigation Unit will be responsible for conducting the criminal investigation into the deadly force incident.
10. The Professional Standards Unit in conjunction with the Use of Force Review Unit will be responsible for conducting the administrative investigation of the deadly force incident. The Use of Force Review Unit will provide the Professional Standards Unit with an opinion after a full force review and analysis has been completed on whether the deadly force complies with this policy. Although separate investigations, this process will run concurrently with the criminal investigation.
11. All involved and witness officers who are interviewed by CIU are not mandated to complete a LEISS report. LEISS reports will be reviewed and approved by CIU supervisors only.

J. Media Coordinator:

1. Will be responsible for disseminating information to the news media, but only after it has been approved by the Chief of Police or designee.

K. Incident Investigation and Review:

1. Upon receipt of information that a police officer has been involved in the use of deadly force resulting in physical injury or death as either the principal or victim, the following persons will be immediately notified:
 - a. The ranking police supervisor working the tour shall notify the Staff Duty Officer if after normal business hours, or the Patrol Section Commander if during normal business hours.
 - b. The ranking police supervisor working the tour shall notify the on-call supervisor for the Criminal Investigations Unit if after normal business hours, or the Investigations Section Commander if during normal business hours.
 - c. The Staff Duty Officer shall contact the Chief of Police, other members of Command Staff, the Professional Standards Unit, the Use of Force Review Unit, the Media Coordinator, and any other necessary contacts, if after normal business hours. The Criminal Investigations Section Commander shall take on this responsibility if they are available and, if during normal business hours. If the Investigations Section Commander is unavailable, any other member of the command staff that is contacted during normal business hours shall assume this role.
2. It shall be a standing order that all information concerning the incident emanates directly from the Chief of Police or designee. Any member of the Division who violates this provision will be considered to have committed the act of insubordination, which may result in significant discipline.
3. The provisions of this Directive shall apply to those incidents of deadly force, (specifically the discharge of a firearm), whether death or physical injury resulted.

L. General procedural duties of units involved in the investigation:

1. The Patrol Squad Commander will respond immediately to the scene and ensure sufficient personnel are present to perform the following functions:
 - a. At least one officer will remain with the body or injured person, record all pertinent data, and secure any physical evidence available until relieved by CIU personnel.
 - b. At least one officer will protect the crime scene, secure all persons present, and prevent anyone from entering the area until relieved by CIU personnel.
 - c. At least one officer will remain with the officers involved to assure their personal safety and well-being until relieved by CIU personnel. This officer will not initiate any discussion of the incident with the involved officer(s).
 - d. In order to maintain chain of custody and evidentiary integrity, the involved officer's body-worn camera, weapon and magazines will be collected by an Evidence Detection Technician at the direction of a supervisor. An on-scene officer may collect the body-worn camera in exigent circumstances and forward the camera to the ranking police supervisor. Involved officers are required to maintain their weapons and magazines in their immediate post-incident condition.
 - e. If the firearm(s)/weapon(s) is part of the scene, the scene will be secured and the weapon(s) will be retrieved, by an Evidence Detection Technician, after normal evidence processing.
 - f. The remaining rounds in the firearm will be counted by an Evidence Detection Technician. The Evidence Detection Technician will record the process on video.
 - g. The clothing of the involved officer and any witness officers may be collected, examined, and returned by an Evidence Detection Technician.
2. The senior ranking supervisor will ensure a replacement firearm/weapon is made available to the officer involved in the incident as soon as practical.
 - a. The replacement weapon will be retrieved from gun locker #1 located inside the Arms Room.
 - b. Officers involved in a police shooting with a division-issued rifle or shotgun may be issued a replacement, if available. The Primary Firearms Instructor will be responsible for the issuance of these weapons.
 - c. Officers involved in a police shooting with a personal purchase/carry rifle or shotgun will not be issued a replacement.
 - d. The senior ranking supervisor must complete the log for spare weapons. The log is also located in gun locker #1 inside the Arms Room.
 - e. The unit commander must consult with the Staff Medical Liaison Officer prior to scheduling any weapon qualifier course. As soon as scheduling permits, the officer's unit commander must make arrangements with the Primary Firearms Instructor to respond to the range to participate in a daytime Police Officer Standards and Training Commission (POST) qualifier course with the replacement weapon. Officers must qualify with the replacement weapon before returning to full duty. This includes rifle and shotgun replacements.

- f. Upon notification from the CIU Commander, the Primary Firearms Instructor should inspect, and function test the weapon after any processing is completed for any weapon used in a police shooting.
 - g. When possible, the weapon should be test-fired.
 - h. The weapon will then be returned to the Inventory Control Unit.
 - i. The Primary Firearms Instructor will complete a detailed LEISS supplement regarding the results of the inspection and testing.
 - j. Upon completion of the investigation by all parties (CIU, Attorney General's Office, and Professional Standards) the CIU Commander will notify the officer, the officer's supervisor, the Inventory Control Unit, the Professional Development Unit Commander, and the Primary Firearms Instructor that the investigation has concluded.
3. Release of evidence related to the concluded investigation
- a. No weapon or magazine will be released until all the following conditions have been met:
 - i. All criminal trials related to the use/show of force have been concluded; and
 - ii. The period for criminal appeals has closed and all appeals have concluded; and
 - iii. The civil statute of limitations related to the use/show of force has closed or the civil suit has concluded; and
 - iv. Written consent to release the evidence has been obtained from the Delaware Attorney General's Office and the New Castle County Office of Law.
 - b. The following procedure must be followed:
 - i. All criminal case dispositions must be verified through DELJIS; and
 - ii. The Delaware State Prosecutor and the Unit Head of the Delaware Division of Civil Rights and Public Trust must be contacted to obtain written consent for the evidence release. Evidence related to cases involving more than one defendant requires that all defendants' convictions be reviewed to determine if evidence can be released in any one case; and
 - iii. Upon receiving written consent from the Delaware Attorney General's Office to release the evidence, the Division must then contact the New Castle County Office of Law to request written consent to release the evidence. In seeking consent from the New Castle County Office of Law, the Division should forward the Delaware Attorney General's Office written consent to release the evidence, as well as a short investigative summary of the matter and any relevant police reports.
 - c. Upon written receipt of approval from the New Castle County Office of Law, the unit commander will return the replacement weapon and/or magazine to the Inventory Control Unit and retrieve the original assigned weapon and/or magazine.
 - d. For incidents involving division-issued rifles or shotguns, the Primary Firearms Instructor will be responsible for reissuing the original assigned weapon.

- e. The unit commander must consult with the Staff Medical Liaison Officer prior to scheduling any weapon qualifier course. The officer's supervisor must make arrangements with the Primary Firearms Instructor to respond to the range to participate in a daytime POST qualifier course before the officer returns to full duty. This includes rifle and shotgun replacements.
4. The Criminal Investigation Unit:
- a. Will conduct interviews of involved and witness officers.
 - b. Will be responsible for the supervisory review and approval of all LEISS reports submitted.
5. The Criminal Investigation Unit Commander:
- a. Will be in charge of the criminal investigation and are responsible for its completion.
 - b. Will report the progress of the criminal investigation to the Chief of Police via chain of command.
 - c. Will ensure the following are complied with, in the handling of involved officers:
 - i. They are afforded all Constitutional guarantees and those afforded by the Police Officer's Due Process, Accountability, and Transparency.
 - ii. The personal safety and well-being of the officers involved are guaranteed.
 - iii. The firearm/weapon used in the incident is secured.
 - iv. The officer involved is questioned without force or fear and without any promises or threats being made.
 - v. The investigation remains germane to matters of criminal law.
- NOTE:** If violations of Division policy are suspected, a separate and independent investigation should be initiated according to Professional Standards Unit procedures.
6. Traffic Services Unit:
- a. In cases where the deadly force used is an automobile, the on-call Traffic Services Unit investigators will also be notified and will respond to assist the Criminal Investigation Unit with the investigation. They will report to the Criminal Investigation Unit Commander, or designee.
7. Staff Medical Liaison Officer:
- a. The Staff Medical Liaison shall notify the County Attorney and the County's Risk Manager of the deadly force incident.
 - b. The involved officer(s) shall be removed from the line of duty and placed on paid administrative leave by the Chief of Police, through consultation with the Chief Administrative Officer (CAO). The paid administrative leave shall be for a period of up to 72 hours (three **(3)** workdays), at which time a determination will be made by the Chief of Police if the paid administrative leave should be continued.

- c. The Staff Medical Liaison, through the New Castle County Risk Management Office, shall arrange with the Division's contracted psychologist to have the involved officers seen for a psychological consultation. Upon completion of a psychological consultation, the officer may be returned to work in a modified duty status until the conclusion of the investigations. **(4.2.3)**
 - d. When possible, the psychological consultation should occur no more than five **(5)** calendar days after the incident. Involved officers who appear to be coping well immediately after a critical incident may later experience difficult psychological symptoms; therefore, involved officers shall report for a follow-up psychological consultation four **(4)** months after the event. If involved officers wish to meet with a psychologist for additional consultation, they shall be allowed to do so at no cost to them.
 - e. While on paid administrative leave, the involved officer(s) shall remain available for any necessary administrative investigations. The involved officers may be authorized additional administrative leave with the approval of the Chief of Police, or if the Division psychologist is not ready to release the officers to modified duty.
 - f. Neither the psychological consultation nor the administrative leave, shall be interpreted in any manner that would give the impression that some form of discipline is being imposed.
 - g. Involved officers will not return to full duty status until the Criminal Investigation Unit and the Professional Standards Unit have completed their independent investigations into the use of force incidents.
 - h. At the discretion of the Chief of Police, involved officers may be returned to a full duty status prior to the completion of the final report from the Department of Justice.
8. At the discretion of the Chief of Police, an after-action report or review of the incident may be requested.

III. Use of Force Training

A. Use of Force and Annual Weapons Training:

- 1. Officers are required to participate in scheduled use of force and annual weapons training programs.
- 2. All officers are required to receive annual in-service training on the Division's use of force policies. **(4.3.3)**
- 3. The in-service training in the use of force policies may be done in conjunction with the firearms training.

B. Demonstrating Proficiency with Division Approved Weapons

- 1. Only those officers demonstrating proficiency in the use of division-authorized weapons will be approved to carry such weapons.
- 2. These may include firearms, chemical sprays, Taser Energy Weapons, striking, impact weapons, and extended-range impact weapons.
 - a. Proficiency includes:
 - b. Minimum scores on a prescribed course.

- c. Attaining and demonstrating knowledge of the laws concerning the use of such weapons. These include firearms and firearms with a weapon-mounted light system attachment. **(4.3.2)**
- C. The Professional Development Unit shall maintain records of all training and proficiency ratings obtained during in-service training. **(4.3.3)**
- D. Prior to being issued weapons (either lethal or less lethal), officers shall receive and be instructed in the policies on the use of force. The Professional Development Unit shall retain documented records of the issuance of such policies and the instruction pertinent to those policies. **(4.3.4)**