



# CONCORD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

## OFFICER INVOLVED CRITICAL INCIDENTS

**GENERAL ORDER:** 05.03

**CREATED:** August 28, 2020

**ISSUE DATE:** March 17, 2023

**CALEA STANDARD:** 4.2.3, 22.1.5

**EFFECTIVE DATE:** March 20, 2023

**ACTION:** Amends general order dated October 1, 2022.

### **05.03.0**      **PURPOSE**

The purpose of this general order shall be to provide guidelines for the investigation of officer-involved shootings, in-custody deaths or uses of force resulting in serious bodily injury.

### **05.03.1**      **POLICY**

It shall be the policy of the Concord Police Department that critical incidents involving officers, whether on or off duty, are properly investigated to determine if the actions of the officer were within the guidelines of N.C. General Statutes and departmental policy and procedures.

### **05.03.2**      **DEFINITIONS**

#### A. CRITICAL INCIDENT

An incident that results in death or serious bodily injury to an individual caused by the actions or inaction of an officer of the Concord Police Department, while an individual is in police custody, or any incident that the Chief or Police, or designee, proclaims to be a critical incident.

#### B. CRITICAL INCIDENT STRESS DEBRIEF

A confidential group discussion of a traumatic experience.

#### C. IN-CUSTODY DEATH

The death of an individual while in custody or while attempts to restrain or take the individual into custody are being made.

#### D. INVOLVED OFFICER(S)

An officer of the Concord Police Department that during the course of executing their duties has direct involvement in an officer involved shooting, in-custody death or a use of force that results in serious bodily injury, or are direct witnesses to such events by another officer.

**E. OFFICER-INVOLVED SHOOTING**

The intentional or accidental discharging of a department issued or personally owned firearm at a person by an officer of the Concord Police Department while in the execution of their duties, while on-duty or off-duty, regardless of injuries to suspects, officers, or third parties.

**F. PUBLIC SAFETY STATEMENT**

A brief, mandatory statement on scene from the involved officer covering the information necessary to focus the initial police response and direct the preliminary investigation.

**G. SERIOUS USE OF FORCE**

Any use of force against an individual that results, or is reasonably likely to result, in death, permanent or substantial injury, loss of any body part or function, or permanent disfigurement. Also included are situations where an individual is admitted to a medical facility for treatment as a result of police use of force.

**05.03.3 INVOLVED OFFICER(S)**

- A. Immediately following the incident, the involved officer should, to a reasonable degree:
1. Take necessary steps to protect their safety;
  2. Advise the communications center of the event;
  3. Call for/render medical assistance if needed;
  4. Call for supervisory assistance and additional officers if needed;
  5. Secure the area.
- B. Officer(s) involved in a deadly force incident or use of force causing serious injury to an individual or an instance involving the in-custody death of an individual shall be placed on administrative duty by the Chief of Police upon submission of their preliminary statement. Reinstatement to full duty shall occur at the discretion of the Chief of Police.

**05.03.4 SUPERVISOR RESPONSIBILITIES**

- A. Upon establishing that a critical incident has occurred, the supervisor shall obtain a Public Safety Statement. Public Safety Statement questions are intended to achieve an initial baseline of the events that occurred. Examples of Public Safety Statement questions are, but not limited to:
1. Are you injured?
  2. Do you know if anyone else is injured? If so where are they?
  3. What type of force was used?

4. If you fired your weapon, what direction did you discharge it?
5. If the suspect fired, what direction did they discharge it?
6. If any suspects/vehicles fled the scene, what are their descriptions?
7. Do you know the location of any firearms/evidence that needs to be secured?
8. Are there any witnesses? If so, do you know where they are located?

**NOTE: Once the Public Safety Statement is obtained the involved officer(s) shall, if applicable, refrain from discussing the incident with anyone other than their legal counsel or those investigating the incident, whether that be the SBI or the Concord Police Department.**

- B. The involved officer(s) should be relieved of their duties as soon as practicable and transported to police headquarters.

**NOTE: The involved officer is not to be placed in a department interview room. They should be placed in an area such as the Criminal Investigations Division conference room or other type of non-custodial area.**

- C. If the involved officer(s) is injured, arrange transport to a medical facility. A supervisor shall be directed to accompany the involved officer to the medical facility.
- D. For incidents involving multiple officers, all shall be separated to ensure the integrity of any statements provided by each officer.
- E. Ensure the scene is secured to include perimeter and separate location for media, if needed.
- F. Ensure that the necessary chain of command is notified:
1. Chief of Police / Deputy Chief of Police;
  2. Involved officer's bureau commander;
  3. Involved officer's unit commander;
  4. Commander of the Criminal Investigations Division.
- G. Locate and separate any potential witnesses.
- H. In instances of officer involved shootings, and when it is safe to do so, the firearm of the involved officer shall be secured for evidentiary purposes. This shall not be done while the involved officer(s) is at the scene of the incident. The officer(s) from which the firearm(s) is secured shall be issued a replacement as soon as administratively possible.

For instances of serious use of force or in-custody death that involved the use of less lethal weapons (e.g. taser, impact weapons), items shall be collected and secured as soon as practicable. The officer(s) from which the less lethal is secured shall be issued a replacement as soon as administratively possible.

- I. If feasible, remain on scene to provide preliminary briefing upon the arrival of chain of command.

#### **05.03.5 INCIDENT INVESTIGATION**

- A. The Chief of Police, or designee in his/her absence, shall contact a representative of the State Bureau of Investigation to request an independent criminal investigation of the incident. The Chief of Police shall author an official written request for SBI assistance as soon as administratively practicable.

**NOTE: The involved officer(s) shall not be compelled by any member of the Concord Police Department nor the City of Concord to provide a statement to the SBI. The interview location and times shall be decided on by the involved officer(s) and the lead agent of the SBI. The involved officer(s) may request an attorney either of their choice or by way of an organization to which they are a member (e.g. PBA or FOP).**

**The SBI interview with the involved officer(s) should be conducted prior to any internal interview conducted by the Concord Police Department.**

1. The SBI while conducting their investigation shall be provided upon request:
  - a. Any relevant and current copy of departmental general orders;
  - b. Involved officer(s) training records and last firearms qualification scores if relevant;
  - c. Any relevant search and/or arrest warrants;
  - d. Crime scene log;
  - e. Agency reports regarding any previous contact with the victim;
  - f. Any relevant communications (e.g. 911 calls, radio traffic, witness generated videos);
  - g. Footage from body worn or in-car cameras. Release of such footage shall be in compliance with General Order 06.06 – Video Recording Equipment and N C General Statutes;
  - h. Any weapon used during the incident, both by the citizen(s) and the involved officer(s).
2. The SBI shall conduct any crime scene processing needed;

**NOTE: Officers from the Concord Police Department may assist the SBI with crime scene processing upon request.**

3. The SBI shall make notification to the citizen's family following positive identification.

4. Upon the completion of the investigation, the SBI shall submit their findings to the Cabarrus County District Attorney.
- B. Department designees shall conduct an administrative investigation of the incident at the direction of the Chief of Police. The investigation shall follow the guidelines set forth in General Order 03.17 – Personnel Investigations and Discipline.

#### **05.03.6 POST INCIDENT**

- A. The department shall facilitate a Critical Incident Stress Debrief (CISD) that shall be attended by officers and coworkers directly or indirectly involved in or affected by the incident.
- B. Officer(s) directly involved, at the direction of the Chief of Police, may be required to participate in post-traumatic counseling. Such counseling should occur within 48-72 hours after the incident, and shall be conducted by a certified psychologist who is familiar with public safety work. Such counseling usually involves a follow-up visit around 90-days after the initial visit.
- C. Direct supervisors shall be responsible for monitoring the behavior of officers for symptoms of post-traumatic stress.

**NOTE: While attending a CISD or counseling session(s) that may be required by the Chief of Police, officers are not required to speak or otherwise “actively participate” in any discussion unless they choose to do so.**

**The psychological counseling referenced above is confidential. The only information relayed to the department is whether or not the officer attended the session as required.**

#### **05.03.7 MEDIA**

- A. Media briefings and information dissemination shall be conducted by the Concord Police Department by the Chief of Police or designee.
- B. Prior to the release of any information, the SBI and Cabarrus County District Attorney’s Office shall be notified of content of briefings and/or media releases prior to dissemination.



GARY J. GACEK  
CHIEF OF POLICE