



# CONCORD POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### WEAPON REGULATIONS

**GENERAL ORDER:** 06.05

**CREATED:** December 1, 2000

**ISSUE DATE:** June 5, 2023

**CALEA STANDARD:** 4.1.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4

**EFFECTIVE DATE:** June 5, 2023

**ACTION:** Amends general order dated January 6, 2023.

#### **06.05.0**     **PURPOSE**

The purpose of this general order is to establish the policies and procedures for the possession, use, maintenance and training of lethal and less lethal weapons.

#### **06.05.1**     **POLICY**

The nature of law enforcement requires on-duty officers to carry lethal and less lethal weapons. Safeguards designed to enhance officer performance for the protection of citizens as well as the officer are of prime concern. These safeguards reduce the probability of criminal and civil liability that could arise from questions of competency, training, and standards. In order to ensure that they are able to perform their duties and protect themselves and the public, officers are required to demonstrate reasonable proficiency in all aspects of lethal and less lethal weapons; and shall therefore receive periodic training in the use of such weapons, and weapons safety.

#### **06.05.2**     **DEFINITIONS**

A. CONDUCTIVE ENERGY WEAPON (CEW)

A weapon that uses electricity to override voluntary motor responses in order to gain compliance or overcome resistance.

B. IMMINENT

Impending to the point of happening.

C. OFFICER

For purposes of this general order, the term "officer" includes sworn law enforcement coworkers of any rank.

D. QUALIFIED ARMORER

An individual specifically trained and experienced in the area of disassembly, assembly, and repair of functional problems of firearms, and who is authorized by the Chief of Police to repair departmental weapons.

**06.05.3    GUIDELINES**

- A. Officers who carry a lethal or less lethal weapon pursuant to their authority as a law enforcement officer shall carry only those weapons and ammunition that have been issued or specifically authorized for use by the department (see Attachments A & B).
- B. Prior to being authorized to carry or use a lethal or less lethal weapon pursuant to police authority, each officer shall receive training on departmental policies governing the use of force and weapon regulations, and shall demonstrate proficiency with any authorized weapon.
- C. Training, proficiency, policy receipt, and curriculum delivery shall be documented and all weapons training and qualification shall be monitored by a certified instructor.
- D. Officers shall not consume or knowingly have in their body any quantity of alcohol, unlawful controlled substance, or other intoxicating substance while carrying:
  - 1. Any firearm issued by the Concord Police Department;
  - 2. A backup firearm in an on duty or law enforcement secondary employment capacity;
  - 3. Any firearm in a concealed manner outside of property owned by the officer.
- E. Officers are prohibited from possessing a firearm while subject to a 50B order or other domestic violence restraining order that forbids the possession of firearms. In the event that the court order allows the officer to possess a firearm for official use, the officer shall comply with the dictates of the order and shall only possess firearms issued by the department while on duty. Officers shall not carry backup firearms on duty while under such a court order.
- F. Only authorized holsters shall be utilized by officers to carry their department-issued firearm while on duty.
- G. While off duty, all department issued firearms and back-up firearms shall be stored in a manner where the firearm is not accessible to a minor in accordance with [NC GS 14-315.1](#).
- H. The rank of Police Major or above may be issued a Glock Model 23, .40 caliber semi-automatic handgun in lieu of the Glock Model 22 handgun.
- I. Officers assigned to Criminal Investigations Division and Vice & Narcotics, or are the rank of captain or higher may request to carry a personally owned Glock Model 27, .40 caliber semi-automatic handgun in lieu of the department issued Glock Model 22 handgun.
  - 1. Prior to carrying a Glock Model 27, the requesting officer shall submit Form FR-1 "Request to Carry" and receive approval from the Chief of Police.
  - 2. Officers shall carry the department issued Glock Model 22 handgun when dressed in Class A or B uniform or as otherwise directed by the Chief of Police.
  - 3. Glock Model 27 qualification requirements shall be in accordance with section 06.05.8 of this general order.

**06.05.4 OFF DUTY POSSESSION OF FIREARMS**

- A. Officers are not required to carry a firearm while off duty but may do so at their discretion.
- B. Officers may possess and carry concealed either their service firearm or authorized personal firearm, while off duty within the geographical boundaries of the State of North Carolina, provided that carrying of such firearm conforms to the provisions set forth in this order and in accordance with state law. (See Attachment C: NC Concealed Handgun Chart – Prohibited Carry Areas)

Officers while off duty outside of North Carolina may possess or carry, concealed or otherwise, their service firearm or authorized personal firearm in accordance with the law of the jurisdiction where they are present.

- C. Officers who elect to carry their service firearm, or authorized personal firearm, while off duty shall be required to have in their possession their valid Concord Police Department identification.
- D. No officer, while off duty, shall possess and carry a **department issued** firearm in such a manner as to attract attention or be in open view of the public.

**06.05.5 BACK-UP FIREARM**

- A. Officers may carry a single backup firearm while in uniform, on duty, or while engaged in law enforcement secondary employment. Backup firearms shall be concealed when carried by an officer.
- B. A backup firearm shall only be a caliber ranging from .380 to .45 and can reasonably be carried and easily concealable.
- C. An officer may only carry a backup firearm that they have successfully qualified with and upon approval of the Chief of Police ([Request to Carry Form FR-1](#)).
- D. A backup firearm may be carried in addition to, but not in lieu of, the officer's department issued firearm.

**06.05.6 WEAPON-MOUNTED FLASHLIGHT**

- A. The weapon-mounted flashlight is a task-specific tool that enhances an officer's ability to identify and engage a target. When used properly, a weapon-mounted flashlight offers an advantage in threat identification, mobility, and visual impairment. Proper uses of a weapon-mounted flashlight when mounted to a weapon include, but are not limited to:
  - 1. High-risk building or open area searches;
  - 2. High-risk vehicle stops;
  - 3. High-risk apprehensions;
  - 4. Any high-risk situation that would require a drawn weapon and flashlight.

- B. Officers shall only utilize a department approved weapon-mounted flashlight.
- C. Prior to utilizing a weapon-mounted flashlight, officers shall attend and successfully complete the department authorized qualification and training on application and use of the weapon-mounted flashlight developed by department firearms instructors.
- D. When mounted to a weapon, the weapon-mounted flashlight is considered to be part of the weapon system and a secondary light. A weapon-mounted light does not replace the need for a primary flashlight.

**NOTE: A weapon-mounted flashlight shall not be handled, mounted onto a weapon, or detached from a weapon while the weapon is loaded.**

- E. While on duty, the weapon-mounted flashlight shall be attached to the officer's handgun at all times.

### **06.05.7 DEPARTMENT ISSUED RIFLES**

#### A. RIFLE REQUIREMENTS

- 1. Officers may be issued a semi-automatic rifle manufactured in 5.56 mm (.223 caliber) in the AR15 style platform.
- 2. The rifle shall be secured in the provided vault of the police vehicle, the trunk of the police vehicle, or in the provided locking rifle rack unless deployed for use by the officer. When securing the firearm at a place of residence, the officer shall do so in accordance with [NC GS 14-315.1](#).
- 3. In instances where the handgun would be ineffective due to the distance of the shot and/or the safety of the public, the officer may deploy the rifle, given that he/she has articulable exigent circumstances, without the approval of a supervisor.
- 4. The officer shall consider their range of abilities and training at all times when considering deployment of a rifle.
- 5. Once the rifle is deployed, the use or continued use of the rifle is to be evaluated by any supervisor on scene.
- 6. Upon deployment of a rifle, officers shall follow the guidelines set forth in [General Order 07.03 Use of Force](#).

### **06.05.8 FIREARMS QUALIFICATION**

- A. Each officer shall be certified at least annually by meeting the firearms standards as outlined in this general order. The firearms standards set by this department shall not be less than the standards set by North Carolina Criminal Justice Standards Commission for law enforcement officers. Officers are responsible for maintaining their firearms proficiency.

#### 1. HANDGUN

- a. Handgun qualification scoring requirements are:

- i. Daytime qualification requires a score of 80%. SWAT officers and firearms instructors shall achieve a score of 92%;
    - ii. Night time qualification requires a score of 80%. SWAT officers and firearms instructors shall achieve a score of 92%.
  - b. Officers are restricted to a maximum of three (3) attempts in any one calendar day to qualify.
2. RIFLE
  - a. Rifle qualification scoring requirements are:
    - i. Daytime qualification requires a score of 92%;
    - ii. Night time qualification requires a score of 92%.
  - b. Officers are restricted to a maximum of three (3) attempts in any one calendar day to qualify.
3. OFF DUTY / BACK UP FIREARMS
  - a. Qualification with personal firearms shall be on an annual basis as scheduled by the department's firearms instructors. Officers shall be responsible for ensuring that they maintain a current qualification status for each personal firearm they wish to carry as an off duty or back up firearm.
  - b. Ammunition (if qualifying with a caliber other than .40) and holster for qualifying with a personal firearm shall be provided by the individual officer and is subject to a safety inspection by the department firearms instructor administering qualifications.
  - c. The course of fire for qualifying with a personal firearm shall be the same as currently required for a service firearm of the same or similar type.
  - d. Back up firearms qualification scoring requirements are:
    - i. Daytime qualification requires a score of 80%. SWAT officers and firearms instructors shall achieve a score of 92%;
    - ii. Night time qualification requires a score of 80%. SWAT officers and firearms instructors shall achieve a score of 92%.
  - e. Off Duty firearms qualification scoring requirements are:
    - i. Daytime qualification requires a score of 80%. Firearms instructors shall achieve a score of 92%;
    - ii. Night time qualification requires a score of 80%. Firearms instructors shall achieve a score of 92%.

- f. An officer failing to qualify with a personal firearm shall be given the opportunity for future attempts at the discretion of the department's lead firearms instructor.
- B. Officers failing to qualify shall have their authorization to carry or use the weapon immediately suspended and the firearms instructor shall notify the appropriate bureau commander. Such officers shall be required to undergo remedial training by a certified instructor prior to qualifying and resuming official duties.
- C. Notwithstanding (B) above, officers failing to qualify shall attend additional remedial training as directed by the department's lead firearms instructor. This additional training shall occur between the time the officer qualifies and the time the officer attempts to qualify the following calendar year.
- D. Remedial training may also be conducted at the direction of the Chief of Police following any incident involving improper or ineffective use of a weapon.

#### **06.05.9      SPECIALIZED TACTICAL FIREARMS**

- A. The department maintains special purpose firearms that may include, but are not limited to; tactical rifles, selective fire weapons, and gas/impact munition launchers. Only those officers who successfully complete and maintain qualification as required by this general order shall be authorized to utilize such weapons.
- B. Access to specialized tactical firearms shall be restricted to authorized officers of the Special Weapons and Tactics Team (SWAT), Mobile Field Force (MFF) operators, designated firearms instructors, and qualified armorers.
- C. The SWAT commander and/or the MFF commander shall be responsible for ensuring that the procurement, use, storage, transfer, and disposition of specialized firearms complies with all applicable laws and regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

#### **06.05.10      ACCIDENTAL DISCHARGE**

- A. If an officer accidentally discharges his/her firearm, regardless of duty status, notification shall be made as soon as practicable to the watch commander. The watch commander shall respond and take the officer's and witness statements if applicable.

If discharge occurs during training, the senior firearms instructor present at the time of the incident shall document the incident and forward it to the officer's bureau commander.

- B. All firearms involved in accidental discharges shall be examined by the appropriate department armorer for functionality.
- C. A memorandum shall be completed and forwarded to the officer's bureau commander for administrative review. Based on the results of the investigation, the discharge of the firearm shall be identified as:

1. Accidental Discharge during Enforcement Action

This type of action could be construed by the suspect(s) or the public as utilization of force, investigation, and reporting shall be in compliance with [General Order 07.03 Use of Force](#).

2. Mechanical Discharge

Caused by the malfunction of the firearm or ammunition. It could also be caused by a physical event that could not be prevented or foreseen by the user.

3. Failure to Follow Safety Protocol

Failure to follow safety or operational protocols.

4. Negligent Discharge

Discharge related to "horseplay with the firearm," unauthorized pointing and presenting or other act demonstrating a degree of recklessness or negligence.

5. Training Discharge

When a firearm is accidentally discharged during training, and there are no resulting injuries.

- D. If an accidental discharge occurs within the City of Concord and injury or death results, the investigation shall be handled by N.C. State Bureau of Investigation. Should the incident occur outside the City of Concord, the involved officer shall immediately notify the law enforcement agency having jurisdiction.

**06.05.11 WEAPONS MAINTENANCE, INSPECTION & REPAIR**

- A. All department firearms shall be inspected and approved by a qualified armorer prior to being placed into duty use. Firearms removed from duty use for any reason (such as resignation/retirement or for repairs) shall be re-inspected and approved by a qualified armorer before the weapon is returned to duty use.
- B. The Professional Standards Division commander or designee shall maintain a complete record of all firearms and other weapons issued or approved for use. This shall include the type, description, identifying model, serial number, and identity of the officer to whom the firearm or other weapon is assigned.
- C. Officers not authorized as armorers are prohibited from making any modifications or repairs to departmental firearms or other weapons without the authorization of the Professional Standards Division commander. Minor field adjustments and field stripping of firearms using approved methods and procedures for the purpose of routine cleaning and maintenance shall be permitted.
- D. All issued and authorized firearms shall be subject to periodic or random unannounced inspection by armorers or supervisors to ensure operational readiness and compliance with departmental orders.
1. Officers are responsible for properly maintaining their issued and assigned firearms in a clean and fully functional condition.
  2. Any unauthorized modifications or indications of misuse or improper maintenance discovered by an armorer shall be reported in writing to the Professional Standards Division commander, for appropriate action.

- E. Any malfunction or suspected malfunction of a departmental firearm shall be reported to the Professional Standards Division commander as soon as practicable and the firearm submitted to a departmental armorer for inspection and repair.

### **06.05.12 LESS LETHAL WEAPONS**

The objective of less lethal force is to cause cessation of hostile acts by a subject who presents a danger to citizens and/or officers. Because no device is 100 percent capable of achieving this objective without causing death or serious injury, officers should expect that some subjects might not become incapacitated and may increase resistance or become more aggressive. For this reason, less lethal force is not required if deadly force is authorized by law and policy.

#### **A. IMPACT MUNITIONS**

1. Impact munitions include, but are not limited to, those listed on Attachment A.
2. Impact munitions are designed to be a less lethal round, but can be used in a manner that would constitute deadly force.
3. Target areas for impact munitions, shall be in compliance with current department and manufacturer training.
5. Minimum and maximum ranges shall be adhered to in accordance with current department training and manufacturer recommendations.
6. Shotguns used to deploy impact munitions shall be equipped with an orange stock. Standard 12-gauge ammunition shall not be loaded into a shotgun equipped with an orange stock.
7. Qualification and refresher training shall be conducted on an annual basis with all launching platforms applicable to the officer's duties.
8. For their safety, officers deploying any impact munition shall do so when backed up by officers equipped to use deadly force. Circumstances that may justify the use of impact munitions include, but are not limited to:
  - a. Persons armed with impact or edged weapons;
  - b. Dispersal or routing of individuals in civil disturbance situations;
  - c. Situations where the use of a specialty impact munition as an alternative to deadly force may facilitate the apprehension of a violent and / or armed person.
9. Suspects struck by impact munitions shall be placed in custody and evaluated by EMS as soon as practicable.
10. Use of impact munitions shall be reported as a use of force.



**B. OLEORESIN CAPSICUM (OC) AEROSOLS (PEPPER SPRAY)**

1. Officers are issued a water based oleoresin capsicum aerosol projector as a less lethal weapon, which may be used to defend them, others, and/or non-compliant subjects. OC shall be considered as a supplement to, rather than a replacement for, empty hand control, impact weapons, or the service firearm.
2. All officers are required to attend department training in the use of OC. Only the initial OC aerosol training includes a pepper spray exposure. All uniformed officers are required to carry department issued OC aerosol projector. Training in the use of OC aerosol projectors shall occur every two years.
3. The use of OC aerosol is to be considered as a use of force and all use of force policies and procedures shall apply.
4. OC aerosol may be used after verbal commands have failed to achieve compliance, but before closed hand techniques.
5. Deploy OC aerosol in the facial area assuring coverage of the eye zone (eyes, forehead, and brow) – secondary is the nose and mouth. Isolated controlled motion from ear to ear is the most effective spray method, proper tactics dictate the element of surprise, remaining no closer than 3 feet and no farther than 20 feet from the subject.
  - a. **SPRAY** the subject until it is determined that the subject is contaminated or that the OC is ineffective and other measures are necessary.
  - b. **COMMAND** the subject to get on the ground (legs crossed, arms out).
  - c. **EVALUATE** his/her response – repeat steps 1-3 if required or escalate or deescalate.
  - d. **ATTEMPT TO CONTROL** the subject while avoiding, to the extent possible, pressure or weight on his/her back.
  - e. **MEDICALLY** check subject – start decontamination.
6. In addition to all other policies and procedures regarding injured subjects, the following steps shall be taken with regard to a subject contaminated by the use of OC aerosol:
  - a. Officers shall make every attempt to explain to the subject that he/she is going to help reduce the discomfort the suspect is feeling, as long as he/she cooperates. Some subjects will display a panic-type attitude contributed to by the effects. Officers shall make every attempt to reassure these subjects that the effects are temporary and not life threatening. The most helpful source of relief officers can provide is to remove the subject from the contaminated area and provide fresh air.

- b. Officers shall radio the communications center and request EMS for decontamination assistance. While waiting for EMS to arrive, the officer shall monitor the subject and tell the subject that he/she has been sprayed with a pepper spray that is non-toxic and the effects will dissipate in a short time. The officer shall ask the subject if they have any medical conditions. This information shall be relayed to EMS to assist with treatment and decontamination.
  - c. If the subject refuses treatment, the officer shall constantly monitor the subject during the entire arrest processing. The officer shall advise the Cabarrus County Sheriff's Department detention officer the condition of the subject and the time the subject was sprayed with the OC aerosol before releasing the subject into the detention officer's custody.
7. When the container has been used it shall be turned in for replacement following current department procedures.

#### C. EXPANDABLE BATON

1. Officers are issued a police straight expandable baton. All officers are required to attend department expandable baton training. The police straight expandable baton is to be carried by officers assigned to uniform duty at all times unless assigned to office duties. Training in the use of the police straight expandable baton shall occur every two years.
2. Striking methods with a flashlight may be used to stun or surprise an individual in order to create time for an officer to deploy some other use of force option or restraining device. A flashlight shall be used only when there is no other reasonable alternative. Striking areas with the flashlight shall be consistent with those areas struck with a baton.

#### D. CONDUCTED ELECTRONIC WEAPONS

##### 1. AUTHORIZED USERS

- a. CEW less lethal weapons shall be used in a manner that is consistent with the guidelines and training taught by department Axon certified instructors.
- b. Every uniformed officer below the rank of lieutenant shall carry a CEW on their duty belt or approved vest carrier. Officers shall satisfactorily complete this department's approved training course, which includes an exposure, before they are authorized to carry CEWs. The officer's training file shall contain documentation of training in the use of CEWs annually.

**NOTE: Any officer who has previously satisfactory completed CEW training to include an exposure shall only be required to complete the department's approved training course.**

- i. Any officer seeking a medical exemption to the CEW exposure during training, but still wanting to carry a CEW, shall obtain a detailed written justification from a medical doctor that describes the physical condition and how the condition prevents them from being exposed to a CEW. The justification shall be forwarded to human resources, so the Chief of Police or designee can consider the exemption request.

- ii. Any officer requesting an exemption to carrying a CEW shall obtain a detailed written justification from a medical doctor that describes the physical condition and how the condition prevents them from carrying a CEW. The Chief of Police or designee may require a medical evaluation through a physician identified by the department for confirmation that the officer cannot carry a CEW. If it is determined that the officer's medical condition is such that prohibits exposure or carrying a CEW, then the officer may be referred to a physician identified by the department for a "Fitness for Duty" evaluation.
  - c. For officers in a position not assigned an individual CEW, there shall be a pool of CEW's allocated for units such as Vice and Narcotics and Criminal Investigations. Certified officers assigned to these units / divisions shall check out a CEW from the pool if working in a uniformed assignment or secondary employment capacity.
2. DEVICE READINESS
  - a. The device shall be carried in a manner consistent with department training and instruction, on the support side of the duty belt or load bearing vest. Officers not assigned to uniformed patrol may utilize other department approved holsters and carry the weapon consistent with department training, on their support side.
  - b. The device shall be carried with the cartridge(s) loaded and the safety engaged until immediate use is authorized.
3. Officers shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
4. CEW batteries shall be docked at least every 30 days.
5. The CEW shall be tested at the beginning of each shift as instructed to ensure the unit works properly.
6. USE OF CONDUCTED ELECTRICAL WEAPONS
  - a. Using a CEW is a serious control option. A CEW may be used only in response to a situation in which a reasonable officer would perceive an imminent threat of violence or force to themselves or another subject that could be mitigated by using a CEW. The primary purpose of the CEW is to save human lives and prevent injuries. The use of the CEW is considered a higher level of control and its use is authorized as an alternative to deadly force in situations where time and circumstance permit.
7. Examples of situations when the CEW may be used include but are not limited to:
  - a. When dealing with a subject that presents an imminent threat to use violence or force to an officer and or another subject;

- b. When confronted by subjects armed with weapons other than a firearm such as knives, bottles, or any object that can be used as a weapon to cause bodily harm, and the subject poses an imminent threat of violence or force to an officer or another subject;
- c. When attempting to control violent subjects who may be under the influence of drugs and/or alcohol and are exhibiting aggressive behavior or subjects whose aggressive behavior indicates that other methods of control may reasonably result in injury to the subject or officers.

**Note: Officers shall be aware that there is a higher risk of sudden death in subjects under the influence of drugs or exhibiting symptoms associated with excited delirium, see [General Order 07.01 Arrest Authority and Procedures](#).**

- d. When a subject resists arrest and the subject has the apparent ability to retrieve a weapon and the officer reasonably believes the subject has access to a weapon;
8. When reasonable, officers shall attempt to verbally warn the suspect before using the CEW. An ARC display may be used in conjunction with verbal warnings.
9. Factors to be considered in the use of a CEW:
- a. The number of officers present. When more than one officer is present, the use of a CEW is authorized if officers can clearly articulate that the subject continues to pose an imminent threat to use violence or force, not negated by the number of officers present.
  - b. CEWs shall not be used against a subject who is not suspected of a crime unless doing so is necessary to protect the officer or others from an imminent threat of violence or force posed by that subject. In case of apparently mentally ill subjects, every reasonable effort to de-escalate or otherwise resolve the situation shall be made before a CEW is used.
  - c. A CEW shall not be used to repeatedly drive-stun a subject. If the initial drive-stun(s) do not achieve compliance, repeated uses of the drive-stun shall not be attempted. The use of the CEW "drive-stun" mode shall be used primarily to supplement the mode to complete the conductive circuit. The "drive-stun" requires the same level of justification as a probe deployment.
  - d. CEWs shall be used only in strict compliance with the manufacturer's most current recommendations and guidelines.
  - e. The intentional use of two or more CEWs simultaneously on the same subject is strictly prohibited.
10. The CEW shall not be used:
- a. In proximity to flammable liquids, fumes, gases, blasting materials, or any other highly combustible materials that may be ignited by use of the device, including but not limited to, any subject who may have been contaminated with combustible liquids.

**Note: Some areas within medical facilities have oxygen or other flammable gases or substances in use. Officers need to be aware of this when deciding whether to use a CEW.**

- b. On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - c. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death (where the subject's fall may result in death or serious injury, in water, etc.).
  - d. On any suspect who does not demonstrate an imminent threat to use violence or force against the officer or another person.
  - e. Punitively for the purpose of coercion, or in an unjustified manner.
  - f. To escort or prod subjects.
  - g. To awaken unconscious or intoxicated individuals.
  - h. To force the surrender of blood or urine evidence.
  - i. Against subjects who are offering only passive and/or verbal resistance.
  - j. When the officer cannot for safety or other reasons approach the subject ~~to~~ within the effective range of the CEW.
  - k. In situations where, deadly force is the most reasonably necessary option, unless another officer is in position to use deadly force against the subject.
  - l. Solely to prevent the escape of a suspect of a non-violent offense who is otherwise not displaying an imminent threat to use violence or force towards the officer or another subject.
11. Officers shall not use a CEW under the following situations:
    - a. On a subject who is in control of a vehicle (e.g., automobiles, trucks, motorcycles, ATVs, scooters), while that vehicle is moving or in gear unless no other option is available to prevent injury to the officer or others.
    - b. Officers shall be cognizant if the subject is visibly pregnant, elderly, otherwise infirm or of very young age and consider other less lethal control options before deploying a CEW.
  12. Upon firing the CEW, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
  13. The subject shall be secured as soon as practicable while disabled by CEW power to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers shall be aware that an energized subject may not be able to respond to commands during or immediately following exposure.

14. In preparation for firing, the CEW shall be pointed in a safe direction, the safety disengaged, and then aimed. Center mass of the subject's back shall be the primary target where reasonably possible; lower center mass of the area below the sternum or the legs shall be the secondary targets.
15. The CEW may also be used in certain circumstances in a drive-stun mode. It is important to note that when the CEW is used in this manner, it is:
  - a. Primarily a pain compliance tool due to a lack of probe spread.
  - b. Minimally effective compared to conventional cartridge-type deployments.
  - c. More likely to leave marks on the subject's skin.
  - d. Subject to the same deployment (use) guidelines and restrictions as those of the CEW in cartridge deployments.
16. The CEW shall be pointed at the ground or in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
17. **AFTERCARE**
  - a. The CEW probes may be removed from the subject after the subject is restrained following procedures outlined in training. The probes shall be placed in an approved Bio-Hazard Sharps container for proper disposal. They shall not be retained as evidence due to potential biohazard problems.
  - b. Whenever an individual has been exposed to a CEW (either drive-stun or probe exposure), the officer shall contact Cabarrus County EMS for a medical evaluation of the individual. The officer shall continue to monitor the individual until EMS arrives.
18. Officers shall specifically alert EMS of any subject who:
  - a. requests medical attention;
  - b. is struck in a sensitive area (face, head, female breasts, neck, male groin);
  - c. from whom officers have difficulty removing the probes (owing to probe or barb separation);
  - d. does not appear to recover properly after being struck;
  - e. is in a potentially susceptible population category as noted in section 06.05.11(12)(b) of this policy;
  - f. has been energized more than three times;
  - g. has had more than one CEW effectively used against him or her in any given incident;
  - h. has been subjected to a continuous energy cycle of 15 seconds or more;

- i. has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW exposure.

19. Video or photographic documentation of the affected area shall be taken after the probes are removed. Drive-stun marks shall also be documented.

**Note: Body cameras may be used in lieu of cameras to document the affected area and/or drive stun marks if practicable.**

20. IMMEDIATE SUPERVISOR RESPONSIBILITIES

- a. When there is an active use (either drive-stun or cartridge deployment) of the CEW during an enforcement action, whether intentional or not, a supervisor shall be notified and shall respond to the scene. The responding supervisor shall conduct an administrative review of the incident and file a Use of Force Report.

**Note: This requirement refers to the use of a CEW during an enforcement action and not an accidental discharge as noted in section 06.05.13 of this general order.**

- b. Supervisors shall ensure the subject receives appropriate medical treatment and the scene is secured.
- c. Supervisors shall ensure proper video or photographic documentation of the site of the probe impacts, drive stun marks, and any related injuries.
- d. Supervisors shall ensure that probes, cartridges, and wires are disposed of, taking into consideration biohazard procedures. The responding supervisor shall determine whether or not the cartridge and wires shall be retained as evidence. In most cases, when the suspect appears to recover fully with no serious injuries, this shall not be necessary. Examples of cases where these items shall be retained include, but are not limited to: in-custody death of a suspect, serious injury to a suspect, medical transport of the suspect on advice of EMS, and any other circumstance where the supervisor determines that these items might be of value. These items may be released from evidence and destroyed when it is determined that they no longer have any investigatory or evidentiary value.
- e. Supervisors shall ensure that arrangements are made for the officer to receive a replacement cartridge after a discharge of the CEW cartridge.
- f. Supervisors shall ensure that CEW use data has been downloaded and a copy of the data is attached to the Use of Force Report.
- g. Supervisors shall ensure that the CEW is downloaded, when there is an active deployment, when there is reason to believe there was an active deployment (e.g., a complaint of inappropriate use), or when otherwise deemed necessary.

**06.05.13 ACCIDENTAL DISCHARGE OF A CEW**

- A. If an officer accidentally discharges their CEW (i.e. a cartridge deployment while testing the CEW, a cartridge deployment while removing the CEW from a holster, etc.), outside of an enforcement action, regardless of duty status, notification shall be made as soon as practicable to their supervisor. The supervisor shall determine the need for any additional follow-up based on the circumstances. However, if the accidental discharge results in the probes striking another subject, the watch commander shall be notified, and a supervisor shall respond to the scene.
- B. All CEWs involved in accidental discharges shall be examined by the appropriate department Axon instructor for functionality prior to being carried again for duty use.
- C. A memorandum shall be completed and forwarded to the officer's bureau commander for administrative review. Based on the results of the investigation, the discharge of the CEW shall be identified as:
1. Mechanical Discharge  
Caused by the malfunction of the CEW or cartridges.
  2. Failure to Follow Safety Protocol  
Failure to follow safety or operational protocols.
  3. Negligent Discharge  
Discharge related to "horseplay with the CEW," unauthorized pointing and presenting or other act demonstrating a degree of recklessness or negligence.



GARY J. GACEK  
CHIEF OF POLICE



**Concord Police Department  
Specifications for Approved Weapons & Ammunition**

**ATTACHMENT A**

**Duty Firearm and Weapons Specifications**

Duty Handgun:	Glock Model 22/23/27 .40 caliber pistol
Duty Rifle:	Smith & Wesson M&P-15 .223 caliber rifle
Duty Baton:	ASP Black Chrome 21" Expandable Baton with foam grip Solid Wooden Baton (24" & 30")
OC Aerosol:	SABRE Model 5.0 Crossfire gel
CEW:	TASER 7 X2

**Ammunition Specifications**

Handgun Round:	Winchester SXT 180 GR. .40 caliber (Duty) Winchester 180 GR. FMJ .40 caliber (Training, Qualification, and/or Proficiency)
Rifle/Select Fire Rifle Round:	Winchester Ranger 64 GR. PowerPoint .223 caliber
Tactical Sniper Rifle Round:	Federal Gold Match 175 GR. Match Grade BTHP .308 caliber

**Specialized Weaponry**

Select Fire Rifles:	Sig Sauer Model 516 (5.56 mm or .223 caliber) Colt M4 carbine (5.56mm or .223 caliber) H&K G36 (5.56 mm or .223 caliber) H&K MP5 (.40 caliber)
Sniper Rifles:	Remington Model 700 .308 caliber Bergara Model PDC .308 caliber
Distraction Devices:	CTS Flash-Bang Model 7290-2 Double-Bang CTS Flash-Bang Model 7290M Mini-Bang CTS Model 9593 Sting Ball CS CTS Model 9590 Sting Ball Glass Breaking Round .68 caliber Solid Polymer Rounds

**Less Lethal Impact Munitions**

Launcher:	DefTech 40MM Single Shot Launcher Penn Arms 40MM Single Shot Launcher Remington 870 .12 GA. with "Less Lethal" Designation
Impact Munitions:	CTS Model 4557 40MM Foam Baton CTS Model 4561 40MM Multi-three Wood Baton CTS .12 GA. Super Sock CTS Model 4557 HV High-Velocity Foam Baton

CTS Model 4558 Sting-Ball Smokeless .60 Cal Rubber Pellet  
CTS Model 4551 Rubber Foam Smokeless Multi-Projectile  
PepperBall Marking Rounds .68 caliber  
PepperBall Live Rounds .68 caliber  
PepperBall Live X Rounds .68 caliber

### Chemical Munitions

**Launcher:** DefTech 40MM Single Shot Launcher  
Penn Arms 40MM Single Shot Launcher  
Remington 870 .12 GA. with "Less Lethal" Designation  
FTC Pepper Ball Launcher

**CS Munitions:** CTS Model 4230 Riot CS Smoke Projectile  
CTS Model 4233 Riot CS Smoke Multi Projectile  
CTS Model 4630 40MM CS Muzzle Blast  
CTS 8230 Tactical Grenade CS Smoke  
CTS Model 9430 CS Irritant Tear-Ball Grenade  
CTS Model 5430, CS Flameless Expulsion Canister Grenade  
CTS Model 5230B CS Baffled Canister Grenade  
CTS Model 4431 40MM CS Powder Barricade Spin Stabilized

**OC Munitions:** CTS Model 2440 12-gauge OC Powder Projectile  
CTS Model 4640 40MM OC Muzzle Blast  
CTS Model 4441 40MM OC Powder Barricade Spin Stabilized  
CTS Model 6340 OC Vapor Grenade  
DefTech Model 56895 1.3% MK-9 Stream OC Aerosol  
Sabre Red 1.33% MK-9 Stream  
PepperBall Live Rounds .68 caliber  
PepperBall Live X Rounds .68 caliber

**Smoke:** CTS 4210-R Red Smoke 40 MM  
CTS 4210 White Smoke Projectile  
CTS 4213 White Smoke Multi Projectile  
CTS Model 6210-R Hand Grenade – Red Smoke  
CTS Model 6210 Hand Grenade – White Smoke  
CTS Model 8210-R Tactical Grenade Red Smoke

**Concord Police Department  
Specifications for Privately Owned Off-Duty and Secondary Weapons**

**ATTACHMENT B**

**AMMUNITION:** The minimum requirements for ammunition used in off-duty and secondary weapons are listed below. Bullet design is limited to jacketed hollow point (JHP) and full metal jacket (FMJ). In all cases, only factory loaded ammunition shall be approved for use. Wad-cutters, reloads, exploding, or frangible ammunition shall not be used.

OFF-DUTY / SECONDARY WEAPONS	
CALIBER	MINIMUM BULLET WEIGHT
.380 auto	90 grain
.38 special	125 grain
.38 super	125 grain
9mm	115 grain
.357 magnum	125 grain
.357 sig.	125 grain
10mm	155 grain
.40 S&W	155 grain
.41 magnum	155 grain
.44 special	180 grain
.44 magnum	180 grain
.45 ACP	180 grain
.45 Long Colt	180 grain

## ATTACHMENT C

## North Carolina Concealed Handgun Chart – Prohibited Carry Areas

Carry Area	Individuals Authorized Pursuant to GS 14-269(b)	Out-of-State Officer HR 218	Concealed Carry Handgun Permittee GS 14-415.10	Out-of-State Reciprocal Concealed Carry Handgun
Educational Property	YES	YES--If Secured in Vehicle Unless Private Educational Property is Posted.	YES -- If Secured in Vehicle <u>Unless</u> Private Educational Property is Posted.	YES -- If Secured in Vehicle <u>Unless</u> Private Educational Property is Posted.
Where Alcoholic Beverages are sold and consumed	YES	YES--Unless Posted	YES -- Unless Posted	YES -- Unless Posted
Certain State Property & Courthouses (This does not address Legislative office properties.)	YES	YES-- If Secured in Vehicle	YES -- If Secured in Vehicle	YES -- If Secured in Vehicle
Parades or Funeral Processions	YES	YES -- Unless Posted	YES -- Unless Posted	YES -- Unless Posted
Picket lines, Private Health Care Facilities	YES	NO	NO	NO
Posted Property	<b>see note below</b>	NO	NO	NO
Law Enforcement or Correctional Facility	YES	NO	NO	NO
Federal Property	NO	NO	NO	NO
While consuming alcohol or while alcohol or controlled substance is in the blood	NO	NO	NO	NO
Assembly where admission is charged	YES	YES--Unless Posted	YES -- Unless Posted	YES -- Unless Posted
State owned rest area	YES	YES	YES	YES
Posted local government recreational facilities	YES	NO	NO	NO

A "yes" in the block indicates the person in that category can carry in the establishment listed.

A "no" in the block indicates the person in that category cannot carry in the establishment listed.

**NOTE:** While carrying in this area may not be in violation of our concealed carry statutes, it may constitute a trespass violation in certain circumstances.