CONCORD POLICE DEPARTMENT
GENERAL ORDER

USE OF FORCE

GENERAL ORDER: 07.03	**CREATED:** May 18, 2004	**ISSUE DATE**: August 20, 2026
CALEA STANDARD: 1.2.10, 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.6, 4.1.7, 4.2.2, 4.2.3		**EFFECTIVE DATE:** August 20, 2026
ACTION: Amends general order dated September 9, 2024.		

07.03.0 PURPOSE

The purpose of this General Order is to provide instructions for the proper use of force by officers, provide a fair and impartial review of use of force incidents, determine whether the actions of officers were justified, and to maintain public confidence in the Concord Police Department.

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every officer of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

07.03.1 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Concord Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Empowering officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

07.03.2 DEFINITIONS

A. DEADLY FORCE

Force that creates a substantial risk of causing death or serious bodily injury.

B. DEADLY WEAPON

A weapon or improvised device that, through normal or intended use, is likely to cause death or serious bodily injury.

C. DE-ESCALATION TECHNIQUES

Techniques that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance.

D. IMMINENT

Impending to the point of happening.

E. NON-DEADLY FORCE

Force other than that which is considered deadly force. The use of a baton or similar weapons normally is non-deadly force, but they can constitute deadly force, depending on the manner of use.

F. NON-DEADLY WEAPON

A weapon that, through normal and intended use, should not cause death or serious bodily injury. This category includes conductive energy weapons (CEW), batons, and OC spray.

G. OBJECTIVE REASONABLENESS

A threshold for determining the necessity for force and the appropriate level of force. Objective reasonableness is judged from the perspective of a reasonable officer facing similar circumstances. Such determination shall be made based upon the totality of facts known to the officer at the time force was applied, along with the officer's prior training and experience, without regard to the underlying intent or motivation of the officer. Factors include but are not limited to: the seriousness of the crime, level of threat or resistance presented to the officer, and the danger to the community.

H. OFFICER

For purposes of this general order, the term "officer" includes sworn law enforcement personnel of any rank who uses force in the performance of their duties.

I. SERIOUS BODILY INJURY

An injury that creates substantial risk of death, causes serious permanent disfigurement, or results in long term loss or impairment of the functions of any bodily member or organ.

J. REASONABLE BELIEF

The facts or circumstances that would cause a reasonably trained law enforcement officer to act or think in a similar way under similar circumstances.

K. RESPIRATORY NECK RESTRAINT (CHOKE HOLD)

A restraint method performed by applying direct pressure to the trachea, control is established through pain compliance and strangulation.

L. VASCULAR NECK RESTRAINT (STRANGLE HOLD)

A restraint method of control that is established through pressure to the sides of the neck that critically reduces blood from passing through the neck.

07.03.3 DE-ESCALATION

A. Prior to using force, when safe and practical to do so and without compromising law enforcement objectives, officers shall use de-escalation techniques to attempt to slow down and/or stabilize a situation to allow for more time, options, and resources for incident resolution. De-escalation techniques may include, but are not limited to:

   1. Mitigating the immediacy of the threat by containing or reducing exposure by moving to a safer position;

   2. Establishing communication from a safe position;

   3. Use of verbal techniques to promote rational decision making;

   4. And/or avoidance of physical confrontation, unless immediately necessary.

B. When safe and feasible, officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors such as, but not limited to: a medical condition, mental impairment, developmental disability, language barrier, influence of drug or alcohol use, perceived age, and/or a behavioral crisis.

C. In the event that a situation escalates beyond the effective use of de-escalation techniques, or when such delay would compromise the safety of the officer or another, officers are authorized to use force as otherwise outlined in this policy.

07.03.4 OBJECTIVE REASONABLENESS

A. The use of force by an officer must be objectively reasonable. Officers shall use only the force necessary to effectively maintain control of a situation and protect the safety of the officer or other persons.

B. An officer's level of force shall decrease proportionately to a subject's decreasing level of resistance. Likewise, an officer's level of force may increase proportionately to a subject's increasing level of resistance.

C. Once an officer gains control and/or compliance of a subject who is no longer resisting, the use of force shall cease.

D. The reemergence of resistance or a loss of control and/or compliance may require the reemergence of force, provided such force is objectively reasonable.

07.03.5 USE OF DEADLY FORCE AND RESTRICTIONS

A. Officers are authorized to use deadly force in the following circumstances:

   1. An officer may use deadly force when it is or appears reasonably necessary to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

2. An officer may use deadly force when it is or appears reasonably necessary to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

   Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

   a. The individual has a deadly weapon or is attempting to access one and it is reasonable to believe the individual intends to use it against the officer or another.

   b. The individual is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the individual intends to do so.

   c. It is necessary to effect an arrest or to prevent the escape from custody of a person who he/she reasonably believes is attempting to escape by means of a deadly weapon, or who by the individual's conduct or any other means indicates that he/she presents an imminent threat of death or serious physical injury to others unless apprehended without delay (N.C.G.S. 15A- 401(d) (2).

   NOTE: Use of a deadly weapon or deadly force to resist arrest (NC GS 15A-401(f)):

   - **A person is not justified in using a deadly weapon or deadly force to resist an arrest by an officer using reasonable force, when the person knows or has reason to know that the officer is a law-enforcement officer and that the officer is effecting or attempting to effect an arrest.**

   - **The fact that an arrest may not be authorized under this section is no defense to an otherwise valid criminal charge arising out of the use of such deadly weapon or deadly force.**

   Neither of the two items above shall be construed to excuse or justify the unreasonable or excessive force by an officer in effecting an arrest NC GS 15A-401(f)(2).

3. To kill an animal if the officer or another person is threatened with serious bodily harm by the animal or otherwise to provide for the safety of the general public.

4. To kill an animal that has been so badly injured that its destruction would prevent further suffering. Officers shall use a department issued firearm for this purpose, provided that it can be fired safely with respect to human life and other property. Edged weapons shall not be used for the dispatching of badly injured animals as this puts the officer at risk of sustaining unnecessary injury.

B. Police officers may draw or display their firearms in circumstances where they reasonably believe it may be necessary to use their firearm in the performance of their duties. Doing so is not considered, by itself, to be a use of force.

C. The firing of warning shots is prohibited. When practicable prior to the discharge of a firearm at a person, officers should identify themselves as law enforcement officers and verbalize their intent to use deadly force.

D. Respiratory Neck Restraints (Choke Holds) and Vascular Neck Restraints (Strangle Holds) are prohibited except under circumstances outlined in 07.03.5(A)(1-2), in which deadly force is authorized.

NOTE: Several courts have agreed that the untrained and improper use of these types of restraints by officers may be considered deadly force.

07.03.6 USE OF FORCE AND RESTRICTIONS

A. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force shall be judged from the reasonable belief of an officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the type and amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are trained and entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device (knives or other edged weapons, improvised impact weapons, etc.) or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

B. Officers with specialized training who are authorized and trained in the use of specialized equipment may use that issued equipment pursuant to a general order approved by the Chief of Police. Approved non-deadly equipment currently includes:

1. Impact munitions (12-gauge bean bag or 40mm foam baton)

2. Chemical irritants

3. Conducted Energy Weapons

4. ASP Expandable Baton

C. Impact weapons may be used only when an officer is confronted with active aggression that is occurring or is imminent, against himself/herself or another person. The use by an officer of a flashlight, baton, or similar object used as a club to strike a blow to the muscle groups of a person's arms or legs, shall be considered use of non-deadly force. A flashlight, baton, or similar object used as a club to intentionally strike a blow to a person's head/neck is prohibited, except where deadly force is otherwise necessary.

D. Officers may use a knife as a weapon only as a last resort, when other means have failed or are inapplicable. The knife may only be used in deadly force encounters when the officer's primary deadly weapon (his/her firearm) has been compromised, is inaccessible, or does not function.

07.03.7 FACTORS USED TO DETERMINE REASONABLENESS

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

A. Immediacy and severity of the threat to officers or others;

B. The conduct of the individual being confronted, as reasonably perceived by the officer at the time;

C. Officer/subject factors (i.e., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. number of subjects);

D. The effects of drugs or alcohol;

E. Individual's mental state or capacity;

F. Proximity of weapons or dangerous improvised devices;

G The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained;

H. The availability of other options and their possible effectiveness;

I. Seriousness of the suspected offense or reason for contact with the individual;

J. Training and experience of the officer;

K. Potential for injury to officers, suspects and others;

L. Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the officer;

M. The risk and reasonably foreseeable consequences of escape;

N. The apparent need for immediate control of the individual or a prompt resolution of the situation;

O. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others;

P. Prior contacts with the individual or awareness of any propensity for violence;

Q. Any other exigent circumstances.

07.03.8 DUTY TO INTERVENE

A. Agency coworkers should intervene within the scope of authority and training and notify the appropriate supervisory authority if they observe another agency coworker or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state or federal law or local ordinance.

1. Any officer who personally observes another officer using force, which the observing officer believes to be beyond that which is objectively reasonable under the circumstances, shall reasonably attempt to intervene to prevent the use of such unreasonable force, if the observing officer is in a position to do so, and if any such intervention does not jeopardize safety. The intervening officer shall promptly report their observations, along with his/her own actions to a supervisor.

2. Acts of harassment and retaliation are forms of serious misconduct and shall result in an investigation and appropriate disciplinary action pursuant to the City of Concord's Personnel Policy and the department's policies.

07.03.8 SHOOTING AT OR FROM MOVING VEHICLES

A. Discharging a firearm at or from a moving vehicle shall only be done in the following circumstances and only when all other reasonable alternatives have been exhausted or deemed unacceptable.

1. An officer shall not discharge a firearm at the driver or occupant(s) of a moving vehicle, or the vehicle itself, unless deadly physical force is being used against the officer or another person by means other than a moving vehicle, or, the moving vehicle poses an imminent and ongoing threat of substantial physical harm to the officer or another person from which there is no reasonable means to escape, and the risks are outweighed by the need to use deadly physical force. Once the threat of the moving vehicle ceases, an officer shall not discharge his or her firearm at the vehicle.

2. Officers shall not intentionally place themselves to either the front or the rear of a moving vehicle's path. If they find themselves in danger from a moving vehicle, they shall attempt to move out of the way, if possible, rather than discharge their firearm. Firing at a moving vehicle shall not, in most circumstances, stop the vehicle. Further, should the driver be wounded or killed, the vehicle may still continue in motion.

3. An officer shall not discharge a firearm from a moving vehicle unless deadly physical force is being used against the officer or another person by means other than a moving vehicle (e.g., fired upon), and the risks are outweighed by the need to use deadly force.

4. Officers should avoid reaching into or placing any part of their bodies inside a driver occupied vehicle during a traffic stop or field interview. To do so may place the officer in a position of disadvantage.

07.03.10 REPORTING USE OF FORCE INCIDENTS

A. PURPOSE

The *Use of Force Report* is designed to document those incidents involving the use of force by officers as described herein. The report shall be completed by a supervisory officer of a higher rank than the officer that used force. In unique circumstances the Chief of Police may assign a subordinate supervisor to file a use of force report (i.e., a major, deputy chief, or chief of police uses force that is reportable pursuant to this policy).

B. WHEN TO FILE REPORT

1. The *Use of Force Report* shall be completed by a supervisory officer when:

a. An officer intentionally or unintentionally discharges a firearm in a non-training environment. Hunting, target practice, and sanctioned competitions do not require a use of force report.

b. An officer uses a baton in the line of duty (against a person or animal).

c. An officer discharges an irritant, chemical, or inflammatory agent.

d. An officer deploys an electronic control device, to include non-contact spark display, contact stun, and probe deployment. However, non-contact spark display used as a test of functionality does not require the filing of a use of force report.

e. A department canine bites a person.

f. A forcible blood draw occurs requiring force to obtain a sample and where a subject claims injury or is injured as a result of police action.

g. An officer uses bodily force that involves focused strikes, diffused strikes, or decentralizations to the ground.

h. An officer uses any type of force in which a person is injured or claims injury, whether or not the injury is immediately visible.

i. An officer, exercising police authority, takes an action that results in, or is alleged to have resulted in, injury or death of another person.

Note: When in doubt as to whether a use of force incident should be documented on a *Use of Force Report*, notify a supervisor for guidance and direction.

Following the use of deadly or non-deadly weapons, or other law enforcement action in which injuries have been sustained, medical aid shall be provided as quickly as reasonably possible. This may include detecting obvious change in condition or behavior, clearing chemical agents from the eyes, providing first aid, evaluation by paramedics or immediate aid by medical professionals.

When obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious, EMS shall be requested immediately. Immediate medical aid consistent with the coworker's training should be administered for any obvious severe injuries or unconsciousness. The coworker shall assist such person in obtaining it and contact a supervisor. The supervisor shall order, or otherwise arrange, transportation of such person to a place where necessary medical care can be obtained. In no event shall apparent and or necessary medical attention be unreasonably delayed in order to notify or obtain guidance from a supervisor.

C. REPORTING PROCEDURES

1. Officers using force as outlined above shall notify a supervisor as soon as practicable so that an administrative investigation can be conducted.

2. The investigating supervisor shall obtain a detailed verbal statement from the officer(s) who used force and shall record the interaction on the supervisor's body worn camera or other department issued recording device. Absent an allegation of misconduct or excessive force, this shall be considered a routine contact in the normal course of duties.

3. The investigating supervisor shall obtain a detailed verbal statement from any officer or citizen who witnessed the use of force, including the person against whom force was used. Each statement should be obtained separately from any other statement and shall be recorded on the supervisor's body worn camera or other department issued recording device. A citizen or suspect's refusal to provide a statement shall be noted in the report.

4. Photographs must be taken of the subject against whom force was used to illustrate any injury or lack thereof.

5. The investigating supervisor should complete the use of force report prior to the end of their shift, and in no case more than 72 hours after being notified of the use of force.

6. The investigating supervisor should limit his/her summary of the incident to the facts they were presented with and any evidence (i.e., body camera video) obtained during the course of the investigation. A determination of whether the use of force was proper, lawful, or in compliance with policy shall be made by a major, deputy chief, or chief of police.

7. The completed use of force report shall be tracked in RMS using the applicable chain of command. The reviewing supervisor shall **recommend** a disposition and may add comments in RMS. The reviewing bureau commander shall enter a **disposition** and close the report if a determination is made that the use of force was justified and in compliance with policy.

8. Uses of force that are determined to be outside of policy, involve serious bodily injury or death, or involve the discharge of a firearm shall be tracked by the bureau commander to the chief of police for review and final disposition.

D. DEBRIEF

1. It is understood that many uses of force occur as a result of an unprovoked attack or threatening action taken against an officer. In such cases the officer does not have advanced warning or an ability to employ effective de-escalation techniques.

2. It is also understood that some uses of force occur as a result of a failure to de-escalate a situation or the use of poor tactics (i.e., not waiting for a backup officer, unsafe body position in relation to a threat, etc.).

3. Supervisors who investigate a use of force have a responsibility to not only assist management in determining if a use of force was lawful and proper, but also whether the use of force was necessary and/or avoidable. It is possible for a use of force to be lawful and proper (i.e., compliant with department policy), while at the same time avoidable.

4. As an organization we seek continuous improvement; and, we gain knowledge and understanding from our past experiences. Therefore, in situations where **a lawful and proper** use of force was – or may have been – avoidable, it is expected that the investigating supervisor conduct an informal debrief with the officer who used force. This debrief shall occur in private within a reasonable period of time after the use of force report has been completed (no later than a week after the incident). This debrief is non-disciplinary and is solely designed to get the officer to think through the use of force incident and consider whether or not he/she would handle a similar situation differently in the future.

5. While investigating supervisors are expected to facilitate the aforementioned debrief, the officer participating in the debrief is not compelled, but rather is encouraged to provide the supervisor with alternative ways of handling a future incident.

6. The use of force debrief is a verbal interaction between an officer and a supervisor and is not required to be documented. However, if a supervisor uncovers a policy concern or training deficiency, then that information shall be passed along through the chain of command so corrective action can be taken to enhance officer safety.

07.03.11 DEADLY FORCE & SERIOUS INJURY INCIDENT RESPONSE

A. The Chief of Police shall request the NC State Bureau of Investigation (SBI) to investigate any incident where a Concord Police Department officer is involved in a use of force that results in death or serious bodily injury of any person.

B. Any officer whose actions or use of force results in serious bodily injury or death to another person shall be placed on administrative leave/duty by the Chief of Police pending an investigation of the incident.

07.03.12 USE OF FORCE COMMITTEE

A. A Use of Force Committee chair shall conduct periodic comprehensive reviews of all use of force incidents.

B. The Chief of Police shall appoint members to the Use of Force Committee, who shall serve a one-year term, subject to extension at the discretion of the Chief of Police.

C. The Use of Force Committee shall meet quarterly, or as otherwise directed by the Chief of Police, and shall focus on, but not be limited to, the following:

1. Appropriateness of use of force by department members;
2. Proper field supervision and supervisory review of use of force incidents;
3. Application and effectiveness of department policies and procedures concerning the use of force;
4. Proper use and effectiveness of equipment;
5. Effectiveness of use of force training;
6. Identification of training needs and opportunities for officers;
7. Trends or patterns related to race, age, and gender of subjects involved;
8. Trends or patterns resulting in injury to any person, including coworkers.

D. The Use of Force Committee chair shall prepare a written report of the committee's quarterly findings and/or recommendations and submit such report to the Chief of Police.

E. The Use of Force Committee chair shall also prepare an annual written summary report of the committee's findings and/or recommendations and submit such report to the Chief of Police.

James S. Hughes

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CHIEF OF POLICE