



# **GENERAL ORDER**

**DURHAM POLICE DEPARTMENT  
DURHAM, NC**

**NUMBER:**

**4067 R-3**

## **OFFICER-INVOLVED SHOOTINGS & IN-CUSTODY DEATHS**

Effective Date: 04/15/2001

Revision Dates: R-1 04/28/2004; R-2 01/26/2016; **R-3 12/06/2023**

### **INTRODUCTION**

It is the policy of the Durham Police Department (DPD) to investigate all officer-involved shootings and in-custody deaths. For purposes of this General Order, officer-involved shootings consist of an application of force as defined in General Order 4008 – *Use of Force* which involves the discharge of a firearm. This General Order provides personnel with the protocol to enhance a consistent response and follow-up procedure for such events.

### **RESPONSIBILITY**

The Criminal Investigation Division (CID) is responsible for investigating the circumstances surrounding the officer-involved shooting or in-custody death and for bringing subsequent charges against any non-law enforcement suspect(s).

The Professional Standards Division is responsible for investigating any officer-involved shooting or in-custody death to determine whether departmental policies were followed and to identify any deficiencies or procedures that could be addressed by training.

The State Bureau of Investigation (SBI), when requested by the Chief of Police, Deputy Chief, or Bureau Chief, is responsible for investigating officer's actions related to an officer-involved shooting or in-custody death to determine whether or not the actions of the officer were justified or whether the officer's actions constitute a violation of law. The SBI's findings are reported to the District Attorney. If assistance from the SBI is not requested, or assistance is requested but declined, CID will assume responsibility for this function.

### **PROCEDURES**

An officer shall immediately notify his/her immediate supervisor for all officer-involved shootings and in-custody deaths.

The responding supervisor will:

- Confirm that medical assistance has been summoned and provided as necessary.
- Notify the Uniform Patrol Watch Commander and the officer's District/Division Commander of the incident.
- Coordinate the activities of responding backup units.

- Ensure that the incident scene is protected and all witnesses are separated and, to the extent possible, identified. Witnesses should be requested, but may not be required, to remain at the scene for the purpose of providing statements.
- Have the officer(s) removed from the incident scene as quickly as possible to DPD Headquarters or treatment facility if necessary. An officer should be assigned to stay with the involved officer(s).
- Evaluate whether to take custody of the duty weapon on scene or have the officer retain the duty weapon upon their removal from the incident scene. The designated accompanying officer will be responsible for ensuring chain of custody of the duty weapon. In the event that the officer needs to remove the weapon from their person (e.g. to receive medical attention), the accompanying officer will maintain custody of the holstered weapon until it can be turned over to a supervisor or the Crime Scene Investigator.
- Ensure that all incident reports and supplemental narratives are complete and submitted within three (3) days of the incident unless a greater period of time is authorized by the Chief of Police or his/her designee.

The Watch Commander shall be responsible for notifying the:

- On-call CID Supervisor;
- Executive Officer to the Deputy Chief, who will in turn initiate notification through the chain of command to the Chief of Police;
- Professional Standards Division Commander;
- Public Affairs Unit;
- SBI, if directed to do so by the chain of command.

The on-call CID Supervisor will evaluate the scene and circumstances surrounding the shooting and:

- Notify the Homicide/Violent Crimes Unit supervisor and any additional CID investigators needed for an appropriate response to the scene;
- Ensure that the Crime Scene Unit is requested to respond to the scene for processing;
- Designate an investigator to respond to police headquarters to act as a liaison with arriving SBI investigators if assistance with the investigation is being provided by the SBI;
- Meet the responding SBI supervisor as soon as possible to prioritize and coordinate the investigation.

The Chief, or his/her designee, will notify the District Attorney and City Manager.

Durham Police Department personnel are responsible for the security of the incident/crime scene.

The Durham Police Department's Crime Scene Unit is responsible for processing the incident/crime scene and collecting evidence. SBI personnel may assist the Department's Crime Scene Unit with processing upon request.

## **PUBLIC INFORMATION PLAN**

The following steps are the agency's plan for the release of information to the public regarding any type of police action death.

- Only the Chief of Police or his/her designee will make official comments to the media concerning any officer-involved shootings or in-custody deaths.

- The Public Affairs Unit will be responsible for any media releases. Information for these media releases shall be provided by the CID and will be reviewed and approved by the CID Commander or designee to ensure that the criminal investigation is not compromised. The Police Attorney may also be consulted prior to releasing any officer-involved shooting or in-custody death information.
- Media requests for additional information will be addressed by the DPD's Public Affairs Unit or the SBI Public Information Officer.
- Unless authorized by the Chief of Police or his/her designee, DPD members will not make statements to the news media or on social media platforms regarding the officer-involved critical incident unless coordinated through the Public Affairs Unit.

## **THE SBI'S ROLE**

If assistance from the SBI is requested and agreed to be provided, SBI Investigators will respond to Police Headquarters and will conduct their investigation from this base location. SBI personnel may respond to the incident/crime scene to assist the Durham Police Department's Crime Scene Unit.

Interviews of the involved officers by the SBI or others shall occur as soon as practical, considering the need to balance proper investigative follow-up with the medical or psychological needs of the officer(s). Any decision to delay the interviews must be authorized by the Chief of Police or his/her designee.

In order to conduct a thorough and effective investigation, the SBI requests cooperation concerning the following issues:

- The SBI Investigators will usually be the first to interview the primary officer involved in the critical incident and other officers that are directly involved.
- The SBI will need oral statements from the involved officers and witnesses, which the SBI Investigators will request during subsequent interviews.

If time permits, the SBI will be the first to interview involved parties.

The Professional Standards Division will conduct their interviews at a later time after the SBI/CID has initiated their interviews.

## **WRITTEN REPORTS**

General Order 4008 - *Use of Force* will be adhered to for the completion and submission of reports for all in-custody deaths and use of force actions resulting in injury or death.

The assigned CID investigator will use the supplemental narrative submitted by involved officers for their investigation.

Written statements from involved parties are required for the DPD's Professional Standards Division and will be completed as directed.

DPD officers responsible for investigating either the criminal or administrative investigation will document their investigation in accordance with the appropriate policy or procedure for the given circumstances.

## **DEPARTMENTAL RESPONSE**

The involved officer(s) shall, at the direction of the Chief of Police, be placed on administrative leave or duty with pay pending an administrative review of the incident. The officer will remain on administrative leave or on administrative duty status until such time as determined by the Chief of Police.

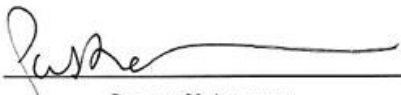
The Professional Standards Division is responsible for contacting the appropriate psychological service provider for necessary critical incident responses and after-action wellness checks.

Any officer involved in a use of force incident that required them to discharge a weapon or there was an in-custody death situation **will be required** to participate in an after-action wellness check.

Other officers who were actively or indirectly involved in the critical incident **may be required**, at the direction of the Chief, to participate in after-action wellness checks.

## **TRAINING**

The DPD provides process training for agency personnel responsible for managing officer-involved shootings and in custody deaths. All officers are provided awareness training during annual in-service training.

  
PATRICE V. ANDREWS  
CHIEF OF POLICE