



# Carrboro Police Department

<b>Subject:</b> <b>Chapter 11: OFFICER INVOLVED SHOOTINGS, IN-CUSTODY DEATHS, AND SERIOUS USES OF FORCE</b>		<b>Number:</b> <b>X. sections</b>
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## **I. PURPOSE**

It is the purpose of this policy to provide guidelines for the investigation of officer-involved shootings. The policy also provides guidance for investigation of in-custody deaths and other uses of force that result in the serious injury of a suspect.

## **II. POLICY**

It is the policy of the Carrboro Police Department to investigate all officer-involved shootings, in-custody deaths, or any incidents that result in serious injuries. The investigative process will determine whether officer actions conform with law and this department's policy, procedures, rules, and training. The investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees if the actions of an officer are in question.

## **III. DEFINITIONS**

- A. **Garrity Warning:** Legal concept derived from Garrity v. New Jersey (385 U.S. 493 (1967)) that restricts the use of administrative statements in order to protect a government employee's right to not incriminate himself or herself. Under Garrity, an employee can be compelled to answer narrowly tailored and job related questions and the information derived cannot be used against them in a criminal proceeding.
- B. **In-Custody Death:** The death of an individual while in law enforcement custody or while attempts to effect custody are being made.



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- C. **Involved Officer:** Any sworn law enforcement officer while in the performance of their official duties that actively engages in using force against another person. Force may include, but not be limited to: use of a firearm, blunt force trauma, striking with a vehicle, or other intentional action that would reasonably cause bodily injury or death to a human.
- D. **Officer Involved Shooting:** The discharge of a firearm by an officer while in the performance of their official duties, except in training or for recreational purposes. This will include unintentional discharges that result in death or personal injury to an officer or suspect/citizen. Any unintentional discharges of a firearm that does not result in personal injury or death will be referred to the involved officer's supervisor for investigation for appropriate disciplinary action.
- E. **Public Safety Statement:** Information requested by the first arriving officer. This information is critical for the effective management of the crime scene and will allow for the preservation of life. It includes statements such as:
  - 1. The approximate number of rounds fired and in what direction.
  - 2. The location or direction of travel of any outstanding suspects.
  - 3. The location and condition of any injured parties who may need medical care.
  - 4. The location and condition of any victims and/or witnesses to the events.
  - 5. Any other critical information that if not provided would expose others to danger.
- F. **Serious Use of Force:** Any use of force that results in, or is reasonably likely to result in, great pain or suffering, or creates a substantial risk of death or permanent impairment of the function of any bodily organ or limb. Also included are situations where a person is **admitted** to a medical facility for treatment that is the result of police use of force.
- G. **Witness Officer:** One or more officers that are present when an involved officer uses force, but the witness officer is not directly involved in the physical altercation.

## IV. INITIAL PROCEDURES



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- A. **Involved Officer Duties and Responsibilities:** Officers involved in a shooting, in-custody death, or serious use of force resulting in injury, upon the first opportunity once the scene is secured, the officer shall immediately:
1. When a firearm is involved, holster the weapon, without unloading, or reloading it. Notwithstanding this statement, officers are authorized to conduct tactical reloads as soon as practical and when necessary. This may be at the first “lull” in the incident which may or may not then turn into the end of the action.
  2. Handcuff and search the suspect(s) to ensure that the threat has been stopped. Whether this is done immediately or upon the arrival of other officers will be driven by the extent and nature of the injuries to the suspect, sound tactics and the officer’s best judgment. When sufficient staffing is on scene and the suspect has been searched, the handcuffs should be removed to facilitate adequate medical care as needed. If the scene is safe, evidence (including weapons) and clearly deceased people should be left in the position and state they were found in for evidentiary purposes.
  3. Notify Communications of the incident, location, and request additional staffing and a supervisor. This should generally occur on the channel assigned to the officer for the response to the incident. It should not occur on a private channel or cell phone, unless exigent circumstances dictate.
  4. Determine the physical condition of any injured person and render first aid if safe to do so. Request appropriate emergency medical aid as necessary.
  5. Coordinate the safe response of all additional resources arriving at the scene. This includes describing existing threats, any “hot zone”, or other critical information affecting the safe response. This duty may be delegated as other officers arrive.
  6. Initiate steps to preserve the scene;
    - a. **Suspect Weapons:**
      - (1) When the threat has been stopped and the scene is secure, firearms possessed by the suspect will be secured in place.
      - (2) When the suspect is not secure and/or other suspects may



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be in the area, the suspect weapon shall be recovered and secured in an available police vehicle or through other appropriate means.

- (3) When securing weapons, undertake reasonable efforts to secure it without unloading the weapon. Additional steps should be taken, if possible, to preserve DNA examination.

b. Officer Weapons:

- (1) When possible, handguns will be holstered and remain secured in that fashion until processed as evidence.
- (2) Long guns will be placed on safe and slung pending the arrival of a supervisor and additional staff.
- (3) Sniper rifles will be left in the shooting position when it is safe to do so. The weapon will be placed on safe or otherwise rendered safe without unloading when possible.

c. Officer Equipment:

Generally, equipment dropped or left on the ground will remain in the position it is found and marked as evidence.

- d. Additional crime scene preservation techniques should follow approved policy and training. This includes taking control of a wide area that includes buildings, parking lots, parked cars, etc. An inner and outer perimeter may be established.

- 7. Detain any outstanding suspects and locate all witnesses. When possible and practical, obtain identification from witnesses that might not remain at the scene to meet with investigators. When possible, conduct a preliminary interview with all witnesses and clearly document their statements.

- 8. Upon the arrival of the first officer, the involved officer(s) will be requested to provide a public safety statement and disengage from the management of the scene as directed.

B. Emergency Aid Considerations:



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1. If injured, the officer should request treatment and/or begin self-aid/buddy aid at the scene. The officer will be transported by EMS or fellow officers to the nearest or most appropriate level of care as the situation dictates. If treatment requires the removal of the officer’s gun belt or other equipment, that equipment will be turned over directly to another officer to preserve as evidence.
  2. If the involved officers are not injured, the supervisor should assess the employee. Due to “fight or flight” and adrenaline, an injury may be masked for a significant period of time.
  3. If there is any doubt about the condition of the officer, the officer will be transported for medical evaluation. The assigned chaperone officer will accompany the officer in the ambulance or other conveyance.
- C. During the course of the criminal investigation, the officer will be afforded the same rights as any citizen victim. The officer will not be compelled to discuss the case with the criminal investigators and/or the District Attorney or his staff. The officer shall not discuss the case with anyone except:
1. Supervisory and assigned investigative personnel.
  2. State Bureau of Investigation agents and personnel, if involved in the use of force investigation.
  3. The District Attorney and/or his designee.
  4. His or her attorney.
  5. Mental health professional.
- D. The officer may contact his/her attorney and/or family directly from the scene when it is safe to do so.
- E. First Responding Officers’ Duties Once On Scene
1. Assume command and control of the scene. This will likely include declaring the use of the Incident Command System (ICS) and a statement that only one senior officer is “in Command” at the scene.



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2. Provide direction to available staff in order to protect the scene and control any active threat. Ensure the scene has reached a level of control such that there is no longer a threat of harm to citizens, officers or suspects.
3. Provide for the immediate medical attention of all persons injured.
4. Secure the scene(s) of the event(s) to the extent possible. Use crime scene tape to secure any area that may contain evidence pertinent to the events being investigated. Assign sufficient personnel to ensure that the scene perimeter is not breached and initiate a crime scene log to track personnel entering or exiting the inner perimeter.
5. If tactically safe, leave all evidence, to include firearms, where it rests until the arrival of investigators.
6. Secure and separate all witnesses to the event.
7. Allow and direct the involved officers to disengage from active participation in the investigation when staffing allows.

**F. First Supervisor Response:**

1. Assume command and control of the scene. If ICS is already in place, formally assume command on the radio. If ICS is not already in place, declare the use of ICS and assume command on the radio.
2. Provide any additional direction to available staff in order to protect the scene and control any active threat. Ensure that the steps required above from the involved officer and first arriving officers are in process and/or accomplished. Ensure the scene has reached a level of control such that there is no longer a threat of harm to citizens, officers or suspects.
3. When appropriate, broadcast clarifying information on the radio to all employees regarding the status of officers. If the officer is seriously injured or killed in the incident, the supervisor must use tact and discretion in determining what to say and how to say it. This is done in order to calm the stress of employees (both officers and communications staff) and help ensure employees are adequately focused on their mission as police officers and telecommunicators.
4. Confirm the medical status of all involved parties and specifically assess



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the well-being of the involved officers. Provide immediate first aid at the scene and ensure proper EMS and FD personnel are enroute to deal with the injured. When possible, notify the area hospital(s) of any incoming patients.

5. If an officer is being transported to the hospital:
  - a. If transported by EMS, the chaperone officer should ride with the officer in the ambulance.
  - b. If transported by police vehicle, the chaperone officer should drive the officer.
  - c. An additional officer should respond to become the “Hospital Branch” under ICS.
  - d. The supervisor or designee will receive guidance from the involved officer when possible in order to summon family to the hospital in a timely manner. If the officer cannot provide input on this process, the supervisor will locate appropriate information to make notifications and/or provide transportation as appropriate.
6. As soon as possible, assign a chaperone to each officer that was directly involved in the incident. The chaperone will stay with their assigned employee for the duration of the investigation or until relieved. The chaperone will guide the officer away from the active investigative scene and allow the officer to “disengage” from police activity. See Section G below.
7. Establish a Command Post.
8. Establish a location to be used by the media (Media Staging) away from the crime scene and away from the command post.
9. Establish a staging location for additional responding resources if necessary.
10. Direct an employee to take field photos of the involved officers before they leave the scene. These photos should be a 360 degree of the officer and his/her equipment. Special attention should be paid to any torn uniforms, damaged equipment or injuries received during the encounter.



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11. As soon as practical, direct the removal of the involved officer(s) from the scene to either a predetermined location or the police station. The officer(s) should be transported by their chaperone in the front seat of a police vehicle, leaving the involved officer's vehicle and keys at the scene. Crime scene tape should be used to protect the vehicles of involved officers as evidence.
12. Determine any additional resources necessary for the circumstances such as displaced persons or community unrest.
13. Assign a scribe to document departmental actions and assignments for accountability. Notes should include all personnel present and the mission of each person entering the scene, as well as key decision points in the management of the incident.
14. Assign officer(s) to accompany injured suspects and victims to the hospital.
15. Notify on-call Criminal Investigations Division (CID) personnel and the on-call Captain.
16. Notify and brief surrounding agencies, if necessary.
17. Brief arriving investigators and ranking officers.
18. With the exception of the "involved officer(s)", all other employees who respond and perform duties in any way will author a written supplement about their activities. The patrol supervisor will coordinate the timely completion of these supplements and their attachment to the incident report. The patrol supervisor will designate a primary officer to complete the preliminary report and assist with other reporting criteria.

## G. Chaperone Responsibilities

1. Remain with the involved officer as assigned with the following responsibilities:
  - a. Record the times and locations of movement such as the time leaving the scene, the time arrived at other locations, and the time the officer is contacted by investigators.



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- b. Ensure the involved officer does not have contact with other involved employees, including the opportunity to discuss details of the case.
  - c. Ensure the preservation of evidence, most importantly the officer's uniform, gun belt, and weapon systems.
  - d. Ensure the proper investigative photographs were taken prior to transport or after transport in exigent circumstances.
  - e. Assist the officer with contacting an attorney and family when requested. Face to face meetings will be allowed at the discretion of the OIC.
  - f. The chaperone will refrain from discussing the actual incident with the involved officer.
2. At the conclusion of the assignment, complete a detailed supplement regarding the actions taken. Unless directed otherwise, the chaperone will stay with the involved officer for the duration of the event and ensure he/she is transported home safely.

## V. INVESTIGATION

- A. Criminal Investigative responsibility will be assigned based primarily on jurisdiction. Based on the seriousness of the incident and level of injury, the Chief will have the discretion to contact the North Carolina State Bureau of Investigation (SBI) for assistance.

<b>Location</b>	<b>Criminal Investigation</b>	<b>Internal Affairs Investigation</b>	<b>SBI Involvement</b>
In Carrboro	Carrboro PD CID or NC SBI	Carrboro PD CID	At the direction of the Chief or his designee
Outside Carrboro	Agency with Jurisdiction	Carrboro PD CID	At the direction of the agency with jurisdiction

- B. The Chief of Police or his designee will notify the District Attorney regarding all officer involved shootings. Together they will discuss the need for on-scene response and/or the totality of the circumstances that would determine the need to involve the SBI or other investigative personnel.



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### VI. TREATMENT OF INVOLVED OFFICER(S)

- A. In every instance in which an officer uses deadly force, where such use results in death or serious bodily injury to another person, the officer will be relieved of normal duty and placed on administrative leave with pay.
1. There will be no direct loss of pay or other benefits. However, the officer will be restricted from working extra duty police assignments until such time as they are cleared to work full duty.
  2. The involved officers will be on paid leave for approximately two weeks depending on the circumstances and at the discretion of the Chief of Police.
  3. The officer shall be available during business hours and other times as needed and with notice for official interviews and statements regarding the case, and will be subject to recall to normal duty at any time after the preliminary investigation.
  4. Relief from normal duty serves two purposes:
    - a. To address the personal and emotional needs of an officer involved in the use of deadly force in which injury or death occurs; and
    - b. To assure the community that all the facts surrounding the incident are fully and professionally explored and verified.
  5. The officer shall not be required to write a report about the incident.
    - a. The officer will be requested to provide essential "public safety" information at the scene. This will be done immediately and will be reported verbally only.
    - b. Investigators will request the officer to participate in brief, but sufficient interviews the day of the incident so that investigators can perform their functions. In consultation with the officer's attorney and with the approval of the Chief of Police it may be agreed that these interviews will not be audio or video recorded unless required by NCGS 15A-211.



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- c. Investigators may request the officer to participate in a “walk through” of the scene on the day of the incident so that investigators can perform their functions. In consultation with the officer’s attorney and with the approval of the Chief of Police it may be agreed that these interviews will not be audio or video recorded.
  - d. A detailed and formal audio/video recorded interview will be performed 2-4 days after the event.
  - e. The Internal Affairs interview process will generally follow the criminal interviews. When possible, the IA investigator will use the criminal interview as the basis and only expand on those questions rather than another extensive interview similar to the comprehensive CID interview.
  - f. These actions and the timing may vary based on the circumstances and with the approval of the Chief of Police.
6. The involved officer(s) will not be permitted to contact the suspect, suspect’s family or visit the morgue, autopsy, mortuary, or funeral without specific authorization from the Chief of Police.
7. A Captain will be assigned as the primary point of contact for the involved employee. The assigned Captain will be responsible for making available any and all resources to the involved officer(s) regarding the Employee Assistance Program and other support services as appropriate.
8. During extended investigations and when possible, the officer will be assigned to a non-enforcement or administrative function during the ongoing investigation.
- B. The officer will be returned to full duty status:
- 1. After a preliminary report has been completed by the criminal investigators;
  - 2. After an initial discussion between the Chief of Police and the District Attorney;
  - 3. After the psychological welfare of the employee has been ensured; AND



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- 4. At the discretion of the Chief of Police.
- C. If the preliminary investigation discloses a question about the officer's actions in the incident, then the appropriate guidelines regarding the rights of the officer will be followed.

## VII. INTERNAL AFFAIRS RESPONSIBILITY

- A. Upon learning of a deadly force encounter, the Chief of Police will designate an Internal Affairs (IA) Investigator. This investigator may have an assistant investigator identified at the same time or at a later time based on the projected workload and/or complexities of the case. The designated investigators must not have been involved in the initial incident response and will generally be outside the chain of command of the involved employees. Internal investigations that qualify as personnel investigations shall enjoy Garrity protections.
- B. The IA investigator(s) will respond to the scene and observe the investigation being conducted by CID. They will undertake the following actions:
  - 1. Inquire about the weapons used in the incident. Take steps to obtain the appropriate replacement weapons so they have them in possession when needed.
  - 2. Should the criminal investigation not collect blood/urine samples, the investigator will confer with the Chief about the need to collect blood or urine samples. When necessary, samples will be collected pursuant to the IA investigation and after the issuance of the Garrity warnings. Samples will be collected in the most unobtrusive process possible and in compliance with Fourth Amendment protections. Employee consent or a search warrant are acceptable evidence gathering methods under this section.
  - 3. Inquire about the welfare of the involved employees and ensure the appropriate steps have been taken such as transporting family members, etc. Direct the appropriate resources to accomplish these tasks when necessary.
  - 4. Ensure each employee is transported home safely at the conclusion of the event.



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- C. After the initial response, the IA Investigator will:
1. Review the on-going criminal investigation and stay abreast of developments with the case. Should an employee refuse to cooperate with the criminal investigation and that refusal may compromise the investigation, preservation of evidence or other negative impact, the IA investigator will step in and use administrative powers to compel disclosure. Information disclosed in this matter will be protected and not shared with the criminal investigators.
  2. Make immediate arrangements for the involved employees to attend psychological counseling.
  3. Schedule the officer(s) for additional interviews or meetings as necessary. These and other IA actions may be substantially delayed after the event to allow the criminal investigation to proceed without adding undue stress to the involved officers.
  4. Complete a detailed Internal Affairs Investigative Report to include a finding and recommendations. This report will be presented to the Chief of Police and other Administrative personnel not involved in the investigation.
  5. Complete other administrative tasks at the direction of the Chief of Police.

## VIII. RESPONSE TO INVOLVED OFFICER(S) NEEDS

- A. When faced with a catastrophic life event or major change, an officer may experience difficulty in appropriately dealing with his/her feelings and emotions. Some of the signs of an officer's inability to deal appropriately with a traumatic incident are:
1. Continuation and intensification of post-incident symptoms such as:
    - a. Heightened sense of danger/vulnerability;
    - b. Fear and anxiety about future encounters;
    - c. Anger/rage;
    - d. Nightmares;
    - e. Flashbacks/intrusive thoughts of the incident;
    - f. Sleep difficulties;
    - g. Depression;



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- h. Guilt;
- i. Emotional numbing;
- j. Isolation and emotional withdrawal;
- k. Stress reactions (e.g., headaches, indigestion, muscle aches, diarrhea/constipation);
- l. Anxiety reactions (e.g., difficulty concentrating, excessive worry, irritability, nervousness).

- 2. Excessive stress and anxiety reactions;
- 3. Continual obsession with the incident;
- 4. Increased absenteeism, burnout, or a drop in productivity;
- 5. Increase in anger and irritability;
- 6. Under reaction on future calls for service;
- 7. Over reaction or risk taking on future calls for service;
- 8. Alcohol/drug abuse.

B. The following guidelines have been found to alleviate much of the stress associated with the aftermath of a shooting. To enable the officer to feel supported and to reduce the amount of overall trauma, these guidelines have been approved by the International Association of Chiefs of Police (IACP) Police Psychological Services Section:

- 1. At the scene, show concern and understanding. Give mental and physical first aid.
- 2. After obtaining necessary on-scene information and with authorization of ICS Command, provide a psychological break by getting the officer some distance from the scene. The officer should be with a supportive employee (assigned chaperone) or supervisor and return to the scene only when necessary.
- 3. With some officers it is important to explain what administrative procedures will occur during the next few hours and over the next few days. This will help the officer realize that the handling of the investigation of the incident is standard operating procedure.



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4. If the incident involves the officer's service weapon and it is to be taken as evidence, it should be replaced with another weapon under private and controlled circumstances. The officer may be required to qualify with the new weapon before working in an enforcement capacity.
5. Before undergoing a detailed interview, the officer should have some recovery time in a secure setting where he/she is insulated from the press and curious officers. This will likely include 2-3 days' rest and recovery time.
6. If the officer is not injured, the officer or Agency should contact the family (via phone call or personal visit) and let them know what happened before they hear rumors and receive phone calls from others. If the officer is injured, an Agency member and/or a departmental Chaplain familiar with the family should contact the family. In either case, the agency will offer full arrangements to transport the family to the officer for comfort.
7. For the officer(s) who fired a weapon, there should be a mandatory confidential (trauma) debriefing with a knowledgeable mental health professional prior to returning to duty. The debriefing should take place as soon after the shooting as is practical, ideally within 24 hours and no later than 48 hours. The need for follow-up sessions should be determined by the mental health professional.
8. Everyone at the scene, and others involved such as dispatchers, should have a critical incident stress debriefing (CISD). During this debriefing it should be noted that anyone at the scene could experience a significant emotional reaction and should consult with the mental health professional. Follow-up sessions for other personnel may also be appropriate.
9. The opportunity for family counseling (spouse, children, and significant other) shall also be made available when possible.
10. An administrator or supervisor should brief the rest of the Agency, or shift, about the incident. This should prevent the officer from being inundated with questions and should hold rumors in check.
11. Expedite the completion of administrative and criminal investigations and advise the officer of the outcomes.



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## C. Supervising Captain Responsibilities:

1. The Supervising Captain will make immediate arrangements to schedule a full Critical Incident Stress Debriefing (CISD) for all involved employees including officers, telecommunicators, and others as necessary. Should it be necessary to perform a CISD for criminal investigators, a separate session shall be scheduled for this purpose.
2. The officer, upon being placed on administrative leave, will automatically be assigned to the appropriate ranking officer for the duration of his/her administrative leave. During this time, the officer shall maintain regular contact with this ranking officer. The Supervising Captain will confirm this assignment.

## IX. MEDIA CONTACT

Upon approval of the Chief, comments given to the news media will be limited to the basic facts of the incident without speculation or expression of opinion. A designated PIO will handle all press releases and follow-up questions. The names of involved employees may be withheld from the media for up to 24 hours allowing the officers time to prepare their family for the questions and media coverage.

## X. AGENCY REVIEW

The agency shall conduct a review of each incident covered under this policy. This review shall result in a written after action critique and specifically address the following issues and make a specific determination whether:

- A. The force, control and/or restraint were consistent with the agency policy;
- B. There are any issues requiring a re-evaluation of agency policy and/or procedures;
- C. There are any training needs identified;
- D. The equipment provided by the agency was adequate, and;
- E. Supervisory involvement was reasonable.