



DEPARTMENTAL REGULATIONS
CONCORD POLICE DEPARTMENT

GENERAL ORDER 40
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I.D.NUMBER 363

Chief of Police

DISCHARGE OF FIREARMS BY POLICE OFFICERS

A. POLICY STATEMENT

There are times when it will be necessary for an officer to discharge their firearm in the course of their duties. The Concord Police Department is committed to ensuring that when such a situation arises, the discharge of the firearm is done in a manner that is within the guidelines of established law and departmental policy.

B. GENERAL

1. For the purpose of this policy, the term “officer” shall apply to all sworn and reserve police officers of the Concord Police Department.
2. The purpose of this General Order is to provide a reasonable basis upon which an individual police officer can be confident in exercising his/her judgment as to the use of deadly force at a moment when action is critical and there is little time for meditation or reflection.

C. REGULATIONS

1. An officer shall not discharge firearms in the performance of his/her police duties, except under the following circumstances:
 - .1 For target practice at an approved range.
 - .2 To kill a dangerous animal or one that humanity requires removing from further suffering, and when other disposition is impractical.
 - .3 Shots fired for the purpose of summoning aid when more conventional communication is not effective and the safety of other persons is considered.
 - .4 In the necessary defense of himself/herself, when the officer has reasonable cause to believe he/she is in imminent danger of death or serious bodily injury.
 - .01 Reasonable cause refers to the set of circumstances the officer is confronted with at the time the decision to use lethal force is made and under which any reasonable officer would conclude that that level of force was appropriate.
 - .02 Imminent danger means that the threat of death or serious bodily injury is immediate.
 - .03 Serious bodily injury is an injury, or likelihood of injury that could result in death or serious physical impairment of the officer.

- .5 In the necessary defense of another person, when he/she has reasonable cause to believe the other person is in imminent danger of death or serious bodily injury.
 - .01 Reasonable cause refers to the set of circumstances the officer is confronted with at the time the decision to use lethal force is made and that any reasonable officer would conclude that the level of force was appropriate.
 - .02 Imminent danger means that the threat of death or serious bodily injury is immediate.
 - .03 Serious bodily injury is an injury, or likelihood of injury that could result in death or serious physical impairment of the other person.
- .6 To effect the arrest, to prevent an escape, or to recapture a suspect when the officer has reasonable cause to believe the suspect has committed or attempted to commit a felony involving the use, or threatened use, of deadly force or serious bodily injury, or when the officer has reasonable cause to believe a substantial risk exists that the felony suspect to be arrested will cause death or serious bodily harm if his/her apprehension is delayed.
- 2. Firearms shall not be discharged as a warning shot.
- 3. Firearms should not be discharged at moving or fleeing vehicles, unless the extreme hazard is overcome by the urgency of the situation.
- 4. An officer who discharges a firearm, whether on or off duty and for reasons other than training or recreation, shall as soon as practical notify the on-duty Concord Police Department shift supervisor.
 - .1 The provisions of Section C.4 apply regardless of whether or not an injury results from the discharge of the firearm.

D. PROCEDURE WHEN DISCHARGE CAUSES MINOR OR NO INJURY TO HUMAN(S)

- 1. Excludes practice at approved range.
- 2. When an officer discharges a firearm, either accidentally or in the performance of his/her duties, and the discharge results in injury to another person, the officer shall render appropriate first aid and summon emergency medical attention.
- 3. Procedure to be independently duplicated when multiple officers and their respective supervisors are involved.
 - .1 Whenever an officer discharges a firearm on or off duty, at any place, either accidentally, or in the performance of police duty, he/she shall verbally notify the on-duty supervisor as soon as time and circumstances permit.
 - .2 The on-duty supervisor of the officer involved in the discharge of a firearm shall complete a thorough investigation into the discharge.
 - .01 If the incident involves the discharge of a firearm while the officer is off-duty, the on-duty supervisor to whom the incident was reported shall complete a thorough investigation into the discharge.
 - .3 After a thorough investigation of the circumstances regarding the discharge of a firearm has been conducted; the supervisory officer shall complete a detailed written report of the results of the investigation to be submitted to the Chief of Police through the chain of command. The report shall

also contain the observation and conclusions of the investigator as to whether the discharge was justified and in accordance with this General Order.

- .3 The Professional Standards Unit (PSU) shall be notified as soon as practical/possible whenever the discharge of a firearm occurs whether the officer is on duty or off duty. The PSU or the Chief of Police may, depending on the circumstances, initiate an Administrative Directed Investigation. This investigation will be in lieu of the supervisory investigation.
- .4 The supervisor shall collect the involved officer's firearm and turn said firearm over to a Department Rangemaster, who will conduct a thorough inspection of the firearm and submit a written report to the Chief of Police.
 - .01 The Rangemaster's report shall include facts documenting if the weapon is functioning within the manufacturer's specifications, if any unauthorized modifications have been made to the weapon, and any other facts relevant to the condition and serviceability of the weapon.

E. PROCEDURE WHEN THE OFFICER IS SERIOUSLY OR FATALLY INJURED OR HIS/HER ACTIONS CAUSE SERIOUS OR FATAL INJURIES

1. Refer to Departmental Procedure No. 57, "Officer Involved Fatal Incident - Protocol."
2. In all cases the PSU shall be notified as soon as practical/possible.

F. BOARD OF REVIEW

1. The Chief of Police or his/her designee shall have the option to direct an inquiry into any discharge of a firearm through the Professional Standards Unit in lieu of a shooting review board.
2. Membership of the Board.
 - .1 There is an established Board of Review consisting of the following members, along with others who may be designated by the Chief of Police:
 - .01 The commanding officer of the Field Operations Division, who is the designated Chairman of the Board.
 - .02 The commanding officer of the Investigations and Administrative Services Division.
 - .03 One respective supervisory officer per officer who discharged a weapon.
 - .04 One or more members of the department who are of the same rank and tenure as the involved officer(s). The individual(s) shall be designated as the peer representatives.
 - .2 If the discharge of a firearm results in an injury to the involved officer(s) or another person(s), a Concord City attorney or other designated legal counsel will be requested to attend the board of review.
3. Meetings of the Board.

- .1 A meeting of the Board shall be called by the Chairman within a reasonable time after the report of a firearm discharge comes to his attention.
4. Authority of the Board.
 - .1 The Board shall review the circumstances attending each discharge of a firearm by an officer of the department, and shall report their findings to the Chief of Police.
 - .2 The Board shall make or receive recommendations for the modification of the department's firearms use policy, and shall make recommendations concerning training necessary for the effective implementation of such policy.
 - .3 The scope of the board review is limited to a review of the incident as it pertains to this policy only. This review shall include the review of training as it pertains to this policy.