



NORTH CAROLINA DEPARTMENT OF JUSTICE CRIMINAL JUSTICE STANDARDS DIVISION

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CRITICAL INCIDENT REPORTING - FREQUENTLY ASKED QUESTIONS

While the guidance provided in the law is limited, the Divisions have made the following determinations:

Question - Can multiple officers be listed on one F-27 Report?

Answer - Separate Critical Incident Reports should be submitted for each officer involved and for each incident.

Question - When does an injury rise to the level of requiring reporting?

Answer - An agency should refer to their own legal counsel for guidance and evaluation of the law and applicable definitions (see N.C.G.S. 14-32.4).

Question - What if a large group of officers are present during a critical incident (such as a SWAT Team activation) but not all use force, who should be reported?

Answer - The statute requires that those who used force resulting in death or serious injury be reported. The determination on who to report will need to be made by the agency, who is in possession of all the facts. The Division will enter all reports submitted to us.

Question - If multiple officers shoot but only one hits, and that officer is identified, does everyone present need to be reported?

Answer - As noted above, the statute requires that those who used force resulting in death or serious injury be reported. The determination on who to report will need to be made by the agency who is in possession of all the facts. The Division will enter all reports submitted to us.

Question - If multiple officers fire, but only some hit, and they can't be specifically identified, who should be reported?

Answer - The statute requires that those who used force resulting in death or serious injury be reported. The determination on who to report will need to be made by the agency, who is in possession of all the facts. The Division will enter all reports submitted to us. If they in turn submit

reports on everyone, all be entered. If they do not submit any reports because they can't identify who used force, that will be their decision, but they should be encouraged to evaluate this decision with their own legal counsel in consideration of the requirements of the law.

Question - If multiple jurisdictions are involved, who reports the critical incident?

Answer - The statute requires that agencies report their own officer's actions. As such, each agency is responsible for submitting their own report for their officers, even in cases involving mutual aid and for those outside of the agency's normal jurisdiction.

Question - If an officer is killed or seriously injured in an encounter with an individual who is unharmed, does a critical incident report need to be submitted.

Answer - The Commission has interpreted that the purpose of this law is to track law enforcement actions resulting in death or serious injury to others. An ill-fated incident resulting in the death or serious injury to an officer, with no harm to the suspect, should not be reported on a critical incident report.

Question - If an agency submits a report for an incident resulting in a critical injury and the person later succumbs to the injuries should they submit an updated form?

Answer - Yes, if the individual's status changes, agencies should submit an updated form. Once receive, the database entry will be changed to reflect the new report type and both reports will then be maintained for tracking purposes.

Question - If officers attempt to utilize deadly force but no one is seriously injured or killed, are critical incident reports required?

Answer - The Commission has determined that the purpose of the law is to track uses of force resulting in deaths or serious injury. It was not created to simply track force used. As such, the "unsuccessful" deployment of deadly force or other force that does not result in a death or serious injury does not need to be reported. As previously noted however, agencies have possession of the facts and CJSJ does not, so any reports submitted to the Division will be entered.