

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (NRS 171.1455).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DATE OF POLICY ADOPTION

This policy has been adopted on January 30, 2025 (NRS 171.1455(5)).

300.1.2 DEFINITIONS

Definitions related to this policy include:

Chemical Agent: Pursuant to NRS 193.302: any chemical which can rapidly produce sensory irritation or disabling physical effects in humans, which can disappear within a short time following termination of exposure. The term includes, without limitation, items commonly referred to as tear gas, pepper spray, pepper balls, and oleoresin capsicum.

Choke Hold: Pursuant to NRS 193.305:

1. A method by which a person applies sufficient pressure to another person making breathing difficult or impossible, including, without limitation, any pressure to the neck, throat or windpipe that may hinder breathing or reduce intake of air; or
2. Applying pressure to a person's neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

Deadly Force: Force that creates a substantial risk of causing death or serious bodily harm.

De-escalation: Verbal or non-verbal tactics or strategies employed during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the Use of Force or with a reduction in the force necessary.

Intermediate Force: Non-Deadly Force options that may pose a risk of unintended or unforeseen injury. Intermediate Force includes the use of Chemical Agents, OC foam or spray; any impact including but not limited to personal weapons, baton, or other object used to strike; Kinetic Energy Projectiles; less than lethal munitions; police canine or horse; Conducted Electrical Weapons.

Kinetic Energy Projectile: Pursuant to 193.307: any type of device designed to be nonlethal or less lethal than standard ammunition and to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. The term

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includes, without limitation, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam-tipped plastic rounds.

Non-Deadly Force: Force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

Objectively Reasonable: This term means that, in determining the necessity for force and the appropriate level of force, Officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, the availability and feasibility of any lesser means of force, and the danger to Officers and/or the community.

Officer: for the purposes of this general order, an Officer is a peace officer pursuant to 289.150 to 289.360, inclusive, regardless of rank or assignment.

Other Weapons and Techniques: If Officers use weapons and/or techniques other than those issued and/or approved by the department, their use is still governed by this policy and the use must still be objectively reasonable. Additionally, Officers must articulate the justification for their use.

Use of Force: The physical effort required by Officers to compel compliance from a person.

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

300.2.1 DUTY TO INTERVENE AND REPORT

Pursuant to NRS 193.308, Officers shall, without regard for chain of command, intervene to prevent or stop another Officer from using physical force that is not justified in pursuance of the other Officer's law enforcement duties in carrying out the arrest of a person, placing a person under detention, taking a person into custody or booking a person. The duty to intervene in the use of physical force that is not justified as required by this subsection only applies if:

1. An Officer observes the use of physical force that is not justified or reasonably should have observed the use of physical force that is not justified; and
2. The circumstances are such that it is safe for the Officer to intervene

Officers who observe uses of force that are not justified shall report the observation to their immediate supervisor unless the observations involve their immediate supervisor, in which case

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the Officers shall report the observation to the supervisor of their immediate supervisor. Such reports must:

1. Include, without limitation:
 - (a) The date, time, and location of the incident;
 - (b) The identity, if known, and a description of the participants; and
 - (c) A description of the actions taken as a result of the observations.
2. Be made in writing not later than 10 days after the occurrence of the use of force and observations and appended to all other reports of the incident. These reports shall be made on the departmentally approved Intervention Form and then turned in to the supervisor conducting the Use of Force Investigative Review.

No employee of the Reno Police Department, regardless of rank or assignment, may discipline or retaliate in any way against an Officer solely for intervening in a use of force that is not justified, or for reporting a use of force that is not justified.

300.3 USE OF FORCE

Use only the level of force that is Objectively Reasonable under the circumstances to bring an incident or person under control and safely accomplish a lawful purpose. The level of force used by the Officer must, to the extent feasible, be balanced against the level of force or resistance exhibited by the person.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are 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 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.

Officers are authorized to apply departmentally approved force techniques and use departmentally issued equipment.

Pursuant to NRS 193.305, Officers shall monitor any person who is in their custody for any signs of distress and shall take any actions necessary to place the individual in a recovery position if the individual appears to be in distress or indicates that they cannot breathe. If a person who is in the

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custody of a peace officer indicates that he or she cannot breathe, the peace officer shall ensure that medical aid is rendered to the person by an emergency medical attendant (as defined in NRS 450B), physician, physician assistant or registered nurse as soon as practicable. If a person in an officer's custody has any injuries, Officers are responsible for ensuring aid is provided.

300.3.1 PEACE OFFICER IDENTIFICATION

Pursuant to NRS 171.1455, if it is necessary for an Officer to use force, the Officer must:

1. If it is possible to do so safely, identify himself or herself as a peace officer through verbal commands, visual identification, including, without limitation, a clearly marked uniform or vehicle, or other reasonable means

300.3.2 ALTERNATIVE TACTICS - DE-ESCALATION

Pursuant to NRS 171.1455, Officers shall use de-escalation techniques and alternatives to the use of force whenever possible or appropriate and consistent with his or her training, including, without limitation, advisements, warnings, verbal persuasion, and other tactics. Officers are required to utilize de-escalation techniques for responding to persons with mental illness or experiencing a behavioral health crisis. When responding to an incident involving a person who has made suicidal statements, an Officer who has been trained in crisis intervention shall respond, when feasible.

300.3.3 RESTRICTED APPLICATIONS OF FORCE

Warning Shots – Discharging a firearm to provide a "warning shot" is generally prohibited and may only be used under the most extreme circumstances.

Vehicles – Discharging a firearm at or from a moving vehicle is generally prohibited and may only be used under the most extreme circumstances.

Choke Holds – Pursuant to NRS 193.305, Officers shall not use a choke hold on another person.

Positions – Pursuant to NRS 193.305, Officers shall not place a person who is in their custody in any position which compresses his or her airway or restricts his or her ability to breathe

300.4 DEADLY FORCE APPLICATIONS

In accordance with NRS 171.1455, a peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:

1. Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or
2. Poses an imminent threat of serious bodily harm to the peace officer or to others.

Pursuant to NRS 193.304, Officers shall not use deadly force against a person based on the danger that the person poses to himself or herself if a reasonable peace officer would believe

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that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person.

300.5 REPORTING THE USE OF FORCE

Officers are required to notify a supervisor immediately after they use Intermediate Force, Deadly Force or anytime an Officer uses any other force that results in an apparent or claimed injury which is not otherwise precluded (e.g. incidental injury during police custody). Additionally, Officers who witness the use of or who uses Intermediate Force and/or Deadly Force or any other force that results in an apparent or claimed injury which was not otherwise precluded, will complete a report prior to the end of shift at the direction of the responding supervisor.

300.5.1 INTERNAL AFFAIRS REVIEW

In addition to investigating excessive force complaints, Internal Affairs is responsible for:

1. Evaluating every Use of Force Review and recommendations.
2. Compiling and reporting statistics on Uses of Force as required by Section VI (below).
3. Reporting Use of Force trends to the Chief of Police.
4. Recommending changes to departmental training and to the Chief to address Use of Force trends.

300.5.2 STATISTICAL DATA REPORTING

In accordance with NRS 193, the Reno Police Department shall annually make available to the public and on a monthly basis submit to the Central Repository a report that includes, without limitation, a compilation of statistics relating to incidents involving the use of force that occurred during the immediately preceding calendar year, or month, as applicable, including, without limitation:

- (a) The number of complaints against its Officers relating to the use of force and the number of such complaints that were substantiated; and
- (b) A compilation of statistics relating to incidents involving the use of force that, for each incident, includes, without limitation, all information collected by the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

The Reno Police Department shall submit the report required in a manner approved by the Director of the Department of Public Safety and in accordance with the policies, procedures and definitions of the Department of Public Safety.

300.6 SUPERVISOR RESPONSIBILITIES

The Officer's direct supervisor or in their absence any on-duty supervisor will prioritize responding to the scene and shall initiate the internal review. Once on scene, the investigating supervisor should take the following steps:

1. Evaluate the need for Peer Intervention and intervene when necessary;
2. Check for injuries and ensure that the appropriate aid is being rendered;

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3. Ensure the scene is stabilized or address any issues to stabilize the scene;
4. Once stabilized, attempt to interview the individual who sustained the Use of Force;
5. Ensure photographs are taken of the individual and any injuries sustained and ensure any evidence is collected;
6. Conduct debrief or interviews of Officers away from the scene, preferably at the police station;
7. Evaluate the totality of the review and forward any recommendations to Internal Affairs through their chain of command. Anytime, in the opinion of the supervisor, a Use of Force does not seem to comply with this or any other General Order, consult with their chain of command on the initiation of an Internal Affairs led investigation;
8. Complete a Use of Force Investigative Review in the department's reporting system.

300.6.1 COMMAND RESPONSIBILITY

The Chief of Police will determine the necessity of and/or the method of force reporting when circumstances do not allow for normal reporting procedures.

300.7 USE OF FORCE ANALYSIS

At least annually, the Patrol Captain should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.