

## RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entities and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a specific standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Jason Soto /s/		
Approving Deputy Chief: Thomas Robinson /s/		
General Order No: P-400-20	Issued: January 14, 2009	Revised: July 15 <sup>th</sup> , 2021
General Order Title: <b>USE OF FORCE</b>		

### I. POLICY

It is the Policy of the Reno Police Department to protect human life and human rights. Officers must use only the amount of force that is Objectively Reasonable to effectively bring an incident under control, while protecting the safety of the Officer and others. Officers must only use that force which a reasonably prudent Officer would use under the same or similar circumstances. Officers are expected to apply force in accordance with departmental training.

### II. DEFINITIONS

**Chemical Agent:** Pursuant to NRS 193.350: 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 193.350:

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 193.350: 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 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, 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 amount of effort required by Officers to compel compliance from a person.

### **III. RESTRICTIONS**

- A. Warning Shots** – Discharging a firearm to provide a “warning shot” is generally prohibited and may only be used under the most extreme circumstances.
- B. Vehicles** – Discharging a firearm at or from a moving vehicle is generally prohibited and may only be used under the most extreme circumstances.
- C. Choke Holds** – Officers shall not use a choke hold on another person.
- D. Positions** – Officers shall not place a person in their custody in any position which compresses his or her airway or restricts his or her ability to breathe.

### **IV. PROCEDURES**

- A. Use of Force in General** – Pursuant to NRS 171.1455, if it is necessary for an Officer to 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; and
  - 2. 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:
    - a. Be balanced against the level of force or resistance exhibited by the person; and
    - b. Be carefully controlled.

Officers are authorized to use departmentally approved force techniques and departmentally issued equipment. After any Use of Force, Officers shall monitor the individual 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 any injuries were sustained, Officers are responsible for providing aid.

**B. 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, crisis intervention and other alternatives to force when feasible. Officers are also required to utilize de-escalation techniques for responding to persons with mental illness or experiencing a behavioral health crisis.

**C. Peer Intervention** – Pursuant to NRS 193.355, 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 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 then turned into 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.

**D. Use of Intermediate Force** – In situations where an individual poses an immediate threat to the safety of the Officer or others, Officers may use Intermediate Force if the Intermediate Force is Objectively Reasonable to bring an incident under control. Use of Intermediate Force must be in accordance with departmental training.

**E. Use of Deadly Force** – In accordance with NRS 171.1455, if necessary to prevent escape, 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.

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

**F. Use of Force on Animals** – Whenever an animal poses a threat of harm to the peace officer or others, Officers may use only that level of force that is Objectively Reasonable to bring an animal under control. Additionally, Officers are permitted to use deadly force on an animal that is seriously injured, to prevent it from further suffering only if the force can be applied without harm to others.

**G. Protests or Demonstrations** – Pursuant to NRS 193.350, Officers shall not, in response to a protest or demonstration:

1. Discharge a Kinetic Energy Projectile indiscriminately into a crowd or in a manner that intentionally targets the head, pelvis or spine or any other vital area of the body of a person unless the person poses an immediate threat of physical harm or death to the peace officer or others; or
2. Use of a Chemical Agent without first declaring that the protest or demonstration constitutes an unlawful assembly and providing to the person who are present at the protest or demonstrations:
  - a) At least three orders to disperse, given in a manner that each order may be heard by those persons, including, without limitation, issuing the order from multiple locations and issuing the order in multiple languages;
  - b) An egress route from the area where the protest or demonstration is occurring; and
  - c) A reasonable amount of time to disperse from the area where the protest or demonstration is occurring.

If there is an immediate threat of physical harm or death to a person, then no order to disperse must be provided. If there is an immediate threat of harm to property, then only one order to disperse must be provided.

## **V. USE OF FORCE INVESTIGATIVE REVIEW**

**A. Internal Review** – An internal review will be conducted anytime a Use of Force involves 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).

**B. Officers' Responsibilities** – 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.

**C. Supervisors' 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;
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.

**D. Internal Affairs Responsibilities** – 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 to the Chief to address Use of Force trends.

**E. Command Responsibilities** – 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.

## **VI. USE OF FORCE DATA**

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.