

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: August 13, 2020
General Order Title: USE OF FORCE		

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. The Officer 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

Choke Hold: As defined in NRS 193:

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: OC foam or spray; any impact including but not limited to personal weapons, baton, or other object used to strike; less than lethal munitions; police canine or horse; Conducted Electrical Weapons.

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. PROCEDURES

A. Use of Force in General – Where Deadly Force is not justified or authorized, Officers may use only that level of force that is Objectively Reasonable to bring an incident under control. Officers are authorized to use departmentally approved force techniques and departmentally issued equipment to protect the Officer and others from physical harm; and/or to restrain or subdue a resistant individual; and/or to bring an unlawful situation safely and effectively under control. 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 – Whenever reasonable, Officers will attempt to employ departmentally authorized De-escalation tactics and techniques, in accordance with departmental training, prior to or in conjunction with a Use of Force. De-escalation tactics and techniques include but aren't limited to:

1. Creating distance and/or separation;
2. Use of Crisis Intervention Techniques (CIT) in accordance with CIT Training;
3. Limiting exposure to a threat in order to create more time to evaluate options;
4. Communication techniques including negotiating, urging, advising and/or warning.
5. Evaluating whether other force options would be applicable.

C. Peer Intervention – a peace officer shall, without regard for chain of command, intervene to prevent or stop another peace officer from using physical force that is not justified in pursuance of the other peace 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. A peace 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 peace 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** – Whenever reasonable, Officers must consider the effectiveness of other available force options and should give a verbal warning before using Deadly Force. Absent those possibilities and whenever Objectively Reasonable, Officers may use Deadly Force to:
1. Protect the Officer or others from what is reasonably believed to be a threat of death or serious bodily harm; and/or
 2. To prevent the escape of a fleeing violent felon who the Officer has probable cause to believe poses a serious threat of death or serious injury to the Officer or others; and/or
 3. To stop an animal that represents a threat to public safety, or as a humanitarian measure when the animal is seriously injured to prevent it from suffering further and only if the force can be applied without harm to others.

IV. 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.

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 statistics on Uses of Force and reporting trends to the Chief of Police.
3. 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.