

PROCEDURAL

Las Vegas Metropolitan Police Department

ORDER

Partners with the Community

TO	: ALL PERSONNEL	July 8, 2020	Directive No. PO-046-20
SUBJECT	: USE OF FORCE POLICY		Effective Date IMMEDIATELY
Additional Information	Initiated by Office of the Sheriff to move LVNR [®] to deadly force and update medical attention for clarity. Changes appear in <i>italics</i> ; deletions appear struck out .		
Dept. Manual Reference	6/002.00		
Approval Signature	Joseph Lombardo, Sheriff Kevin McMahill, Undersheriff		

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6/002.00 USE OF FORCE POLICY

- I. POLICY**
- II. DEFINITIONS**
- III. GOVERNMENT AUTHORIZATION FOR USE OF FORCE**
- IV. DETERMINING THE APPROPRIATENESS OF FORCE**
- V. DE-ESCALATION**
- VI. DUTY TO INTERVENE**
- VII. MEDICAL ATTENTION**

I. POLICY

It is the policy of this Department that officers hold the highest regard for the dignity and liberty of all persons and place minimal reliance upon the use of force. The Department respects the sanctity of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances where lesser means of force have failed or could not be reasonably considered.

The Las Vegas Metropolitan Police Department is committed to protecting people, their property and rights while providing the best in public safety and service. The proper use of force is essential for ensuring impartial policing and for building trust in the community. There are circumstances where individuals will not comply with the law unless compelled or controlled by police officers through the use of force. Officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority (see LVMPD 4/103.26, *Respect for Individual Rights of Persons*).

The Department seeks to manage use of force beyond the *Graham v. Connor* (1989) standard and its minimum requirements by establishing further parameters for the application of force and to offer explicit direction to officers. Sound judgment, the appropriate exercise of discretion, and the adherence to Department policy will always be the foundation of officer decision-making in the broad range of possible use of force situations.

II. DEFINITIONS

approved weapons	Weapons meeting Department specifications for which officers receive proficiency and safety training.
de-escalation	An officer’s actions to slow down, stabilize, and resolve an incident as safely as possible by reducing danger through the use of verbal persuasion, tactics, resources, and transitioning through force options.
force transitions	The movement, progression, or reduction from the application of one force type to another.
imminent threat	An impending violent act, harm, or resistance that will likely occur if not instantly confronted or addressed.
levels of control	Broad categories of force options in escalating stages of intensity that are identified as low-level force, intermediate force, and deadly force.
objectively reasonable	An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances presented at the moment the force is used.
recovery position	The placement of a subject’s body in a manner that does not restrict breathing or obstruct the airway, i.e., on their side or upright.
substantial bodily injury	An injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in a prolonged loss or impairment of the functioning of any body part.

III. GOVERNMENT AUTHORIZATION FOR USE OF FORCE

Officers may use force to protect themselves or others, overcome resistance, to effect a lawful detention, a lawful arrest, or to conduct a lawful search. Officers should, if reasonable, make clear their intent to detain, arrest, or search the subject.

Officers are legally authorized to use deadly force to effect an arrest when in compliance with Nevada Revised Statutes (NRS) and the legal standards under *Tennessee v. Garner* (1985) to:

1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or substantial bodily injury.
2. Prevent the escape of a fleeing felon who the officer has probable cause to believe has committed a violent felony crime and is an imminent threat to human life if escape should occur ([NRS 171.1455](#)).

Officers will give a warning, if feasible, before the use of deadly force.

IV. DETERMINING THE APPROPRIATENESS OF FORCE

Officers will only use a level of force that is objectively reasonable to bring an incident or persons under control and to safely accomplish a lawful purpose. An officer's use of force must balance against the level of resistance exhibited by the subject. The level of force administered by an officer must be carefully controlled and should not be more than objectively reasonable to overcome the physical harm threatened. In a confrontation, an officer will continuously reassess their response and adjust any use of force accordingly based upon the level of resistance encountered. Failure to reassess each application of force can lead to a violation of law and/or policy. ***The intent is to gain control of a subject and then transition into a custody phase where an officer is able to focus on the subject's welfare.*** In choosing a force option, the nature and severity of the crime underlying the police and citizen interaction must be considered.

The United States Supreme Court's decisions and interpretations of the Fourth Amendment of the United States Constitution state an officer shall only use such force as is "objectively reasonable" under all of the circumstances. The standard that courts use to examine whether a use of force is constitutional was first set forth in *Graham v. Connor* and expanded by subsequent court cases. The reasonableness of a particular use of force must be judged from the perspective of a judicious officer on the scene, rather than with 20/20 vision of hindsight. The consideration must account for the fact that officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving.

Objective factors that affect the reasonableness of the force include:

1. The severity of the crime.
2. Whether the subject poses an immediate threat to the safety of officers or others.
3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
4. The influence of drugs/alcohol or the mental capacity of the subject.
5. The time available to an officer to make a decision.
6. The availability of officers or resources (including the number of officers present at the time) to de-escalate the situation.
7. The proximity or access of weapons to the subject.
8. The environmental factors and/or other exigent circumstances.

V. DE-ESCALATION

Policing requires that at times an officer must exercise control of a violent or resisting subject to make an arrest or to protect the officer, other officers, or members of the community from risk of harm. Clearly, not every potential violent confrontation can be de-escalated, but officers do have the ability to impact the direction and the outcome of many situations based on their decision-making and the tactics they choose to employ. As a strategy to diminish the likelihood and the severity of force, officers will attempt to de-escalate confrontations.

When reasonable, officers should gather information about the incident, assess the risks, assemble resources and equipment, attempt to slow momentum, and communicate and coordinate a response. Officers should start to develop a tactical plan prior to arriving at the scene and, when applicable, utilize intervention techniques by coordinating approaches to persons who are in crisis, are believed to be mentally ill, or have developmental disabilities (see LVMPD

6/005.00, *Handling Persons with Special Needs and/or Considerations*). Where potential confrontations are anticipated, the deployment and use of low lethality options should be evaluated.

In responding as a team, officers should manage the containment or isolation of the subject. In their interaction with a subject, officers will, when feasible, use advisements, warnings, verbal persuasion, and other tactics as alternatives to higher levels of force. The use of cover, building more distance, or withdrawal to a more tactically secure position should be considered as options to help create time to diffuse a situation. Officers will perform their work in a manner that avoids unduly jeopardizing their safety or the safety of others through poor tactical decisions.

Supervisors will possess a thorough knowledge of tactics and ensure that officers under their supervision perform to a standard (in accordance with LVMPD policy and training). The prospect of a favorable outcome is often enhanced when supervisors become involved in the management of the overall response to a potentially violent encounter by coordinating officers' tactical actions. Supervisors will acknowledge and respond to incidents in a timely manner when officer use of reportable force is probable (see LVMPD 5/109.09, *Supervisors Tactics for Armed Subject Response*). Supervisors will also manage the deployment of resources and equipment. In dynamic and highly-charged incidents, supervisors will provide clear direction and communication to officers regarding their positioning and roles. Upon observing substandard officer approaches or flaws in tactical decisions, the supervisor will promptly act to correct any deficiencies.

At times, de-escalation may mean the timely and appropriate use of a lower force option to mitigate a later need to use greater force. Officers will make efforts to control a confrontation and not allow it to escalate.

VI. DUTY TO INTERVENE

Any officer present and observing another officer using force that is clearly beyond what is objectively reasonable under the circumstances will, when in a safe position to do so, intercede to prevent the use of unreasonable force. The officer will promptly report these observations and the efforts made to intervene to a supervisor. If the observing officer is a supervisor, they will issue a direct order to stop the violation.

VII. MEDICAL ATTENTION

Whenever an officer applies a use of force option upon a subject that results in *either* observable signs *or complaints* of *injury or* difficulty in breathing, ~~visible injury, or a complaint of injury~~, the officer will continuously monitor the subject and immediately summon medical attention. Officers will be mindful that persons who are in a prolonged physical encounter with officers may be at an increased risk of medical distress. Incidents involving these persons should be considered medical emergencies.

Officers will monitor for signs of life (e.g., pulse, respiration, and chest movement) and update responding medical personnel via Dispatch with any changes in the subject's condition. When requesting medical attention, the officer will provide the nature of the injury, the subject's age and gender, and other circumstances that could be of potential medical risk to the subject (e.g., obesity, suspected drug use, extreme agitation, profuse sweating, labored breathing, complaint of chest pain, or involvement in a foot pursuit) (see LVMPD 6/005.00 Section IV, *Excited Delirium*). Officers should render medical aid within the scope of their departmental training and skill level while awaiting the next level of medical care.

Officers will not restrain subjects who are in custody and under control in a manner that compromises their ability to breathe. Prone handcuffed subjects will be *immediately* placed in a recovery *or seated* position *once safe to do so* (i.e., the placement of a subject's body in a manner that does not restrict breathing or obstruct the airway, such as on their side or upright). While handcuffed subjects are seated, they will not be forcefully bent forward at the waist, and pressure will not be applied to their back, neck, or head.

In some instances, the best course of action may be to transport the subject to the nearest medical facility. The nature of injury, response time of medical personnel, and the proximity of the medical facility should be considered.

Medical attention will be summoned for the following use of force applications, regardless of visible injury or complaint of injury:

1. Baton/Impact weapons – any strikes to the head, neck, chest, spine, kidneys, or groin area.
2. Canine – all bites.

3. Electronic control device (ECD) – probe strikes to the head, neck, chest, or groin area.
4. Lateral Vascular Neck Restraint® (LVNR®) – when applied.
5. Oleoresin capsicum (OC) spray – direct exposure to the facial area.
6. Use of Force with a Projectile Weapon:
 - a. Low lethality shotgun – all strikes.
 - b. 40mm specialty impact weapon – all strikes.
7. Handgun/Shotgun/Rifle – all strikes.
8. Use of Force with a Vehicle:
 - a. Precision intervention technique (PIT)
 - b. Ramming – all.

After prisoner transport, the arresting officer will notify detention personnel and facility medical staff if the subject has a visible injury, complains of injury, or has experienced any of the above force applications.

6/002.01 USE OF FORCE PROCEDURE

- I. USE OF FORCE MODEL**
- II. LEVELS OF RESISTANCE**
- III. LEVELS OF CONTROL**

I. USE OF FORCE MODEL

Force situations are dynamic and require an officer to continually assess the subject's actions to determine, based on policy, training, and experience, which use of force option will de-escalate the situation and bring it under control in a safe manner. Officers will modify their level of control in relation to the amount of resistance offered by a subject.

This following graphic is a general guideline that provides officers with a range of options during an encounter or confrontation:

Each bold force option within the Levels of Control represents the highest level of force option available; however, other force options should be considered to help de-escalate the situation.

ESCALATION

FORCE OPTIONS INDICATION LEGEND

- A force option that balances against the subject's level of resistance
- A lower level of force that can be applied

SUBJECT'S ACTIONS
LEVEL OF RESISTANCE

DE-ESCALATION

LIFE-THREATENING

- Firearms Use
- Low Lethality Shotgun (Less than 5 Yards)
- 40mm Specialty Impact Weapon (Less than 5 Yards)
- LVNR (All Levels)
- Baton (Deadly Force Areas)
- PIT (More than 40 mph)
- Ramming

OBSTRUCTIVE

- Baton (As Escort Tool)
- Empty Hand Tactics (Takedowns)
- Stationary Vehicle Immobilization Technique
- DSD Specialty Restraints (Chair)
- K-9 (On Leash)

COMPLIANT

- Officer Presence
- Verbal Communications
- Empty Hand Tactics (Escorts)
- Handcuffs/Hobbles

ASSAULTIVE

- Empty Hand Tactics (Strikes, Kicks)
- OC Spray
- ECD
- Baton/Impact Weapons (Jabs, Strikes)
- PIT (Speeds 40 mph or Below)
- Low Lethality Shotgun (5 Yards or Greater)
- 40mm Specialty Impact Weapon (5 Yards or Greater)
- K-9 (With Bites)

SUBJECT'S INTENT TO HARM

- Officer Presence
- Verbal Communications
- Empty Hand Tactics (Escorts, Takedowns)
- Handcuffs/Hobbles
- Baton (As Escort Tool)
- K-9 (On Leash)
- Stationary Vehicle Immobilization Technique
- DSD Specialty Restraints

LOW LEVEL

(Has a low probability of causing injury)

INTERMEDIATE
(Potential to cause injury or substantial pain)

DEADLY FORCE
(Likely to produce death or serious bodily injury)

OFFICER'S RESPONSE (Force Transition)

DE-ESCALATION

LEVEL OF CONTROL

ESCALATION

II. LEVELS OF RESISTANCE

Officers must bear in mind that there are many reasons a subject may be non-compliant, resisting arrest, or unresponsive. The person in question may not be capable of understanding the gravity of the situation. A subject may be non-compliant due to a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; emotional crisis; and have no criminal intent. These circumstances may not make the subject any less dangerous but may require a change in tactics to effectively address or de-escalate the situation while maintaining officer safety.

Levels of resistance are general categories of behavior or actions exhibited by a subject at the time of a police encounter:

1. Compliant – a person contacted by an officer who acknowledges direction or lawful orders given and offers no resistance.
2. Obstructive – the subject is uncooperative, not complying with an officer’s commands, or their physical actions are intended to prevent an officer from placing the subject in custody or under control; the subject’s actions are not directed at harming the officer or others.

Examples include:

- a. Standing stationary and not moving upon lawful direction.
- b. Becoming “dead weight.”
- c. Holding onto a fixed object (e.g., utility pole or steering wheel) or locking arms with another during a protest.
- d. Walking or running away.
- e. Breaking the officer’s grip.

----- SUBJECT’S INTENT TO HARM -----

3. Assaultive – the subject demonstrates the intent to harm the officer, others or themselves.

Examples include:

- a. A subject taking a fighting stance, punching, kicking, striking, or attacking with weapons.
- b. Other actions which present an imminent threat of physical harm.
- c. A subject fleeing while in control of weapon (e.g., firearm in a waistband).

4. Life-Threatening – the subject’s actions are likely to result in death or substantial bodily injury to the officer or others.

Examples include:

- a. The imminent use of a firearm, blunt, or bladed weapon.
- b. Extreme physical force.

III. LEVELS OF CONTROL

Levels of control are broad categories of influence and force in escalating stages of intensity.

1. Low Level Force – a level of control that balances against a subject who is compliant or obstructive, and is neither likely nor intended to cause injury. Examples are handcuffing a compliant arrestee or proning a subject out on a high-risk vehicle stop.

This level of control includes:

- a. Officer presence.
- b. Verbal communication.
- c. Empty hand tactics (physical constraint, hand control [escorts], takedowns not likely to cause injury).
- d. Handcuffs/Hobbles/DSD specialty restraints.
- e. Baton (as escort tool).
- f. Canine (on leash).
- g. Stationary vehicle immobilization technique (pinching).

2. Intermediate Force – a level of control that balances against a subject who is assaultive and has the potential to cause injury or substantial pain.

This level of control includes:

- a. Empty hand tactics (strikes, kicks).
 - b. DSD specialty restraint devices (restraint chair/bed).
 - c. Baton/Impact tools (jabs, strikes).
 - ~~d. Lateral Vascular Neck Restraint[®] (LVNR[®]) (all levels).~~
 - e. Oleoresin capsicum (OC) spray.
 - f. Electronic control device (ECD).
 - g. Low lethality shotgun (fired at a distance of five [5] yards or greater).
 - h. 40mm specialty impact weapon (fired at a distance of five [5] yards or greater).
 - i. Canine (with bites).
 - j. PIT (speeds 40 mph or below).
3. Deadly Force – a degree of force which balances against a subject whose actions are life-threatening and likely to result in death or substantial bodily injury.

This level of force includes:

- a. Baton (striking head, neck, chest, spine, groin, or kidneys).
- b. **Lateral Vascular Neck Restraint[®] (LVNR[®]) (all levels).**
- c. Low lethality shotgun (fired at a distance less than five [5] yards).
- d. 40mm specialty impact weapon (fired at a distance less than five [5] yards).
- e. PIT (speeds more than 40 mph).
- f. Ramming.
- g. Firearm use.

An officer will not use deadly force against a person based on the threat that the person poses solely to themselves.

ELEMENTS OF DEADLY FORCE

In the use of deadly force, the following elements must be articulated by the officer.

1. Ability – exists when a person has the means or capability to cause substantial bodily injury or death to an officer or others. Ability may include the subject’s size, age, strength, combative skill, level of aggression, and any weapons in their immediate control.
2. Opportunity – exists when a person is in a position to effectively resist an officer’s control or to use force or violence upon the officer or others. Examples which may affect opportunity include:
 - a. Relative distance to the officer or others.
 - b. Physical barriers between the subject and the officer.
3. Imminent Jeopardy – based upon the known facts and circumstances, the officer reasonably believes the subject poses an imminent threat to the life of an officer or others, and the officer must act immediately to prevent death or substantial bodily injury (see LVMPD 6/002.00, *Use of Force Policy*, Section II, [Definitions](#) for definition of “imminent threat”).
4. Preclusion – lesser alternatives have been reasonably considered and exhausted before the use of deadly force, to include disengagement.

6/002.02 USE OF FORCE TOOLS AND TECHNIQUES

- I. GENERAL RULES**
- II. PRESENCE AND VERBAL COMMUNICATION**
- III. EMPTY HAND TACTICS**
- IV. HANDCUFFS/HOBBLER/DSD SPECIALTY RESTRAINTS**
- V. BATON/IMPACT TOOLS**
- VI. OLEORESIN CAPSICUM (OC) SPRAY**
- VII. LATERAL VASCULAR NECK RESTRAINT®**
- VIII. ELECTRONIC CONTROL DEVICE**
- IX. USE OF CANINE**
- X. USE OF FORCE WITH A VEHICLE**
- XI. USE OF FORCE WITH PROJECTILE WEAPONS – Low Lethality Shotgun/40mm Specialty Impact Weapon**
- XII. USE OF FORCE WITH A FIREARM – Handgun/Shotgun/Rifle**

I. GENERAL RULES

With minimal exception, only Department-approved weapons and trained techniques will be used. Uniformed officers will carry all issued tools and equipment required by Department policy (see LVMPD 4/107.00, *Personal Appearance*). Certifications and POST requirements for Department-authorized tools are listed in LVMPD 5/108.06, *Advanced Training Program* and LVMPD 5/108.14, *Firearms Training*.

Non-uniformed commissioned personnel the rank of lieutenant and below are required to carry at least one (1) intermediate force option (baton, oleoresin capsicum [OC] spray, or electronic control device [ECD]) on their person when on-duty. All tools will be in working order and properly maintained. Supervisors have an ongoing obligation to inspect officer equipment and review with officers Department directives and training materials on the use of force.

The following are regulations that apply to Department-approved weapons or force options (SWAT and SERT personnel are exempt from these regulations, and subsequent regulations found under OC spray and projectile weapons, during tactical operations and will follow their SOPs and training):

1. If feasible, before the use of any approved weapon, the officer will communicate with other officers in the area and issue a warning to the subject. Officers will give the subject a reasonable opportunity to comply. This is particularly important in preventing sympathetic fire when utilizing projectile weapons or the ECD.
2. Officers will use care and constraint in choosing a force option when the subject is at extremes of age (elderly persons or young children), physically frail, or disabled.
3. **Chokeholds are not permitted. Officers will not use an arm bar across the throat or any non-approved technique (see [NRS 289.810](#)).**
4. Officers will not use a baton, ECD, or projectile weapon on a visibly or known pregnant woman unless the subject displays life-threatening resistance.
5. Officers will not use an ECD or projectile weapon when the subject is in an elevated position where a fall is likely to result in substantial bodily injury or death unless the subject displays life-threatening resistance. This is particularly important when utilizing the ECD.
6. Officers will not use physical force solely to stop a person from swallowing a substance that is in their mouth or to retrieve evidence from a person's mouth.
7. When a vicious dog (or other aggressive, unsecured animal) is encountered and the safety of officers or others is compromised, an officer should use a catchpole (preferred tool) or may use OC spray or ECD to stop or ward off an attack as options other than deadly force (see LVMPD 5/109.07, *Domestic Dog Encounters*).
8. Officers are to exercise care and caution in handling Department-approved weapons. Officers will refrain from the unnecessary drawing, handling, or exhibiting of a weapon while in public; the purpose of drawing and manipulating a Department-approved tool is to address a potential conflict or tactical situation at hand.

II. PRESENCE AND VERBAL COMMUNICATION

To effectively de-escalate situations, officers will use advisements, warnings, and verbal persuasion. The utilization of communication skills, such as speaking calmly and showing empathy, may diffuse conflict and reduce the need to use force. When possible, officers should attempt to develop a rapport and convey concern; however, there are times where an officer will need to announce clear, assertive, and professional commands to control the situation (see LVMPD 4/102.12, *Interaction with the Public*).

III. EMPTY HAND TACTICS

1. Level of Control:
 - a. Low Level Force – physical restraint, hand control (gripping, wristlocks), escorts, takedowns (not likely to cause injury).
 - b. Intermediate Level Force – takedowns, strikes, kicks (not likely to cause death or substantial bodily injury).
 - c. Deadly Force – takedowns, strikes, kicks (likely to cause death or substantial bodily injury).

IV. HANDCUFFS/HOBBLES/DSD SPECIALTY RESTRAINTS

1. Level of Control:
 - a. Low Level Force – handcuffs, hobbles
2. Approved Use for Handcuffs:

In an attempt to minimize the risk of injury to officers and others, an officer will handcuff all persons arrested as soon as possible. Plastic “flex” cuffs and other Department-approved restraint devices, such as waist or belly chains, adhere to the same rules as handcuffs (for hobbles, see LVMPD 6/004.00, *Transporting Prisoners*).

 - a. During investigative detentions (“Terry Stops,” see LVMPD 5/200.01, *Search and Seizure*) where one or more of the following factors are present and only for as long as the circumstances exist, not to exceed 60 minutes (per [NRS 171.123](#)):
 - 1) Articulable facts that the subject is physically uncooperative.
 - 2) Articulable facts that a subject’s actions may present physical danger to themselves or others if not restrained.
 - 3) Reasonable possibility of flight based on the actions of the subject.
 - 4) Information that the subject is currently armed.
 - 5) The stop closely follows a violent crime, and the subject matches specific parts of a description.
 - 6) Articulable facts that a crime of violence is about to occur.
 - b. Suicidal persons.
 - c. During a search warrant service, as is reasonably necessary, to safely execute the warrant.
 - d. Persons being transported to detoxification facilities.
 - e. By officers moving in-custody subjects (see LVMPD 6/004.00, *Transporting Prisoners*).
3. Approved Use for DSD Specialty Restraints Devices (restraint chair/bed):
 - a. Devices may be used to control inmates who display behaviors that may result in the destruction of property or who are in danger of causing harm to themselves or others. A subject must be displaying obstructive or assaultive resistance for the use of the restraint chair/bed.
4. Disapproved Use and Additional Considerations:
 - a. If medical circumstances make it unreasonable to handcuff an arrestee, officers will refrain from handcuffing. (Arrestees will be handcuffed behind the back, unless impractical or impossible due to prisoner obesity, handicap, or other reason. Special restraints will not be used unless approved by a supervisor.)
 - b. ***Proned handcuffed subjects will be immediately placed in a recovery or seated position once safe to do so. Continued pressure applied by an officer’s body weight will not be used on a proned handcuffed subject’s back, neck, or head.***

- c. When responding to a security office where a subject has been placed in handcuffs prior to the officer's arrival, the officer will not place LVMPD handcuffs on the subject until the officer has reasonable suspicion or probable cause based on their independent investigation.
- d. Officers will check handcuffs for tightness and double lock before transport.
- e. When a handcuffed subject first complains that handcuffs are too tight, the officer having custody of the subject will, as soon as reasonably possible, check the handcuffs for proper tightness. If they are too tight (per training), they will be loosened and double locked.

V. BATON/IMPACT TOOLS

An expandable straight baton is a Department-approved weapon.

1. Level of Control:
 - a. Low Level Force – when used as an escort tool, control holds, or “stirring the pot”
 - b. Intermediate Force – when used for jabbing or striking.
 - c. Deadly Force – striking subjects on the head, neck, chest, spine, groin, or kidneys.
2. Disapproved Use and Additional Considerations:
 - a. During non-deadly force incidents, officers will use reasonable care to avoid striking subjects on the head, neck, chest, spine, groin, or kidneys, as these strikes may constitute deadly force.
 - b. The use of instruments as a tool for the purpose of striking or jabbing (e.g., flashlights or radio) other than a Department-authorized baton, is strongly discouraged.
 - c. Officers are discouraged from using their firearm as an impact tool due to the possibility of an unintentional discharge.

VI. OLEORESIN CAPSICUM (OC) SPRAY

OC spray is a non-lethal agent which causes inflammation of the skin and mucus membranes.

1. Level of Control:
 - a. Intermediate Force.
2. Disapproved Use and Additional Considerations:
 - a. OC spray will only be used as an aerosol stream.
 - b. OC spray will not be used on a handcuffed subject unless the subject is displaying assaultive resistance.
 - c. OC spray should not be used on a driver of a vehicle or inside a patrol vehicle.
 - d. OC spray is not intended to force extraction from an enclosed area unless utilized in a detention facility.
 - e. Whenever possible, OC spray should be used upwind and relatively close to the subject in an effort to minimize exposure to non-targeted persons. Due to the volume of agent dispersed, officers will assess the effect a devastator (high capacity OC spray) has on subjects in the vicinity.
 - f. In a protest or demonstration situation, OC spray may only be used when authorized by an incident commander in response to imminent threat of harm (see LVMPD 5/211.09, *Field Force Extraction*), and it will not be used for the dispersal of non-violent persons.

VII. LATERAL VASCULAR NECK RESTRAINT®

A Lateral Vascular Neck Restraint® (LVNR®) is a control technique applied to the sides of the neck, using a combination of physiological factors to restrict blood flow to the brain which may cause the subject to lose consciousness. ***When properly applied as trained, there is no restriction to the subject's airway or ability to breathe.***

1. Level of Control:
 - a. **Intermediate Deadly** Force – LVNR® (all levels).
2. ~~Disapproved Use and~~ Additional Considerations:
 - a. ~~LVNR® will not be used on subjects who have been exposed to OC spray or who are experiencing difficulty breathing.~~
 - b. ~~Officers will not use an arm bar across the throat, a dangerous or unauthorized chokehold, or any non-approved technique.~~
 - c. Once the subject is brought under control, the LVNR® will be relaxed.

VIII. ELECTRONIC CONTROL DEVICE

An ECD is a neuro-muscular incapacitation (NMI) weapon that disrupts the body's ability to communicate messages from the brain to the muscles.

1. Level of Control:
 - a. Intermediate Force.
2. ECD applications:
 - a. Spark Display – a non-contact demonstration of the ECD's ability to discharge electricity.
 - b. Touch Stun – a pain-compliance application of the ECD, with or without the use of a cartridge, by making direct contact against the subject's body. The use of a Touch Stun application is discouraged unless used to complete neuro-muscular incapacitation by closing a circuit when probes have already been deployed.
 - c. Probe Mode – the primary function of the ECD where the cartridge is deployed, firing probes at the subject. The intent is to temporarily immobilize the subject as the ECD is cycled and provide an officer with a "window of opportunity" in which to take the subject safely into custody.
3. Maintenance Requirements:
 - a. Officers will recharge ECD batteries and replace cartridges when required. When off duty, ECDs must be stored and secured in a climate-controlled area (i.e., locker), not in a vehicle.
 - b. Officers must conduct a spark check, outside the public view, at the beginning of shift to ensure the ECD will function properly. This spark check does not require a Use of Force Report.
4. Disapproved Use:
 - a. The ECD will be handled in the same manner as a firearm and will be secured before entering any detention facility except Clark County Detention Center (CCDC).
 - b. The intentional use of more than one (1) ECD simultaneously on the same subject is prohibited.
 - c. The ECD will not be used:
 - 1) On a handcuffed person.
 - 2) When the officer knows a subject has come in contact with flammable liquids or substances.
 - 3) On a fleeing subject (without other known factors). Mere flight from an officer cannot be the sole justification for use of the ECD.
 - 4) On persons with known heart conditions.
5. Additional Considerations:
 - a. An officer will not draw an ECD and a firearm at the same time.
 - b. Reasonable effort should be made to target the lower center mass and avoid intentionally targeting the head, neck, groin, and chest. Back shots are the preferred target area.
 - c. When deploying an ECD, officers will:
 - 1) Use the standard ECD five (5) second cycle, and then evaluate the need to apply another five (5) second cycle after providing the subject with an opportunity to comply. Each subsequent five (5) second cycle requires additional justification. Once the subject has been exposed to three (3) cycles, the ECD will be deemed ineffective and another use of force option will be considered unless exigent circumstances exist.
 - 2) Begin restraint procedures, including cuffing under power, as soon as reasonably safe to minimize the total duration of ECD exposures.

IX. USE OF CANINE

All patrol dogs will be certified per the LVMPD Canine Certification Manual.

1. Level of Control:
 - a. Low Level Force – on leash.
 - b. Intermediate Force – with bite.
2. Approved Use:

- a. Obstructive – handlers will keep the patrol dog on leash and not allow the dog to make contact with the subject.
 - b. Assaultive or Life-Threatening – canine (with bite) is approved when there is probable cause to believe a subject has committed a violent or felony crime, or is a threat to themselves or others, and is evading efforts to taken into custody.
3. Disapproved Use and Additional Considerations:
- a. Canine handlers are responsible for their dog’s deployment.
 - b. Risk to third parties – in using patrol dogs, the canine handler will exercise reasonable care to avoid unnecessary risk of injury to persons who are not the subject of a search or apprehension.
 - c. During a critical incident, the handlers should make contact with the supervisor on scene or incident commander to discuss tactical deployment options.
 - d. When it is believed a subject may be armed with a weapon likely to cause injury to the patrol dog, the handler may exercise their discretion to deploy the dog.
 - e. Since the use of patrol dogs may inflame a volatile situation, the Department places limitations on their use for crowd control, civil disorders, or riot situations. In such an occurrence, the canine teams may be dispatched in a standby status. Any subsequent use of canine is only authorized by a lieutenant or higher for extreme emergencies.
 - f. When cover officers accompany canine handlers during searches, they should stay with the handler and not move or run past the canine team unless directed. Cover officers should watch for dangers, make citizen contacts, and permit handlers to issue commands to a subject. Handlers will let the cover officers know when it is safe to apprehend a subject.
4. Additional Reporting Requirements:
- a. Handlers will notify a supervisor, and advise Dispatch, when a person has been injured by a patrol dog (see LVMPD 6/002.00, *Use of Force Policy*, Section VII, [Medical Attention](#)).
 - b. Any injury caused by a patrol dog to a person who was not the subject of the search will be documented in Blue Team as an Accidental/Unintentional Bite Incident Report and require a supervisor response.

X. USE OF FORCE WITH A VEHICLE

DEFINITIONS

blocking	The positioning of a police vehicle in the path of an occupied subject vehicle where contact between the vehicles is anticipated to be minimal, and the potential for injuries is low. The intent of blocking is to prevent an avenue of escape by the safe placement of a police vehicle. Blocking is not a use of force.
precision intervention technique (PIT)	A specific manner of intentional contact using a police vehicle against a fleeing vehicle during a pursuit to cause the fleeing vehicle to come to an abrupt stop, rendering it immobile.
ramming	The utilization of a police vehicle to intentionally hit another vehicle.
stationary vehicle immobilization technique (pinching)	A preplanned containment tactic restricted for use only by specialized units (not approved for Patrol Division). It employs extremely low-speed and intentional vehicle contact with a subject’s vehicle. The purpose is to prevent a vehicle pursuit and render a vehicle immobile.

1. Level of Control:
Blocking is a permitted tactic and is not considered a use of force.
- a. Low Level Force – Stationary vehicle immobilization technique (pinching).
 - b. Intermediate Force – PIT at speeds 40 mph or below.
 - c. Deadly Force – PIT in the following instances:
 - 1) At speeds of more than 40 mph.
 - 2) When used on a high center-of-gravity vehicle likely to roll over such as vans, SUVs, and Jeeps.
 - d. Deadly Force – ramming, regardless of speed.
2. Deployment Requirement for PIT:
- a. Prior to initiating a PIT, officers will use their emergency equipment and will give the operator of the subject vehicle a reasonable opportunity to stop.

- 1) Officers will advise Dispatch the intent to use a PIT if circumstances permit. Otherwise, notification will be made immediately after.
3. Approved Use:
 - a. PIT – circumstances warranting the use of a PIT as deadly force:
 - 1) Continued movement of the pursued vehicle would place others in danger of substantial bodily injury or death.
 - 2) Other tactical options have been considered and rejected as impractical (e.g., continue to follow, stop sticks, or use of the Air Unit)
 - b. Stationary vehicle immobilization technique (pinching) is a preplanned tactic, only utilized by specialized units who have been trained.
 - c. Ramming – to be used when all other means of apprehension have been considered and rejected as impractical and an imminent threat of death or substantial bodily injury exists.
4. Disapproved Use of PIT:
 - a. Officers driving Department trucks or non-patrol SUV-type vehicles are not authorized to use a PIT (exception: Major Violator Section, Narcotics Section, and Viper Section trucks/mini-vans/SUVs).
 - b. On motorcycles.
5. Tactical Considerations:

Officers will consider the safety of the public and subjects before utilizing PIT, the stationary vehicle immobilization technique (pinching), or ramming.

 - a. Environmental factors:
 - 1) Areas with pedestrians.
 - 2) Other vehicle traffic.
 - 3) Parked vehicles.
 - 4) Telephone/utility poles.
 - 5) Bridges/overpasses.
 - 6) Areas adjacent to paved roads with a significant elevation change.
 - 7) Significant curves in the roadway.
 - b. Subject factors:
 - 1) Severity of the crime.
 - 2) Number of subjects.
 - 3) Subjects known to have access to firearms.
 - 4) Potential of the subject to use the vehicle as a weapon.
 - 5) Potential of creating a crossfire situation.
 - 6) Size/weight of the subject's vehicle compared to the police vehicle.
6. Supervisor Responsibility for PIT:
 - a. Immediately acknowledge the officer's notification over the radio.
 - b. Order discontinuation of the PIT when the necessity for apprehension is outweighed by the dangers of the PIT.
7. Additional Reporting Requirements:
 - a. Any contact that causes damage or a collision between a Department vehicle and another vehicle will also be reported as a traffic incident on a Vehicle Incident Report (LVMPD 42).
 - b. The stationary vehicle immobilization technique (pinching) and ramming require a Use of Force Report.
 - c. PIT (successful uses or attempts) requires a Use of Force Report and a Pursuit Report.

XI. USE OF FORCE WITH PROJECTILE WEAPONS – Low Lethality Shotgun/40mm Specialty Impact Weapon

1. Level of Control:
 - a. Projectile Weapons (Low Lethality Shotgun and 40mm Specialty Impact Weapon).
 - 1) Intermediate Force – when fired at a distance of five (5) yards or greater.
 - 2) Deadly Force – when fired at a distance less than five (5) yards.
2. Description:

- a. Low Lethality Shotgun – orange-colored, Department-issued Remington 870. The ammunition is a 12-gauge, drag stabilized, less-lethal round.
 - b. 40mm Specialty Impact Weapon – Department-issued weapon designed to shoot a foam/sponge projectile.
3. Inspection Requirement:
- a. Low Lethality Shotgun and 40mm Specialty Impact Weapon:
 - 1) Prior to each shift, ensure the projectile weapon is only loaded with Department-issued low lethality munitions.
4. Deployment Requirement:
- a. When time permits, two (2) officers will be present for the deployment of a projectile weapon; this is the most effective and best practice in utilizing a low lethality shotgun or 40mm specialty impact weapon. In exigent circumstances, a single officer can deploy and use a projectile weapon; however, the officer will apply sound tactics to mitigate risk and will maintain a readiness to transition to their firearm.
5. Approved Use for Projectile Weapons:
- a. Projectile weapons should only be used against persons who are armed, have access to a weapon, or pose an imminent threat to the safety of the officers or others. Examples of these circumstances are an edged weapon, club, pipe, bottle, or a brick.
 - b. Officers are cautioned that the target area for impact munitions substantially differs from a deadly force target area. Instead of aiming for center mass, these weapons will be aimed at the abdomen and target the large muscle groups of the buttocks, thigh, and the knees of the subject. The head, neck, and groin should be avoided.
 - c. Projectile weapons may be used against persons who are holding a firearm if it can be utilized to de-escalate and intervene with a potential deadly force situation; however, the following conditions must be met:
 - 1) A minimum of two (2) officers are present, one (1) officer acting as lethal coverage.
 - 2) Officers have considered the use of available cover/concealment.
6. Disapproved Use for Projectile Weapons:
- a. In a civil unrest situation unless authorized by an incident commander or above. Each application must target a specific individual who presents an imminent threat, and it must be reasonably assured that other individuals in the crowd who pose no threat will not be struck by the munitions.
 - b. Will not be used as a breaching tool.
 - c. Officers should not fire the low lethality shotgun through barriers (e.g., glass or chain link fences) because the bag may tear and pellets may be released.
7. Storage Requirements:
- a. The 40mm specialty impact weapon will only be carried in the designated tactical vehicles and stored in the issued bag.

XII. USE OF FORCE WITH A FIREARM – Handgun/Shotgun/Rifle

1. Level of Control:
 - a. Handgun/Shotgun/Rifle
 - 1) Deadly Force – shots fired.
2. Description:
 - a. Handgun/Shotgun/Rifle – see LVMPD 5/208.02, *Authorized Firearms and Associated Equipment*.
3. Inspection Requirement:
 - a. Ensure the weapon is loaded with Department duty ammunition, not mixed with practice ammunition.
 - b. Officer is responsible for knowing how many rounds are loaded in their firearm and each magazine.
4. Approved Use for Handgun/Shotgun/Rifle:
 - a. Officers are authorized to fire their weapons:
 - 1) To protect themselves or others from what is reasonably believed to be an imminent threat of death or substantial bodily injury.

- 2) To prevent the escape of a fleeing felon who the officer has probable cause to believe has committed a violent felony crime and is an imminent threat to human life if escape should occur ([NRS 171.1455](#)).
 - b. Whenever feasible, officers will identify themselves and state their intention to shoot.
Example: "Police! Stop, or I'll shoot!"
5. Tactical Considerations:
- a. Handgun/Shotgun/Rifle:
 - 1) Officers should shoot at the center mass for maximum stopping effectiveness and minimal danger to bystanders.
 - 2) Flashlights mounted to firearms will not be used for routine searches in place of a hand-held flashlight.
 - 3) Officers should be aware of the potential for sympathetic fire when a fellow officer discharges a firearm.
 - 4) Officers should control and assess the number of rounds they are discharging in order to cease fire when the threat is no longer present.
6. Disapproved Use for Handgun/Shotgun/Rifle:
- a. Officers are not authorized to discharge a firearm:
 - 1) As warning shots.
 - 2) If it appears likely that a bystander may be injured.
7. Restrictions Against Discharging a Firearm at or from a Moving Vehicle:
- Shooting at a moving vehicle is often ineffective and unpredictable. In addition, incapacitating the driver may result in the uncontrolled operation of the vehicle and thereby increase the potential of injury to bystanders. There is also a greater risk of a bullet missing the intended target or ricocheting. As a fleeing vehicle creates distance from an officer, it becomes more difficult to isolate the target and identify backdrop hazards.
- Officers will use sound tactics and will not place themselves into the path of a moving vehicle or remain standing in the path of a vehicle that is under control of a driver. An officer threatened by an oncoming vehicle will make every effort to move out of the way.
- Officers will not discharge their firearm at a moving vehicle unless:
- a. A person in the vehicle is an imminent deadly threat to officers or others by means other than the vehicle (such as an occupant firing a handgun at an officer).
 - b. The driver is using the vehicle as a weapon to inflict mass casualties (such as a truck driving through a crowd).
- Officers will not discharge a firearm from their moving (Department) vehicle unless a person is an imminent deadly threat to officers or others (such a discharge must be limited to the most extreme circumstances).
8. Drawing or Exhibiting a Handgun/Shotgun/Rifle:
- a. Officers are to exercise care and caution in the handling of a firearm (see LVMPD 5/108.14, *Firearms Training*).
 - b. An officer's decision to draw or exhibit a firearm will be based on the tactical situation at hand and articulable factors that a risk may exist to the welfare of a person or an officer.
 - c. Unnecessarily drawing or exhibiting a firearm may limit an officer's alternatives in controlling a situation, create unnecessary anxiety on the part of citizens, and result in an unwarranted or accidental discharge of the firearm.
9. Humanely Euthanize Injured or Dangerous Animals:
- a. Approved use:
 - 1) Only after attempts have been made to request assistance from the agency responsible for the disposal of animals (e.g., Humane Society, animal control, or game warden) (see LVMPD 5/109.08, *Safe and Humane Disposal of Animals at Resident Locations* for an exception).
 - 2) If the animal's owner is present and does not wish to transport the animal to veterinary care.
 - 3) When the animal is so badly injured as to require humane relief from further suffering.

10. Rifle Deployment:

- a. An officer may deploy a rifle based on any of the following:
 - 1) There is a potential for deadly force or the subject is armed with a deadly weapon.
 - 2) Distance and the use of cover are considerations due to the suspect's location.
 - 3) The suspect is barricaded.
 - 4) The deployment has been pre-approved (e.g., Airport Bureau or officers assigned to a special event).
- b. Officer(s) deploying rifle(s) will:
 - 1) Announce via radio the deployment of the rifle, and whether accompanied by a cover officer (acting as an observer), and receive an acknowledgment from Dispatch. (Dispatch will update the event in CAD.)
 - 2) Whenever possible, a rifle will be deployed using a two-officer team, consisting of a single rifle carrier supported by a cover officer. The rifle carrier should not go hands-on during the incident.
 - 3) Advise Dispatch of deployment location and update whenever location changes, thus providing situational awareness to on-scene personnel.
- c. Dispatch will:
 - 1) Re-broadcast that a rifle has been deployed and notify the area supervisor of the deployment.
- d. Bureau/area supervisor will:
 - 1) Proceed immediately to the incident involving the rifle deployment and assume tactical control.
 - 2) Ensure proper deployment of rifles and address over-deployment and crossfire issues.

11. Additional Reporting Requirements:

- a. All rifle deployments are to be reported (exceptions are training exercises; deployments by SWAT, Airport Bureau, or Major Violator Section officers; pre-planned events; and corrections officers conducting high-risk transports). Where deployment has been pre-approved, officers may carry a rifle, slung with muzzle down. No reporting will be necessary in this instance.
- b. When multiple officers have deployed rifles, the supervisor will designate one (1) deploying officer to complete the Rifle Deployment Report, listing all officers who deployed a rifle.

6/002.03 POST USE OF FORCE INVESTIGATIONS

- I. DEFINITIONS**
- II. REPORTABLE FORCE INCIDENTS**
- III. REPORTABLE FORCE PROCEDURES**
- IV. INVESTIGATIVE RESPONSIBILITIES – Use of Non-Deadly Force**
- V. INVESTIGATIVE RESPONSIBILITIES – Use of Deadly Force or Force Resulting in Death or Substantial Bodily Injury**
- VI. ADMINISTRATIVE REVIEW**

I. DEFINITIONS

monitor officer	A designated officer who is not involved in the use of deadly force and whose responsibilities are to prevent discussions regarding the incident among subject officers, witness officers, witnesses, and with other individuals who arrive at the scene prior to the Force Investigation Team (FIT).
officer involved shooting	An officer’s discharge of a firearm at a person, with or without physical injury.
Public Safety Statement (PSS)	A series of questions to obtain information to determine if there is an immediate threat to public safety.
reportable force	Any use of force which results in injury or complaint of injury, complaint of continuing pain, or any use of force greater than low-level force.

II. REPORTABLE FORCE INCIDENTS

The Department investigates and reviews all reportable use of force incidents to determine the appropriateness of the application of force and to address any performance or misconduct issues.

A Use of Force Report is required by each officer who uses reportable force in an incident. A civilian employee who also uses force (empty hand, OC spray, or firearm) is required to complete a Use of Force Report.

Levels of Control which require the completion of a Use of Force Report include:

1. Empty hand tactics with injury or complaint of injury (takedowns, strikes, kicks).
2. Baton/Impact tool (jabs, strikes).
3. Oleoresin capsicum (OC) spray.
4. Electronic control device (ECD) (spark display [as a use of force], touch stun, and probe mode deployment).
5. Lateral vascular neck restraint® (LVNR®) (all levels).
6. Canine (with bites).
7. Use of Force with a Vehicle:
 - a. Stationary vehicle intervention technique (pinching).
 - b. Precision intervention technique (PIT) – used or attempted.
 - c. Ramming.
8. Use of Force with a Projectile Weapon:
 - a. Low lethality shotgun/40mm specialty impact weapon – any discharge.
9. Use of Force Firearm
 - a. Handgun/Shotgun/Rifle – any intentional discharge.
10. Force that results in injury, complaint of injury, or complaint of continuing pain.

III. ADDITIONAL REPORTABLE FORCE PROCEDURES

1. Critical Incident Review Team (CIRT) will:
 - a. Complete the Use of Force Report on officer involved shootings or use of deadly force incidents, and when applicable, the Pursuit Report.
 - b. At the discretion of the CIRT lieutenant, also complete the Use of Force Report when low lethality options are used.
2. CIRT will complete the Firearm Discharge Report on:
 - a. Any discharge at a person regardless of injury.
 - b. Accidental discharge of a firearm during a law enforcement operation.

- c. The intentional discharge of any firearm (other than at a human being) which includes dog or animal shoots in self-defense or to humanely euthanize. Resident officers are an exception (see LVMPD 5/109.08, *Safe and Humane Disposal of Animals at Resident Locations*).

IV. INVESTIGATIVE RESPONSIBILITIES – Use of Non-Deadly Force

1. Non-deadly force requiring a Use of Force Report will be investigated by the officer's chain of command.
 - a. Acting supervisors are not authorized to complete this investigation.
 - b. Supervisors involved in the use of force incident will not investigate other subject officers; investigative duties will be relinquished to the next level of supervision in the officer's chain of command.
2. All reportable uses of force on a subject, regardless of visible injury, will be photographed and downloaded into Blue Team.
3. The officer will:
 - a. Immediately request Dispatch to notify a supervisor.
 - b. Complete the Use of Force Report before the end of their shift (any exceptions must be approved by a supervisor).
 - 1) The report will include a detailed description of the level of force, tool, or tactic used, to include its effectiveness, and the eight (8) "objectively reasonable" force factors.
 - 2) Each application of use of force tool must be separately justified in the documentation.
 - c. Forward reports to the investigating supervisor, sending a copy to their immediate supervisor.
 - d. When an ECD is used:
 - 1) Handle the probes in the same manner as contaminated needles in accordance with bio-hazard disposal procedures (see LVMPD 5/110.10, *Occupational Exposure to Blood or Other Potentially Infectious Materials*), and impound all probes, wires, and cartridges as evidence.
 - 2) Provide the ECD to a supervisor for data download.
4. Use of Force with a Vehicle:
 - a. Blocking – any contact with damage will be reported as a traffic incident on a Vehicle Incident Report (LVMPD 42). A Use of Force Report is not required.
 - b. Stationary vehicle immobilization technique (pinching) – use of this technique requires a Use of Force Report. Any contact or collision will be documented by the Traffic Bureau on a Vehicle Incident Report.
 - c. PIT – Traffic officers will respond to assist with the traffic investigation.
5. A supervisor will:
 - a. Respond, without delay, to an incident in which reportable force is used.
 - b. Determine the level of force; if deadly force was used or if there is substantial bodily injury, see [Section V, Investigative Responsibilities](#). Substantial bodily injury is an injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in a prolonged loss or impairment of the functioning of any body part. Examples may include skeletal fractures, brain bleeds, head/chest injuries which create a risk of death, or paralysis. Wounds not amounting to substantial bodily injury may include a broken wrist, cracked tooth, abrasions, or sprains.
 - c. Conduct an investigation by interviewing the subjects, officers, medical personnel, and witnesses.
 - d. Ensure photographs are taken and placed into Blue Team, to include the subjects, the scene, officers involved, and collect any evidence.
 - e. For the review of body worn camera video, see LVMPD 5/210.01, *Body Worn Cameras*.
 - f. Check the surrounding area for any video surveillance, obtain a copy, and ensure the third-party video is impounded as evidence and noted in Blue Team.
 - g. Review all applicable reports to ensure accuracy and completeness.
 - 1) Document how a use of force has been determined to be appropriate and in adherence to Department policy. If the use of force is determined to not be appropriate, it will be sent through the chain of command to decide if a Statement of Complaint (SOC) is necessary. If other misconduct is identified, the supervisor will document how it was addressed.
 - 2) Document training deficiencies and how they were corrected.
 - h. When an ECD has been used:
 - 1) Ensure the data record has been uploaded into Blue Team.
 - 2) Verify the probes, wires, and cartridges are properly impounded, and arrange for replacement cartridges (accidental discharges will not require impounding unless there has been an injury).

- i. Document the investigation in a Citizen Contact (CC) in Blue Team when alleged use of force is determined to be unfounded.
6. The lieutenant will:
 - a. Review the supervisor's investigation and all attached documentation, to include video footage, and evidence in Blue Team to ensure accuracy and completeness.
7. The bureau/area commander will:
 - a. Complete the Use of Force Administrative Review.
 - b. Review all attached documentation, video footage, and evidence in Blue Team to ensure accuracy and completeness, then forward to IAPro within 30 days of date of incident.
8. Internal Oversight and Constitutional Policing (IOCP) Bureau will:
 - a. Provide a monthly report to bureau and division commanders, listing all Use of Force Reports that have exceeded the 30-day limitation.

V. INVESTIGATIVE RESPONSIBILITIES – Use of Deadly Force or Force Resulting in Death or Substantial Bodily Injury

It is the policy of this Department to conduct a fair, impartial, and thorough investigation of all uses of deadly force (or force resulting in death or substantial bodily injury) for the interest of the officer, the Department, and the community alike. To ensure that an officer's rights are not infringed upon and that the Department is in compliance with [NRS 289](#), the Department will conduct a deadly force investigation similar to an Internal Affairs investigation where the officer is identified as a subject officer until the investigation is completed. The following procedures will apply:

1. Subject/Witness Officer Responsibilities:
 - a. When an officer intentionally discharges a firearm, uses deadly force, has an unintentional discharge of a firearm during a police operation, uses any force resulting in death or causes substantial bodily injury, or becomes aware of an in-custody death, the officer will:
 - 1) Ensure life safety.
 - 2) Ensure the scene is safe and secure.
 - 3) Notify Dispatch (via radio if on-duty):
 - a) If needed, request medical assistance and provide information on injuries.
 - b) Include suspect description and location.
 - 4) Once the scene is static, an officer should not modify, load, or unload any firearm used prior to the countdown by FIT. In addition, the officer will not modify their attire to include positioning of their equipment and BWC.
 - b. In addition, off-duty officers or plain-clothes personnel will:
 - 1) Inform Dispatch via radio or 9-1-1 if no radio is available.
 - 2) Make certain they are readily identifiable as officers and take precautions against a potential police-on-police confrontation by displaying identification prominently. If confronted by first-responding officers, obey first-responding officers' verbal commands.
2. The first arriving supervisor will:
 - a. Act as incident commander (per LVMPD 5/213.06, *Major Incident and All Hazard Plan*) until relieved and will:
 - 1) Ensure medical attention is provided for those in need.
 - 2) Ensure the crime scene is safe and secure, preventing the possibility of contamination or alteration.
 - a) This responsibility includes the removal of unauthorized persons, including officers from the inner perimeter of the crime scene. A degree of tact and good judgment must be exercised to avoid alienating potential witnesses who may possess information of value.
 - 3) Update Dispatch and request that notifications be made.
 - 4) Coordinate the search for outstanding suspects.
 - 5) Oversee the identification and isolation of witnesses.
 - 6) Ensure witness officers and subject officers are separated and placed in a secure environment with a monitor officer. The monitor officer will:
 - a) Not talk to the officer about the facts and circumstances of the incident.

- b) Ensure that under no circumstance any representative be allowed to speak to or move the location of any subject or witness officer prior to a FIT supervisor's approval.
 - c) Ensure that subject officers and witness officers do not discuss the incident being investigated.
 - d) Remain with the officer until the firearms countdown is completed or dismissed by a FIT supervisor.
- b. Provide FIT detectives on the names and locations of the subject officers and potential witness officers. If there is concern that an officer is not a witness officer, but a subject officer, the ranking FIT supervisor will make the final determination regarding the status of the officer(s).
 - c. Remain on scene, and do not leave until released by the FIT supervisor.
3. The Public Safety Statement (PSS) is a series of questions asked of the shooting officer to obtain information to determine if an immediate threat to public safety exists. The PSS must be taken in a timely manner and appropriate action conducted based on the information received from the PSS.

When practical, only the shooting officer and a supervisor should be present during the PSS. If multiple officers are involved, the PSS should be done separately with each officer. The questions below will be read directly from the PSS card (no unauthorized form will be used). A supervisor will write down the officer's response. The PSS should not be recorded on a body worn camera.

In the event where the supervisor is involved in an officer involved shooting and no other supervisor is immediately available to take the PSS, the senior officer on scene will conduct the PSS.

- a. Did you discharge your firearm?
 - 1) If so, in what direction?
 - 2) Approximately where were you located when you fired?
 - 3) How many shots do you think you fired?
 - b. Is anyone injured? If so, where are they located?
 - c. Are there any outstanding suspects?
 - 1) If so, what is their description?
 - 2) What direction and mode of travel?
 - 3) How long have they been gone?
 - 4) What crimes have they committed?
 - 5) What type of weapon do they have?
 - d. Is it possible the suspect fired rounds at you?
 - 1) If so, what direction were the rounds fired from?
 - 2) How many shots do you think the suspect fired?
 - 3) Approximately where was the suspect located when they fired?
 - e. Do you know if any other officer discharged their firearms?
 - 1) If so, who are they?
 - 2) Approximately where were the officers located when they fired?
 - f. Are there any weapons or evidence that needs to be secured/protected? If so, where are they located?
 - g. Are you aware of any witnesses? If so, what is their location?
4. The watch commander will respond immediately to the scene of the use of deadly force.
5. The incident commander will:
- a. Ensure all subject and witness officers are identified and separated.
 - b. Act in accordance with LVMPD 5/213.06, *Major Incident and All Hazard Plan*.
6. The appropriate Patrol detective or on-scene supervisor will:
- a. Respond immediately to begin assisting in the early management of the crime scene, the identification and separation of witnesses, and the canvass.
 - b. Ensure the Major Incident Log has been assigned and completed.
7. Dispatch will:
- a. Assign at least one (1) additional sergeant to the scene.
 - b. Ensure the proper notifications are made immediately by utilizing the approved messaging system.

8. Force Investigation Team (FIT):

- a. FIT Response Criteria:
 - 1) Any use of deadly force as described in LVMPD 6/002.00, *Use of Force*.
 - 2) Any incident where a Department member, in the course of their duties, is a victim of a significant violent crime or sustains substantial injury.
 - 3) In-custody death (see LVMPD 5/205.16, *In-Custody Deaths*).
 - 4) Other jurisdiction requests that meet FIT criteria.
 - 5) Suspect or citizen receives a substantial bodily injury or is killed in a police operation.
 - 6) Any investigation and/or incident at the request of the Sheriff or designee.
- b. The ranking FIT personnel will be in overall charge of police activities and may request the assistance of additional units (see LVMPD 5/213.17, *Major Incident Investigations*).
- c. If the subject officer provides FIT with a voluntary statement and probable cause exists, FIT will complete the arrest. If the subject officer does not speak with FIT and is the only witness, the subject officer will make the decision to arrest and then complete all paperwork, including the Temporary Custody Record (TCR)/Declaration of Arrest (DOAR).

9. Critical Incident Review Team (CIRT):

CIRT conducts non-criminal, administrative examinations of deadly force, significant bodily injury, or other high-risk police operations. The purpose of this review is to improve individual and agency performance through the evaluation of decision making, tactics, supervision, and the actual use of force (see LVMPD 5/109.04, *Critical Incident Review Team*).

CIRT will respond and investigate the following:

- a. Officer involved shooting, use of force resulting in death, or substantial bodily injury.
 - 1) CIRT will conduct a preliminary investigation and make a determination as to whether the investigation remains with CIRT, is transferred to IAB for review, or is reverted to the officer's chain of command.
 - 2) Substantial bodily injuries may include skeletal fractures, brain bleeds, head/chest injuries which create a risk of death, or paralysis. Wounds not amounting to substantial bodily injury may include broken wrist, cracked tooth, abrasions, and sprains, will be investigated by the officer's chain of command.
- b. The intentional discharge of any firearm at anything other than a human being or animal.
 - 1) ***CIRT will investigate any unintentional discharge of a firearm that occurs on duty or any intentional discharge of a firearm on or off duty (excluding sport shooting).***
- c. Unintentional discharge of a firearm in a police operation (i.e., the unintentional discharge of a shotgun while deploying it in response to a high-risk call).
 - 1) Accidental discharges that do not occur in a police operation (e.g., unintentional discharge of a shotgun while inspecting it at an area command or the unintentional discharge while cleaning it) will be investigated by IAB.
- d. Deadly force PIT maneuvers or PIT maneuvers resulting in death or substantial bodily injury.
- e. Officer, while in the line of duty, is killed or sustains a substantial bodily injury, including a traffic collision.
- f. Suspect or citizen receives a substantial bodily injury or is killed in a police operation, including a traffic collision, involving LVMPD personnel.
- g. In-custody death occurs during a police operation or at the Clark County Detention Center (CCDC) where no clear medical issues are related to the death. CIRT will respond to in-custody suicides and attempted suicides (see LVMPD 5/205.16, *In-Custody Deaths*).
- h. A high-risk incident, such as active shooter or large-scale civil unrest, upon the request of the Sheriff.

10. Initial Briefing:

- a. The incident commander will:
 - 1) Designate a location for the initial briefing that provides a place that is operationally secure. The briefing location will not compromise the integrity of the crime scene.
- b. Patrol detective or on-scene supervisor will:
 - 1) Conduct the initial briefing using the Major Incident Briefing Guide (LVMPD 568).
 - 2) Only essential personnel will attend the briefing. Essential personnel will be identified by the FIT supervisor.
- c. At the close of the brief, FIT will assume control of the scene and investigation.

- d. The IOCP bureau commander or their designee will coordinate with the Office of Public Information (PIO) before any media release.
11. Scene Walkthrough:
 - a. The purpose of the scene walkthrough is to assist investigators with an understanding of the scene, identifying physical evidence and officer locations at the time deadly force was used. The walkthrough with the subject officer is voluntary, and it is not an interview. Personnel observing the walkthrough will be at the discretion of the FIT supervisor.
 - b. Witness officers will provide a walkthrough and an audio recorded statement as needed or directed by FIT. Witness officers will identify their location and explain their role as a witness. A witness officer who refuses to provide information will be deemed in violation of LVMPD 4/104.04, *Obedience and Insubordination*.
 - c. No photographs of the crime scene will be taken independently of the Crime Scene Investigations Section (CSI). If other photographs, audio, or video recordings have been taken, such evidence will be reported to FIT by any officer who has such knowledge.
 12. Photographs and Countdown of Firearms of Subject Officer:
 - a. The FIT supervisor will:
 - 1) Determine which officers will be photographed.
 - a) Ensure the officer's equipment is photographed in place (on the person) to show the location, presence, and condition of any tools (e.g., firearm, ECD, baton, flashlight, body worn camera [BWC]) available during the incident.
 - 2) Ensure the subject and witness officers relinquish their firearms to CSI for countdown.
 13. Subject Officer Interview Guidelines:
 - a. FIT will conduct a voluntary interview with the officer whose use of force resulted in death or substantial bodily injury, a minimum of 48 hours after the incident (unless waived by the subject officer). The subject officer has the right to decline to be interviewed.
 - b. Under no circumstance will any FIT investigator question a subject officer regarding the facts of the incident without allowing the officer to consult with their representative; however, a subject officer may waive their rights to consult with their representative and speak to FIT investigators. (A subsequent compelled interview, conducted by CIRT, will be scheduled and in compliance with the rights and obligations per [NRS 289](#).)
 - c. All statements provided to FIT will be made available to the officer before the officer provides a statement to CIRT.
 14. Viewing of Body Worn Camera/Third Party Video:
 - a. The viewing of body worn camera/third-party video related to a FIT investigation will be consistent with LVMPD 5/210.01, *Body Worn Cameras*.
 15. Other Administrative Reporting Procedures:
 - a. The subject officer's chain of command will complete the Notice of Relief of Duty (LVMPD 117) for any incident involving the use of deadly force or where substantial bodily injury or death results. Supervisors will place other officers in relief of duty status at the direction of PEAP.
 - b. The CIRT supervisor will:
 - 1) Ensure a drug (and alcohol) analysis will be performed if the shooting officer is a sergeant, lieutenant, or captain (see LVMPD 5/110.01, *General Fitness for Duty and a Drug Free Workplace*).
 16. Police Employee Assistance Program (PEAP) Involvement:
 - a. PEAP personnel will respond to use of deadly force or other critical incidents and arrange for psychological counseling of subject officers (and at times, witness officers) by a qualified psychologist.
 - b. Upon PEAP personnel's arrival, they will contact the FIT supervisor, and after conferring, PEAP will provide assistance to the officers involved in the incident.
 - c. PEAP personnel will not discuss any details of the incident with the subject officer before the officer provides a statement to FIT or CIRT. PEAP personnel will be able to interact with subject officers and can explain the investigative process while the officer is under the observation of the monitor officer.
 - d. If PEAP personnel believe a critical incident stress debriefing is appropriate, PEAP will seek prior approval with the FIT and CIRT lieutenants.

- e. PEAP will advise the appropriate chain of command of the officers' readiness to return to duty.
17. Contact with Suspect or Person to Whom Force was Applied:
- a. If a suspect or person to whom force was applied is transported for emergency medical treatment, an officer will accompany the subject to the hospital. This will guarantee the chain of evidence is preserved, and spontaneous statements can be documented. The escorting officer will verify medical personnel are aware that the subject's clothing and personal effects must be secured as evidence.
 - b. Interviews with a suspect or person involved in a deadly force incident will be video or audio recorded. If a suspect has been hospitalized, a FIT detective will arrange for a timely interview.
 - c. In circumstances where there is an unintentional discharge or an inappropriate use of deadly force (and no reasonable suspicion or probable cause exists to warrant a detention), the subject is free to leave. Timely and consensual efforts will be made to identify the subject, and detectives will seek the subject's voluntary cooperation.
18. Media Release:
- a. Media inquiries will be referred to the IOCP bureau commander or designee. At the close of the scene investigation, the PIO's office in coordination with the FIT supervisor will prepare the written media release. The PIO will also be an available resource.
 - b. The identity of officers involved in deadly force incidents will not be released to the public or media for 48 hours.
 - c. The FIT lieutenant will coordinate with the Sheriff/Undersheriff and PIO to prepare a formal media release to the general public after the Executive Staff 72-Hour Briefing.
19. Executive Staff 72-Hour Briefing:
- a. FIT will provide a briefing to Executive Staff on the details of the criminal investigation related to the use of deadly force. The date, time, and location of the briefing will be determined by the Office of the Sheriff.
20. Administrative and Tactical Review:
- a. During the criminal investigation conducted by FIT, they will provide copies of reports to CIRT as they become available. The criminal investigation will share information with the administrative review, but CIRT will not share information with FIT that was compelled under *Garrity*. (See LVMPD 5/109.04, *Critical Incident Review Team* and LVMPD 5/109.02, *Critical Incident Review Process*.)

6/002.04 USE OF FORCE POLICY COMMITTEE

The Use of Force Policy Committee will review the Use of Force Policy and other policies pertaining to the use of force on an annual basis as designated by the Sheriff. An Assistant Sheriff will serve as chair, and other members will include:

1. General Counsel
2. Deputy Chief, Professional Standards Division
3. Captain, Internal Oversight and Constitutional Policing
4. Captain, Office of the Sheriff (5/20, 7/20)■