



**Clark County Fire Department
Fire Investigation Division
Rule and Regulation
Non-Negotiable**



Section 1
Item No. 5

Pages 1 - 9

SUBJECT: USE OF FORCE

DATE: January 1, 2025

PURPOSE The purpose of this Rule and Regulation is to provide clear guidelines for Clark County Fire Department (CCFD) - Fire Investigations Division (FID) personnel, (hereafter referred to as Fire Investigators or Investigators) regarding when and how to use force. This is with the intent of ensuring that force is only used when necessary and is proportionate to the threat posed, while prioritizing the preservation of human life and minimizing harm to the public as well as the investigator(s).

SCOPE This Rule and Regulation outlines the different levels of force an investigator can use depending on the situation. These levels include verbal commands, physical restraint techniques, less-lethal weapons, and deadly force. This Rule and Regulation applies to all Clark County Fire Department (CCFD) - Fire Investigations Division (FID) personnel.

RESPONSIBILITY All Clark County Fire Department (CCFD) FID personnel are responsible for strictly adhering to this procedure.

POLICY This Rule and Regulation governs the use of non-deadly and deadly force by Fire Investigation Division members. It shall be followed at all times by all members who are tasked with law enforcement responsibilities or supervising others, and who carry either lethal or non-lethal weapons.

1. All sworn members of the Fire Investigation Division shall read and comprehend this Rule and Regulation before performing their duties in accordance with the oath of office they have sworn to uphold. This shall be a reoccurring responsibility at a frequency of no less than once every other a year or directly following a substantive change to pertinent Nevada Revised Statutes or Nevada Administrative Codes (NRS and NAC). Substantive changes will be defined by the Fire Chief or their designee.
 - a) Investigators shall hold the highest regard for the dignity and liberty of all persons and minimize reliance on 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.
 - b) The Clark County Fire Department (CCFD) is committed to protecting people, their property and their rights while delivering exceptional public safety services. The proper use of force is crucial for maintaining impartial policing and building community trust. There are circumstances where individuals will not comply with the law unless compelled or controlled by investigators through the use of force. Investigators must remember that their authority comes from the community and the use of unreasonable force undermines that authority, damaging trust with the public, other investigators and all law enforcement professionals.



**Clark County Fire Department
Fire Investigation Division
Rule and Regulation
Non-Negotiable**



Section 1
Item No. 5

Pages 1 - 9

- c) The FID seeks to establish clearer and more specific guidelines for the application of force, building upon the *Graham v. Connor* (1989) standard to ensure that force is applied only when necessary, reasonable, and proportionate. These guidelines provide explicit direction to investigators, ensuring that sound judgment, appropriate discretion, and adherence to department rules and regulations remain the foundation of all use of force decisions.

2. Government Authorization for Use of Force

Investigators may use force to protect themselves or others, overcome resistance, effect a lawful detention or arrest, or conduct a lawful search and seizure. When reasonable, Investigators shall clearly communicate their intent to detain, arrest, or search a subject.

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

- a) Protecting themselves or others from what is reasonably believed to be an imminent threat of death or substantial bodily injury.
- b) Preventing the escape of a fleeing felon who the investigator has probable cause to believe has committed a violent felony crime and is an imminent threat to human life if escape should occur. (Also see [NRS 171.1455.](#))
- c) Investigators will give a warning, if feasible, before the use of deadly force.

3. Determining the Appropriateness of Force

- a) Investigators shall only use the level of force that is objectively reasonable and necessary to bring an incident or person(s) under control and safely accomplish a lawful purpose. The level of force must be proportional to the resistance encountered. The level of force administered by an investigator must be carefully controlled and should not be more than objectively reasonable to overcome the physical harm threatened. As stated in [NRS 171.1455](#), investigators will only use the amount of reasonable force necessary to effect an arrest.
- b) In a confrontation, an investigator will continuously reassess their response and adjust any use of force accordingly based upon the level of resistance encountered. Investigators must continuously reassess their use of force throughout a confrontation, adjusting their response based on the level of resistance encountered. Failure to reassess each application of force can lead to a violation of law and/or directive. The intent is to gain control of a subject and then transition into a custody phase where an investigator is able to focus on the subject's welfare. In choosing a force option, the nature and severity of the crime underlying the investigator and citizen interaction must be considered.
- c) 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



**Clark County Fire Department
Fire Investigation Division
Rule and Regulation
Non-Negotiable**



Section 1
Item No. 5

Pages 1 - 9

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 investigators are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. This standard requires that Investigators assess each situation based on the totality of the circumstances.

Objective factors that affect the reasonableness of the force include:

- i. The severity of the crime
- ii. Whether the subject poses an immediate threat to the safety of investigators or others
- iii. Whether the subject is actively resisting arrest or attempting to evade arrest by flight
- iv. The influence of drugs/alcohol or the mental capacity of the subject
- v. The time available for an investigator to decide and act
- vi. The proximity or access of weapons to the subject
- vii. The environmental factors and/or other exigent circumstances
- viii. The availability of investigators or resources (including the number of investigators or other law enforcement officers present at the time) to de-escalate the situation

4. De-Escalation

Fire Investigation requires, at times, investigators to exercise control of a violent or resisting subject to make an arrest or to protect themselves, other investigators, or members of the community from risk of harm. Not every violent confrontation can be de-escalated, but investigators do have the ability to impact the direction and the outcome of many situations through their decision-making processes and the tactics employed. As a strategy to diminish the likelihood and the severity of force, investigators shall attempt to de-escalate confrontations.

- a) When responding to incidents that have a heightened potential for violent encounters, Investigators shall take appropriate steps to assess the situation, gather necessary information, and request assistance from the Las Vegas Metropolitan Police Department (LVMPD) as needed. Investigators should develop a tactical plan prior to arriving at the scene and, when applicable, utilize crisis intervention techniques for individuals who are in crisis, mentally ill, or have developmental disabilities. De-escalation techniques should be considered as part of the plan, especially when the subject is very young, elderly, pregnant, or physically frail, or when they have disabilities. Investigators should also evaluate the use of low-lethality options in situations where potential confrontations are anticipated in accordance with NRS 171.1455.
- b) Due to the limited scope and available resources of the Fire Investigation Division, investigators should immediately consider requesting additional resources and mutual aid from full-spectrum law enforcement partner agencies to help contain, isolate and apprehend subjects when necessary.



**Clark County Fire Department
Fire Investigation Division
Rule and Regulation
Non-Negotiable**



Section 1
Item No. 5

Pages 1 - 9

- c) In interactions with a subject, Investigators shall, when practical and safe, use advisements, warnings, verbal persuasion, and other communication tactics as alternatives to higher levels of force. Investigators should also consider cover, concealment, distance, or retrograding to a position of tactical advantage in order to create conditions that de-escalate the situation and enhance safety. In addition, Investigators will perform their work in a manner that avoids unduly jeopardizing their safety or the safety of others through poor tactical decisions. If deficiencies in tactics are observed, the Fire Chief or their designee shall take immediate corrective action.
- d) *The Fire Chief* or designee shall possess a thorough knowledge of tactics and ensure that investigators under their supervision perform, to a standard, in accordance with CCFD Rule and Regulations as well as doctrine set forth by the Commission on Nevada Peace Officer Standards and Training. Supervisors' involvement in managing tactical responses to potentially violent encounters can improve the likelihood of favorable outcomes. The Fire Chief or Designee will acknowledge and respond to incidents in a timely manner when investigators' use of reportable force is probable. The Fire Chief or designee will also manage requests for the integration of mutual, assistance resources and equipment/capabilities that are not organic to the Division. In dynamic, high-risk incidents, the Fire Chief or designee will conduct operational coordination and communication so that investigators have clearly defined operational objectives and predetermined risk management criteria and benchmarks.
- e) In urgent situations where life or limb is at risk, such as an active assailant or targeted mass violence and close supervision is not available, Investigators shall use their discretion to make decisions consistent with their oath of office and level of training while adhering to established best practices and regional plans.
- f) At times, de-escalation may require the timely and appropriate use of a lower force option to mitigate a later need to use greater force. Investigators will make efforts to control a confrontation and not allow it to escalate.

5. Duty to Intervene

Any investigator present, regardless of rank, and observing another peace officer using force that is clearly beyond what is justified or objectively reasonable under the circumstances will, when in a safe position to do so, intercede to prevent the use of unreasonable force. The investigator will promptly report, in writing, these observations and the efforts made to intervene to the *Fire Chief or designee*. This written notification will occur prior to the end of their current shift. If a supervisor within FID is suspected of using unjustified force, the investigator will report it to the next level of supervision. If the *Fire Chief* or their *designee* is the observer, they will issue a direct order to immediately stop the violation.

6. Reporting

The Investigator responsible for reporting the use of force will submit a written report to the Fire Chief or their designee no later than 10 days after the incident:

- a) Date, time, and location of the incident
- b) Identity, if known, and description of the participants



**Clark County Fire Department
Fire Investigation Division
Rule and Regulation
Non-Negotiable**



Section 1
Item No. 5

Pages 1 - 9

- c) A detailed description of the actions taken by the Investigator in response to the incident

7. Retaliation

The department or any employee will not retaliate against or discipline an employee who intervenes to stop any unjustified or unreasonable use of force or subsequent reporting, in accordance with NRS 193.308, *Duty of another peace officer to intervene to prevent or stop unjustified use of physical force; duty to report observation of unjustified use of physical force; retaliation prohibited; training required.*

8. Medical Attention

Whenever an investigator applies a use of force option upon a subject that results in either observable signs or complaints of injury or difficulty in breathing, the investigator will:

- a) Continuously monitor the subject and immediately summon medical attention. Investigators will provide basic life safety in accordance with their current level of training, certification and available equipment until higher medical care arrives. Investigators should be aware the individuals involved in prolonged physical encounters may be at an increased risk of medical distress. Incidents involving these people should be considered medical emergencies.
- b) Investigators will monitor the subject for signs of life (e.g., pulse, respiration, and chest movement) and promptly update responding medical personnel via the SNACC Radio System to the Combined Communications Center Dispatch with any changes in the subject's condition and scene status (Code 4.) Investigators will also communicate the subject's condition and scene status (Code 4.) When requesting medical attention, the investigator 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, complaints of chest pain, or involvement in a foot pursuit).
- c) Investigators shall not restrain subjects in custody in a manner that compromises their ability to breathe. Subjects who are handcuffed in the prone position shall be placed in a recovery or seated position as soon as it is 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, nor will pressure be applied to their back, neck, or head.
- d) Medical attention must be requested for the following use of force applications, even if there is no visible injury or complaint of injury:
 - i. Baton/Impact weapons – any strikes to the head, neck, chest, spine, kidneys, or groin area
 - ii. Oleoresin capsicum (OC) spray – direct exposure to the facial area
 - iii. Use of Force with a Vehicle (i.e. ramming) should prompt immediate medical attention, regardless of injury or complaints.



**Clark County Fire Department
Fire Investigation Division
Rule and Regulation
Non-Negotiable**



Section 1
Item No. 5

Pages 1 - 9

9. Use of Force Model

Force situations are dynamic and require Investigators to continuously assess the subject's actions to determine the appropriate use of force, based on policy, training, and experience, to de-escalate the situation and bring it under control safely. Investigators will modify their level of control in relation to the amount of resistance offered by a subject.

The following is a guideline that provides investigators with a range of options during an encounter or confrontation.

Investigators will apply the appropriate level of force as dictated by the situation and do not need to move sequentially through the separate levels of force.

- a. Compliant- a person contacted by an Investigator who acknowledges lawful direction, or orders given and offers no resistance.

(Low Level Force- Low probability of causing injury)

- i. Investigator's presence
- ii. Verbal communication
- iii. Empty hand tactics (escorts)
- iv. Handcuffing

- b. Obstructive- the subject is uncooperative, refusing to comply with an Investigator's commands, or physically preventing an Investigator from placing the subject in custody or under control; the subject's actions are not intended to harm the investigator or others.

Examples of obstructive behavior include:

- i. Standing stationary and refusing to move upon lawful direction
- ii. Becoming "dead weight"
- iii. Holding onto a fixed object (e.g., utility pole or steering wheel) or locking arms with another during a protest
- iv. Walking or running away
- v. Breaking the investigator's grip

(Low Level Force- Has a low probability of causing injury)

- vi. Baton (As Escort Tool)
- vii. Empty Hand Tactics (Takedowns)
- viii. Stationary Vehicle Immobilization Technique (Pinching)
- ix. Officer Presence
- x. Verbal Communications
- xi. Empty Hand Tactics (Escorts)
- xii. Handcuffing



**Clark County Fire Department
Fire Investigation Division
Rule and Regulation
Non-Negotiable**



Section 1
Item No. 5

Pages 1 - 9

-----**SUBJECT DISPLAYS AN INTENT TO HARM**-----

- c. Assaultive: A subject demonstrates the intent to harm the investigator, others or themselves.

Examples include:

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

(Intermediate Force- Potential to cause injury or substantial pain)

- iv. Empty Hand Tactics (Strikes, Kicks)
- v. OC Spray
- vi. Baton/Impact Weapon (Jabs, Strikes)
- vii. Low Level Force Techniques
- viii. Less Lethal Shotgun

- d. Life-Threatening: The subject's actions are likely to result in death or substantial bodily injury to the investigator or others. Examples include:

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

(Deadly Force- Likely to produce death or serious bodily injury)

- iii. Firearms Use
- iv. Baton/Impact Weapon (Deadly force areas)
- v. Ramming (vehicle)
- vi. All Low Level and Intermediate Level Force Techniques

9.1 PARAMETERS FOR USE OF NON-DEADLY FORCE:

When use of force is needed, Fire Investigator's will assess the situation to determine the most appropriate non-deadly force options, based on training and experience, to de-escalate the situation and bring it under control in a safe and prudent manner.

Fire Investigator's may use department authorized non-deadly force techniques (including physical force) and equipment for the resolution of incidents to:

- a) Protect themselves or another from physical harm
- b) Restrain or subdue a resistant suspect, and bring an unlawful situation safely and effectively under control

9.2 PARAMETERS FOR USE OF DEADLY FORCE:

Investigators are authorized to draw or display their firearms *only* when circumstances create a reasonable belief that the use of the firearm may be necessary, in accordance with this Rule and Regulation. Before using a firearm, investigators shall, whenever feasible, identify themselves and state their intention to shoot. Investigators are to fire their weapons only to stop and incapacitate an assailant from completing a potentially deadly act. Members should shoot at the "center of body mass" for maximum stopping effectiveness and minimal danger to innocent bystanders.



**Clark County Fire Department
Fire Investigation Division
Rule and Regulation
Non-Negotiable**



Section 1
Item No. 5

Pages 1 - 9

Investigators Are Authorized to Use Deadly Force To:

- a) Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily harm
- b) Prevent the escape of a fleeing felon whom the investigator has probable cause to believe will pose a significant threat to human life if an escape should occur (NRS 171.1455)
- c) Justifiably kill an animal in self-defense or to prevent substantial harm to the member or another.

9.3 GENERAL RULES

- a) With minimal exception, only department-approved weapons and trained techniques will be used. On-duty investigators will carry all issued tools and equipment required by department Rule and Regulation (see CCFD Dress Code Policy). All FID investigators will be certified and qualified prior to being issued any tool or equipment. Investigators shall demonstrate annual proficiency in accordance with POST training requirements and in adherence to department policy and procedure.
- b) Investigators are required to carry at least one intermediate force option (baton or oleoresin capsicum [OC] spray) on their person when on-duty. All tools will be in working order and properly maintained. The Fire Chief or designee, have an ongoing obligation to inspect investigator equipment and review with investigator's department directives and training materials on the use of force.
- c) Flashlights mounted to firearms will not be used for routine searches in place of a hand- held flashlight.
- d) The use of choke holds is prohibited under any circumstances. Investigators will not use an arm bar across the throat or any technique that encircles the neck, including the Lateral Vascular Neck Restraint® (LVNR®). Any action that is likely to restrict the flow of air into a person's lungs or blood into a person's brain is prohibited (see NRS 289.810 and 193 Sections 4 and 5).
- e) Investigators 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.
- f) When a vicious dog (or other aggressive, unsecured animal) is encountered and the safety of investigators or others is compromised, an investigator should use OC spray to stop or ward off an attack as options other than deadly force.

9.4 FIRE INVESTIGATORS ARE AUTHORIZED TO DISCHARGE THEIR FIREARMS TO:

- a) Protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily harm.
- b) Prevent the escape of a fleeing felon whom the investigator has probable cause to believe will pose a significant threat to human life if escape should occur.



**Clark County Fire Department
Fire Investigation Division
Rule and Regulation
Non-Negotiable**



Section 1
Item No. 5

Pages 1 - 9

- c) Justifiably kill an animal in self-defense or to prevent substantial harm to the Fire Investigator or another.
- d) Qualify or practice with their firearm at an approved facility.

9.5 FIRE INVESTIGATORS ARE NOT AUTHORIZED TO DISCHARGE THEIR FIREARMS:

- a) As warning shots.
- b) If it appears likely that an innocent person may be injured.
- c) From a moving vehicle, except as a last resort.
- d) At a moving vehicle unless it is necessary to do so to protect against an imminent threat to life of the investigator or others.

FIRE INVESTIGATORS ARE TO EXERCISE REASONABLE CARE AND CAUTION IN THE SAFE HANDLING OF ALL WEAPON SYSTEMS. THEREFORE, INVESTIGATORS SHALL:

- a) Attempt to move out of the path of an oncoming vehicle.
- b) Not intentionally place themselves in the path of an oncoming vehicle and attempt to disable the vehicle by discharging their firearms.
- c) Not discharge their firearms at a fleeing vehicle or driver.

Enclosures:

Enclosure A. Low to Intermediate Force Deployment Report



CCFD Low and
Intermediate Force I

Enclosure B. Public Safety Statement



FID Public Safety
Statement.docx

References:

Clark County Fire Department Dress Code Policy
Las Vegas Metropolitan Police Department, Policy: Use of Force 3.110
Las Vegas Metropolitan Police Department, Force Investigation Team
NRS 193.355 Use of Force by Peace Officer
NRS 171.1455 Use of Deadly Force
NRS 289.825(a)
Graham v. Connor (1989)
Tennessee v. Garner (1985)