



Scope and Purpose

The intent of this document is to encourage discussion within the MSWG on UF best practices and training. There is no 'one size fits all' when developing UF procedures, and security professionals must remain current with UF laws and best practices. What is presented here reflects some of the current legal, industry, and international thinking and standards. Opinions expressed are mine and debate is not only welcome, it is encouraged.

The scope of this document does not include the selection and deployment of security guards or deployment weapons and firearms. A robust selection and vetting process is the first step in mitigating excessive UF, and each security manager should include this in their procedures. The decision to deploy firearms and defense countermeasures must be made as part of a focused risk assessment and will be dependent on the risk tolerance of an organization. Most police departments separate UF and Use of Deadly Force (UDF) procedures and it is recommended that security practitioners give UDF procedures similar singular attention. I encourage MSWG members to address weapon deployment and UDF in a similar paper.

Despite many references to police and public security, this document applies to private security and may also serve as a useful reference when engaging with public security. The focus is on practical UF training and procedures with an emphasis on use of the PLAN model found in the Voluntary Principles on Security and Human Rights training material, with the addition of 'Reasonableness' in the UF criteria.

Background

In a 2016 article published in the Alberta Law Review (www.albertalawreview.com, 663 *Police Use of Force: Assessing Necessity and Proportionality*) the author, Kevin Cyr, a former member of the Royal Canadian Mounted Police, made the following observations:

- Since incapacitating someone's ability to fight is so difficult, and since very few police uses of force progress to that level, one may question what mechanism do the police most often use to achieve success? I would argue that, for the vast majority of incidents, the police achieve success by overwhelming the suspect's will to fight. Simply put, the suspect gives up.
- Some police intervention options target both the ability to fight and the will to fight. For example, oleoresin capsicum spray (pepper spray) impairs a person's ability to fight by temporarily blinding them. It also impedes their will to fight by moving their thought process off of their goal of fighting the police and instead making them concentrate on eliminating the pain and breathing difficulty caused by the spray.

- With this construct, we see that the police officer's goal is to distribute force that overwhelms the suspect's ability or will to fight. If the force is not overwhelming, then the situation will continue and potentially escalate. Note that overwhelming force is limited to what is required to overcome the suspect's ability or will to fight. Anything beyond that will be excessive. With this goal of exerting overwhelming (but not excessive) force established, we can now move to an assessment of what would constitute a proportionate means of achieving that goal.
- The degree of allowable force will always depend on the threat faced and the many factors which come into play, including (but not limited to) the officer's size and strength compared to that of the suspect, relative fitness levels, and whether the suspect is under the influence of drugs.
- It is overly simplistic to suggest that officer's ought to use only the minimum amount of force necessary to overcome a subject's will or ability to fight. However, doing so is an exceptionally poor idea; standing toe-to-toe and slugging it out until someone gives up is a recipe for disaster. In the alternative, an officer could be expected to ascertain the absolute minimum amount of force required in a given situation by following a stepped progression of escalating force until the suspect is successfully subdued. But this is also ill-advised. As soon as the officer demonstrates a willingness to use force to resolve a situation, but fails to overcome the suspect's resistance, the suspect is afforded a window of opportunity to escalate their level of resistance. The officer will also have demonstrated an inability to control the situation, possibly fuelling the suspect's will to fight.
- Necessity and proportionality are to be assessed based on a threshold of reasonable grounds, which is an achievable threshold if it is applied with a proper understanding that the police officer's goal is to overwhelm the will and/or ability to fight of the subject being arrested, and that there is precious little time to assess the nuances of the situation. This construct is best supported by the Reasonable Officer Response use of force model, which is superior to the National Use of Force Framework currently in use in Canada.

With this in mind, what is the appropriate approach for security guards who may encounter similar situations but without the same options and protections as the police? What are the best options for training security personnel to ensure they can perform their jobs with confidence and safely? And, with increasing calls for de-escalation training, how do we apply this to management of proprietary and contracted security and in our relationships with public security?

Introduction

Security professionals and international human rights standards have long recommended Use of Force models or continuums designed for public security. These models have been adopted for private security, relying on existing common law interpretations, but without sufficient consideration of the applicability outside of policing or adapting them to this purpose.

While police officers have a duty to act, security officers are encouraged to use restraint, or just observe and report. The interpretation of acceptable UF for security guards can be problematic when clients or management don't clarify their expectations. This is often seen when dealing with loss prevention and trespassers. The Supreme Court of Canada stated: *trespass statutes are the workhorse of private security services in their patrol of the shopping malls, airports, sports stadiums and other private spaces where the public tends to congregate.* UF during enforcement of trespass and minor criminal statutes has come under increasing scrutiny in recent years, with security guards becoming increasingly reluctant to intervene for fear of criticism, or worse. The client or business is responsible for clearly articulating the authority and responsibility they have vested in security

guards for enforcement of their rules. They must also pre-consider necessity and reasonableness for security personnel when they are expected to take direct action.

A considerable number of police UF continuums can be found on line. Many are confusing circles of response options dependent on the subjective interpretation of a dynamic situation. Despite their attempt to make a complex issue easier to understand, continuums do not address the entirety of the circumstances that would be considered as part of a UF investigation.

While interviewing security guards in many countries I have heard a common fear expressed about being charged with assault or jailed for using any force, despite legal protections. Even security guards who by law are specifically trained and armed to protect explosives magazines have stated they would never use force for fear of prosecution. Security supervisors have expressed concern about the reputational impact of negative media coverage if force is used, irrespective of the legitimacy. Clearly this creates a conflict between duty and self interest, but an equal concern is the reluctance of guards to use force for self defense or the defense of others.

International security and human rights standards outline broad recommendations on excessive use of force, but little that guides practitioners on articulating their decision making and legal authority. No standards consider the challenges of literacy, language, national laws, or offer specific training recommendations.

Article 3 of the United Nations Code of Conduct for Law Enforcement Officials broadly states that force may be used by law enforcement officials *“only when strictly necessary and to the extent required for the performance of their duty.”* The Commentary to this Article further states that the use of force must not be *“disproportionate to the legitimate objective to be achieved.”*

It is important to note that at the federal level in both Canada and the USA there are no applicable statute that govern the use of force by law enforcement. It is left up to law enforcement agencies to articulate UF procedures in their respective policies.

In Canada the common law legal protections afforded security guards can be found in Section 27 the Criminal Code of Canada (CCoC). These protections are the same for the general public and explain the UF to prevent the commission of an offense as follows:

Every one is justified in using as much force as is reasonably necessary
(a) to prevent the commission of an offence
(i) for which, if it were committed, the person who committed it might be arrested without warrant, and
(ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or
(b) to prevent anything being done that, on reasonable grounds, he believes would, if it were done, be an offence mentioned in paragraph (a).

Note the use of the term ‘reasonably necessary’. Interpretation of necessary vs. excessive force is left to the trier of fact to determine (a Judge) having regard for the entirety of the circumstances as they existed at the time. Courts have repeatedly stated that police officers cannot be expected to measure the necessary force to be used with exactitude, and that it is unreasonable and unrealistic for officers to employ only the least amount of force to successfully achieve their objective as this would result in unnecessary danger to themselves and others. Legal precedents are less clear for the application of ‘reasonably necessary’ for private security.

Courts in the USA have long held “the permissibility of an officer’s use of force in a given situation is governed by an amorphous “reasonableness” standard, which “is not capable of precise definition or mechanical application.” Rather, the Court has said that assessing whether a use of force is “reasonable” requires balancing “the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the

governmental interests alleged to justify the intrusion,” which will depend on “the facts and circumstances of each particular case[.]”

Recently the Supreme Court of the United States confirmed that every use-of-force inquiry requires a totality-of-the-circumstances evaluation. On one hand, this approach benefits police and security personnel as the events and circumstances before a UF event form part of the evaluation, not just what is captured on a short cellphone video. On the other hand, courts around the world now consider whether *the conduct of the person using force* as relevant to an inquiry and whether it might have provoked the need for force. Progressive police forces internationally also now apply a test of ‘reasonableness’ to all post UF enquiries.

The Voluntary Principles on Security and Human Rights (VPSHR) have made training manuals available that promote the PLAN (Proportionality, Legality, Accountability, and Necessity) principles and de-escalation. Along with advocating for a professional presence, team work and communication, the training modules use various continuums for armed, unarmed, and defensive equipment scenarios during arrest/detention and protests. This is all very good when viewing UF through a human rights lens, but less so for practical applications. Security managers must ensure that the application of these standards prioritize security, while respecting human rights, with insufficient consideration for the rule of law and self defense.

The term *de-escalation* is now a favorite of the media and NGO’s when discussing UF. It is spoken of as a panacea with no consideration of the tactical application. De-escalation is an important tool and should be use whenever practical, but it is also important that security guards are trained on the tactical response options and not rely completely on de-escalation as a substitute for UF. A lack of preparation or willingness to use force can exacerbate a situation.

Use of Force- Context

There is no legal definition of Use of Force in international human rights law.

Section 26 of the Criminal Code of Canada (CCOC) states: *Everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.* Similar to other legislation around the world the CCOC does not specify levels of force, criteria, or continuums.

As mentioned above, Section 27 CCOC emphasizes ‘reasonably necessary’ in determining whether force used was proportionate, legal, and necessary. The interpretation of necessary vs. excessive force is left to the trier of fact to determine having regard for the entirety of the circumstances as they existed at the time. Courts also now apply a ‘reasonableness’ lens to their deliberations.

The International Committee of the Red Cross (ICRC) states that Use of Force is generally understood as any physical constraint imposed on a person, ranging from physical restraint by hand or with a restraining device to use of firearms or other weapons.

<https://www.icrc.org/en/document/use-force-law-enforcement-operations-0>

The ICRC further describes Use of Force for in these terms:

- The amount of effort required to make an unwilling suspect or person comply.
- Involves the use of various methods and techniques of force that are applied starting with the least to the most force.

- Force permitted by country laws to perform security duties that personnel are authorised and trained to apply in the lawful execution of their duties.
- Governments allow public security, citizens, and private security personnel to use force to prevent a crime from happening, or to deter persons from committing crime.
- As permitted by law, force may be used to protect yourself or another person, against serious threat or injury by another person.
- The force options selected will depend on the situation, circumstances, behaviour of the suspect, and the level of the threat that such behaviour presents.

The ICRC approach relies on UF continuums that advocate the 'least-to-most force' model (one-plus theory), with no specific explanation on the selection of force options.

Security guard training should be equally divided between tactical deployment of UF options and improving decision making, situational assessment, evaluation of the circumstances, subject behaviour, and threat levels.

Use of Force Policy and Procedure Development

A policy is defined as "a definite course or method of action to guide and determine present and future decisions or a guide to decision making under a given set of circumstances within the framework of corporate objectives, goals, and management philosophies".

Policies require mandatory compliance and may include punitive action for non-compliance. They should focus on the desired result, not on the means of implementation, as that is defined within a procedure.

A procedure is often defined as "a particular or consistent way of doing something". Procedures should define and explain actions required to assure conformance to policies. Ideally, they eliminate any single point of failure, or subjective interpretation, and form the basis of induction and recurrent training.

Although both policies and procedures hold the department accountable for their actions, policies tend to be considered more legally significant. Failure to follow a policy may result in both the officer and the department being held civilly and criminally liable.

A 1998 study of the San Francisco Police Department identified the worst and best police policy practices. Among the worst practices were:

- Policy formulated strictly at the top of the organization, with little or no input from those who must implement the policy;
- Vague and poorly written policy statements;
- No clear, concise reason for a policy;
- Policy statements written for the wrong reason, resulting in a detraction from effectiveness rather than facilitating the achievement of objectives;
- Policy statements as a product of evolution, with each administration adding to the policy without subtracting anything.

Some of the best practices were:

- Policy as the product of thoughtful analysis;
- Policy statements that provide goals, guidance, and training for the officers;
- Accurate statements of the organization's priorities, values and philosophies;
- Policy that understand that there is a limitation on human memory;
- Policies that were the result of standardization or accreditation.

Use of Force Continuum

Most law enforcement agencies throughout the world base their operational procedures and training on use of force on a "use-of-force continuum." Many continuums endorsed by police departments do not reflect current legal standards and expectations.

Traditional UF continuums attempt to explain that the response of the officer must be proportional to the situation and the behaviour of the individual. They also emphasize how certain responses are not appropriate in some situations, such as the use of potentially lethal force to overcome passive resistance.

There are over 50 variations of a UF continuums used by police in North America alone. Most Use of Force continuums follow this, or a similar, examples:

Deadly Attack/	Lethal Force/ Firearm
Aggression	Less Lethal Force
Active Resistance	Physical Control (open hand)
Passive Resistance	Verbalization
Cooperation/ Compliance	Officer Presence
Subject Behaviour	Security Guard Response

The use-of-force continuum risks making a complex issue appear simple. While it helps to illustrate the idea of a graduated response, it should not be considered a "ready to use/one size fits all" tool. More specifically, a simple continuum cannot be used in isolation to explain the complex principles governing the use of force and firearms.

Police departments have begun to do away with the term *continuum* and replace it with *options*. This is partly because the term continuum implies that the officer must always begin with the least amount of force and progressively work upward until the actions of the offender are stopped. This approach is sometimes called the "one-plus theory" and holds that police officers may only use one step higher on the continuum in response to the force currently being presented.

The problem with this approach is that an application of the force continuum from least to greatest without considering or understanding the entirety of a situation, or a sudden escalation of the offender, may not be the appropriate response under the circumstances.

Use of Force Training

Use of Force training that relies on a Use of Force Continuum or the 'one-plus theory' requires security guards to anticipate whether a subject's current behaviour is an indicator of their future behaviour. Security guards should be trained that they are not required to move from the bottom to the top of a continuum, but rather that they can enter at any level based on the *totality of the circumstances* they face. Appropriate UF is determined by what is known and happening at the time, not what was discovered later.

While security guards are not police, UF training must incorporate the same concepts of necessity and proportionality based on a foundation of lawful presence and assessed reasonableness that apply to the police. Training scenarios should reinforce these concepts and remind security guards that they are essentially citizen sentries without the qualified immunity of public security.

UF Training should also include instruction on when and how to report UF incidents. Security guards should be comfortable articulating the key concepts outline in PLAN-R (See below) in their reports.

Necessity and Reasonableness

For many years UF training focused on using only the proportionate level of force authorized depending on the subject's actions and circumstances. This approach does not fulfill the current legal requirements that UF must first be considered on the merits of necessity and reasonableness.

Before a security guard can use force, they must have reasonable grounds to believe that a response is necessary. They are not required to have tried or deployed other response tactics first. It is sufficient for them to believe that lesser options are unlikely to succeed, are impracticable or unsafe. Further, UF need not be the option of last resort, but rather there must be no other reasonable alternative method of intervention or de-escalation.

As an example, someone may question if a police officer should use a firearm to take a person wielding an axe into custody. This question is more likely, is a firearm a proportionate response to an axe? The broader question is one of necessity and asking whether the officer needs to engage the person, take them into custody, and was the force used appropriately. A person may possess an axe, but do they present an immediate threat to life or just to property?

The general role of security guards is, in very broad terms, to prevent loss and trespassing. The Supreme Court of Canada has stated that 'reasonable force' in the context of the Trespass to Property Act and loss prevention investigations must consider whether a forcible arrest or detention is, considering all the circumstances, a reasonable course of action and necessary. Again, the Court has held that there must be, practically speaking, no other reasonable alternatives in terms of preventing or investigating the crime. Taken a step further, there is a need to avoid "officer created jeopardy," that being where a guard takes unnecessary action which in turn creates a situation that requires force to resolve.

Since 2007 reviews of UF incidents by public security agencies have included findings on the use of de-escalation tactics. The appropriateness of using de-escalation tactics is now considered an integral component when assessing necessity and reasonableness.

Use of Force Criteria - PLAN- R

The Voluntary Principles on Security and Human Rights promote training on PLAN. The addition of 'Reasonableness' ensures that a broader assessment of the totality of the circumstances is considered.

PROPORTIONAL: means that the force you select to use must be the minimum force required to deal with the threat or to contain the situation. The use of force must be proportional to the threat against you or someone else's life or property. This means that the nature, duration, and scope of force used should not exceed the minimum of what is required.

LAWFUL: means that you are authorised to use force as part of your duties, per national laws, and the company's security policies and procedure. You are trained in the use of different force options and you are legally authorised to use and possess security equipment, including weapons or firearms. Use of force is UNLAWFUL when it is excessive.

ACCOUNTABLE: means that your use of force is necessary, reasonable and proportionate. You accept responsibility for your actions and are prepared to explain your decisions and report them. You are also prepared to appear before a court of law to explain your actions and decisions to use force.

NECESSARY: means that the force used to contain the threat or situation was as a result of a threat against you, the company (employees), or another person; that you consider and/or attempt to use lesser force options; other options failed, are unlikely to succeed, or impractical (unsafe), and; you have no other option than to use force. There is no other reasonable alternative method of intervention or de-escalation.

REASONABLENESS: in practice this means you must be "lawfully placed" in the situation and, you subjectively believe the amount of force you plan to use is reasonable (not excessive) given the totality of the circumstances. Determining reasonableness is based on the assessment that an objective observer would believe the amount of force was appropriate.

The Seattle Police Department (<http://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>) defines **objectively reasonable** as follows:

The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

How many of us can conduct this type of threat assessment during a stressful situation? This underscores the importance of scenario training for security guards that includes de-escalation techniques.

De-escalation

The goal of de-escalation is to promote thoughtful resolutions to stressful situations that reduce the likelihood of harm to all persons involved. Similar to UF enquiries, post incident reviews of de-escalation decisions are evaluated considering the totality of the circumstances present at the time of the incident.

A benefit of requiring use of de-escalation options recognizes the need to avoid "officer created jeopardy", where an officer takes unnecessary action which creates a situation that requires force to resolve.

Ability to Fight vs Will to Fight

Overcoming a subject's ability to fight is difficult and requires considerable force. The ability to fight is usually only overwhelmed by an injury so catastrophic that the suspect's body is unable to properly function. Even use of a firearm is not guaranteed to incur instant incapacitation.

A subject's will to fight may be overcome simply by using commands or warning of a potential use of force, or by removing bystanders before whom the suspect feels a need to posture or prove himself. The will to fight may be diminished if the subject is provided with an option to retreat, when facing superior numbers, or when threatened with the imminent discomfort of a non-lethal impact weapon.

De-escalation options focus on reducing the subject's will to fight and are preferable to the use of overwhelming force to overcome their ability to fight.

De-escalation Definitions

The following definitions are used by an increasing number of US and Canadian police departments.

De-escalation: Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.

De-escalation Techniques: Actions used by officers, when safe and feasible without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident, and increase the likelihood of gaining voluntary compliance from a subject.

Techniques and Tactics

De-escalation techniques and tactics are actions to be used by guards, when feasible and without compromising their safety, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. The goal is to promote safe resolutions to situations and to reduce the likelihood of harm to all persons involved.

De-escalation may take the form of rapport building and/or individual engagement, scene management, and team deployment. Even when individual engagement is not feasible, de-escalation techniques such as time, distance, and shielding, should be used unless doing so would create undue risk of harm to any person due to the exigency or threat of a situation.

When safe and feasible under the totality of the circumstances presented, guards should attempt to slow down or stabilize the situation so that more time and resources are available for incident resolution. Guards must assess the threat so as not to precipitate an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy.

Team approaches to de-escalation are encouraged whenever possible. Training should consider guard skill level, number of response personnel and options available. Where a team approach to de-escalation is used, each guard's actions must complement the goal.

The use of de-escalation options should be guided by the totality of the circumstances in order to attain voluntary compliance.

- **Communication**

Use communication intended to gain voluntary compliance, such as:

- Rapport building and verbal persuasion;

- Clear instructions;
- Verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) to calm an agitated subject and promote rational decision making;
- Advisements and warnings, given in a calm and explanatory manner (**Note:** Warnings given as a threat of force are not considered part of de-escalation);
- Avoiding language, such as taunting or insults, that could escalate the incident.

Responders must consider whether a lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Behavioural crisis
- Fear or anxiety

- **Time**

Attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

Scene stabilization assists in transitioning incidents from dynamic to static by limiting access to unsecured areas, limiting mobility and preventing the introduction of non-involved community members;

Avoid or minimize physical confrontation, unless necessary, for example, to protect someone or stop dangerous behaviour.

- **Distance**

Maximize the tactical advantage by increasing distance to allow for greater reaction time.

- **Shielding**

Utilize cover and concealment for tactical advantage, such as:

- Place barriers between an uncooperative subject and guards
- Use natural barriers in the immediate area

- **Team Coordination**

Good team communication and coordination are essential. While one person engages a subject or group of people, other team members must maintain situational awareness for additional threats.

- Continue to assess the potential risk throughout the encounter
- Avoid tunnel vision, ensure the team maintains a wide field of view to monitor for threats
- REMAIN ALERT especially after you feel the situation is under control
- Remember, the level of force when dealing with a subject must be based on perceived threat or actions, not assumed threats

- Avoid indecision or reacting without a plan

UF Tactical Response

Determining the optimal UF option is a tactical decision that must consider the environment, number of subjects, the perceived will of subject to fight, time/distance, etc.

A suspect's will to fight can be overcome by using a variety of means. For example, rapport building and communication skills can be used to gain voluntary compliance; warnings of the use of non-lethal weapons, and team intervention target both the will and ability to fight.

As a non-lethal UF option, oleoresin capsicum spray (pepper spray) impairs a person's ability to fight by temporarily blinding them, and also impedes their will to fight by moving their thought process away from the fight and concentrates them on eliminating the pain and breathing difficulty caused by the spray.

The decision to deploy a UF option that overwhelms the suspect's ability or will to fight must be carefully considered. If the force is not overwhelming the situation could potentially escalate. Also, it is important to note that overwhelming force is limited to what is required to overcome the suspect's ability or will to fight. Anything beyond that will be deemed to be excessive.

It is not reasonable to think that an officer can be expected to ascertain the absolute minimum amount of force required in a given situation by following a stepped progression of escalating force until the threat is subdued. It is neither practical nor possible for guards engaged in dynamic situations to "measure the force used with exactitude." As with necessity, decisions on the proportionality of force cannot be assessed through the 'lens of hindsight'.

Tactical Training

As part of UF training, security guards should be coached on projecting an authoritative, non-aggressive, demeanor. Guard conduct during an interaction is key to de-escalation. The following behaviours should be practiced during scenario training.

- **Be Aware**

When performing security duties, get into the habit of constantly scanning the environment and noting potential problems.

- **Maintain Eye Contact**

When engaged in conversation, maintain direct eye contact that is not threatening. Eye contact in non-combative situations shows confidence, internal strength, and most importantly, respect for the other person. Be aware of cultural differences.

- **Look Confident**

Criminals can be expert observers of human behaviour. Keep your head up and walk with confidence and purpose. Avoid looking uncertain, preoccupied, or fatigued.

- **Vocal Control**

The quality of your voice is aligned with your demeanor. Anger, fear, and fatigue can easily be communicated via voice. Remain calm and in control. Vocal control involves tone, pitch, volume and tempo.

- **Keep Your Hands Free**

Always have at least one hand free and unoccupied.

- **Threat Clues**

Threat cues are perceptions, either audible or visual, of a situation that **SHOULD** raise your level of awareness and prepare you for any escalating confrontation that may occur. Looking for and reacting to the perceivable threat cues is a critical function of continual risk assessment. Some examples include, the subject conspicuously ignoring you, any exaggerated movements, ceasing all movement, and the thousand-yard stare. These are indications the subject is trying to formulate a plan and not do what you have instructed them to do. Threat cues may also be present throughout the environment, such as tattoos, insignias, visible weapons and weapons of opportunity.

- **Uniform and Protective Equipment**

Guards should be uniformed for easy identification and as a preventative presence. They should be equipped with the protective equipment needed to do their jobs properly and safely. In addition to basic site required PPE guards should have, at a minimum, communication equipment, flashlights, protective gloves, and climate specific clothing. Local regulations should be checked to ensure compliance.

A **minimum acceptable** level of personal protective equipment for security personnel and security contractors during routine patrols, static guard work should be determined as part of a job analysis. For situations where there is a threat of crime or violent attack additional protective equipment should be available for deployment.

As part of a Security Risk Assessment, a tactical risk assessment should be conducted that considers guard duties, locations, physical security, deployment of defensive weapons, communications, and response support.

References

To Serve and to Protect: Human Rights and Humanitarian Law for Police and Security Forces

<https://www.icrc.org/en/publication/0698-serve-and-protect-human-rights-and-humanitarian-law-police-and-security-forces>

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF)

<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>

The BPUFF set out:

- General provisions on government responsibility, use of force considerations, non-lethal options, and reporting;
- Special provisions on use of force and self defense, warnings, authorized and prohibited weapons, care and storage;
- Respect for lawful, and controlling unlawful assemblies;
- Treatment of persons in custody;
- Qualifications, training and counselling of personnel, and;
- Reporting and review procedures.

Although not a treaty, the BPUFF aims to offer authoritative guidance to *“Member States in their task of ensuring and promoting the proper role of law enforcement officials*

The Preamble to this particular instrument recognizes the importance and complexity of the tasks of law enforcement officials, acknowledging their vital role in the protection of life, liberty and security of all persons. Particular emphasis is placed on the task of maintaining public safety and social peace and on the importance of the qualifications, training and conduct of law enforcement officials. Furthermore, governments are encouraged to “keep the ethical issues associated with the use of force and firearms constantly under review” (BPUFF No. 1).

In the BPUFF, governments and law enforcement agencies are urged to ensure that all law enforcement officials are:

“selected by proper screening procedures; have appropriate moral, psychological and physical qualities [...] and receive continuous and thorough professional training,” and are subject to periodic reviews of their “fitness to perform [their] functions” (BPUFF No. 18).

IFC Managing Security in Emerging Markets

Private Security: The company has significant direct control over private security with expectations to meet standards related to hiring, conduct, training, equipping, and monitoring. Contract terms are the key.

Company responsibilities include: Assessment of risk and implementation of good practice in hiring, training, and employment of private security forces; Appropriate conduct and use of force by security personnel; Investigation of allegations of unlawful acts by security personnel.

Training

Security Response (pg. 24–25) *How are those security personnel likely to react and respond to those identified risks?*

Ensuring appropriate use of force (pg. 46, 48) *Do guards know what is expected of them? Are they prepared to react with appropriate and proportional force in any situation?*

Companies should use their policies and procedures, reinforced by training, to provide clear instructions to directly employed guards. This can be as simple as including a clause in the employment contract setting out expectations, and following up with training.

Training should focus on appropriate behaviour and use of force. In low-risk contexts this can involve just a brief review of policies and procedures, recorded in a log, to ensure that guards understand how to respond to common interactions and scenarios.

Equipping

Do guards have what they need to do their jobs properly and safely? (pg. 49, 51)

This usually means a uniform and identification and some type of communication device (typically a radio). In some cases, it includes non-lethal weapons, such as pepper spray. The decision to arm guards with lethal force, such as a gun (pg. 51–52), is a serious one that should derive from the assessment of risk and be accompanied with a dedicated training program.

A **minimum acceptable** level of personal protective equipment for security personnel and security contractors during routine patrols, static guard work should be determined as part of a job analysis. For situations where there is a threat of violent attack additional protective equipment should be available for deployment.

Recommended Reading

On Combat: The Psychology and Physiology of Deadly Conflict in War and in Peace, Lt. Colonel David Grossman (US Army Ret'd.) Published 2004

On Killing: The Psychological Cost of Learning to Kill in War and Society Lt. Colonel David Grossman Published 1996 (See also: https://en.wikipedia.org/wiki/On_Killing)