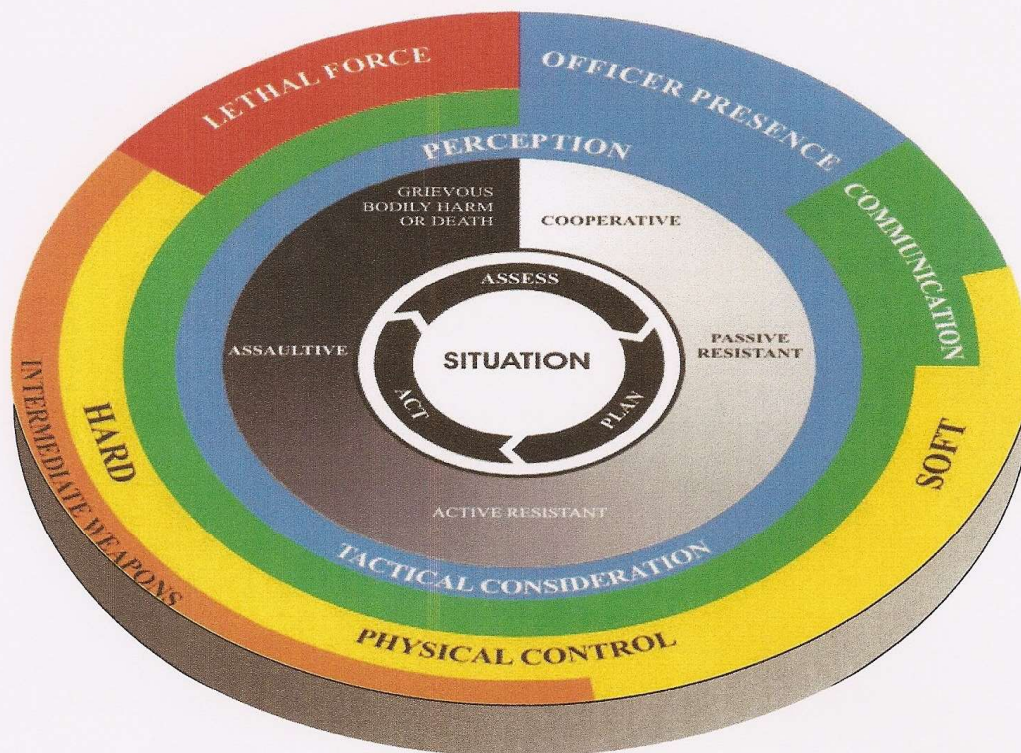


Chapter 9

Use of Force Theory

National Use of Force Framework



The officer continually assesses the situation and acts in a reasonable manner to ensure police officer and public safety

The National Use of Force Framework is a graphical representation of the various elements involved in the process by which a law enforcement practitioner, including security guards, assesses a situation and acts in a reasonable manner to ensure safety.

The National Use of Force Framework is not intended to serve as a justification for use of force nor does it prescribe specific response option(s) appropriate to situation. The Framework does provide a valuable tool to facilitate understanding and articulating the events associated with an incident involving the use of force.

Guiding Principles

1. Preserve and protect life
2. Ensure public safety
3. Protect officer safety

Note: The use of force framework does not dictate organizational policy and was designed in consideration of federal and case law.

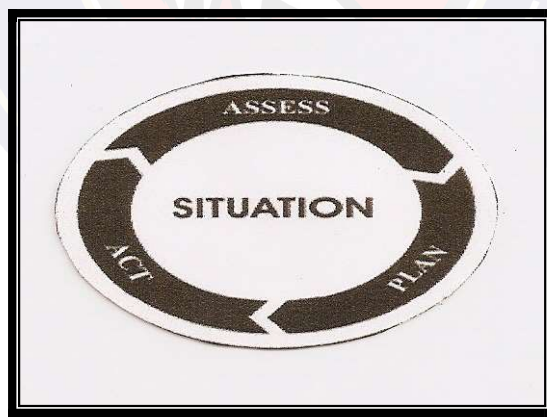
The National use of Force Framework is made up of 4 circles they are:

1. The Situational Circle
2. The Subject Behaviours Circle
3. Perception and Tactical Considerations Circle
4. Use of Force Options

Three factors that will determine what force option is used:

1. Situational Factors
2. Subject Behaviours
3. Perception and Tactical Considerations

The Situation



With every situation, a three-step process must take place:

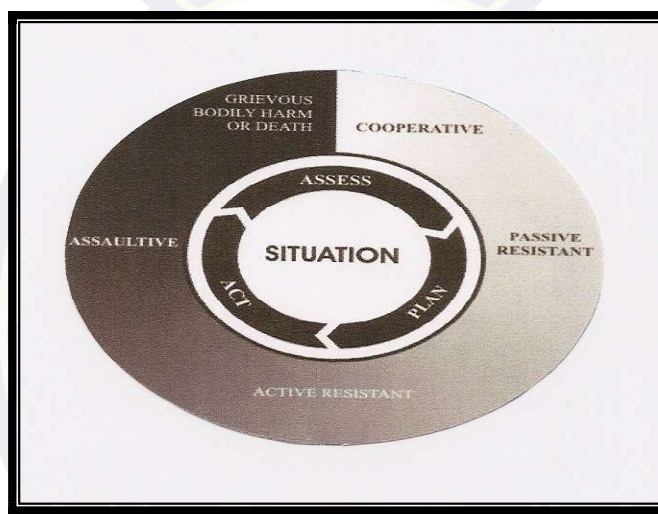
- **ASSESS** – the situation
- **PLAN** – your course of action
- **ACT** – on your plan

Keep in mind that this is an on going process. You must constantly be assessing, planning and acting as the situation keeps changing. – When a guard responds to an incident, he or she must take into consideration various aspects of the immediate situation. Six different conditions can characterize a situation. Each of these may become a part of the officer's assessment and will affect all guards equally.

Six Situational Factors:

- **Environment**
- **Number of Subjects**
- **Knowledge of Subjects**
- **Subjects Abilities**
- **Time and Distance**
- **Potential Attack Signs**

Subject Behaviours



Question to ask yourself: If I use force to remove this person what kind of behavior can I reasonably expect to encounter?

Cooperative – The person responds appropriately to the guard's presence, direction and control. – *i.e.* – “*sir leave the mall*”, *Subject says “ok” and walks out.*

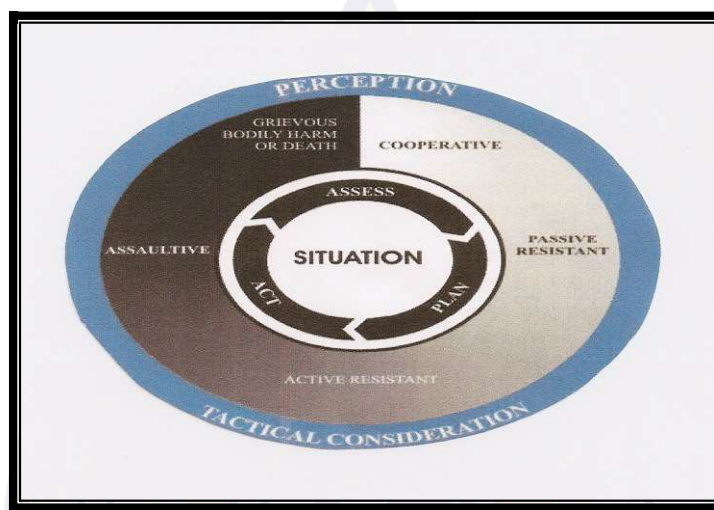
Passive Resistant – Any kind of resistance where the subject refuses to comply with directions but does not do anything physical to the Guard. – *i.e.* – *Going dead weight.*

Active Resistant – The subject uses non-assaultive physical action to resist, or while resisting a guards lawful direction. – *i.e.* – *pulls or pushes away from the guard.*

Assaultive – The subject attempts to apply, or applies force to any person; attempts or threatens by an act or gesture to apply force to another person. – *i.e.* – *Punches, kicks or attempts to apply force to the guard.*

Grievous Bodily Harm or Death – The subject exhibits actions that the guard believes are intended to, or likely to cause grievous bodily harm or death to any person. – *i.e.* – *Choking, pointing a firearm, etc.*

Perception and Tactical Considerations



Each security guard's perception will directly impact their assessment of the situation and subsequently impact their selection of tactical consideration and/or their own use of force options.

Perception – How a guard sees or perceives a situation based on their personal characteristics. These personal characteristics affect the security guards beliefs concerning his/her ability to deal with the situation. Factors that may be unique to the individual guard may include:

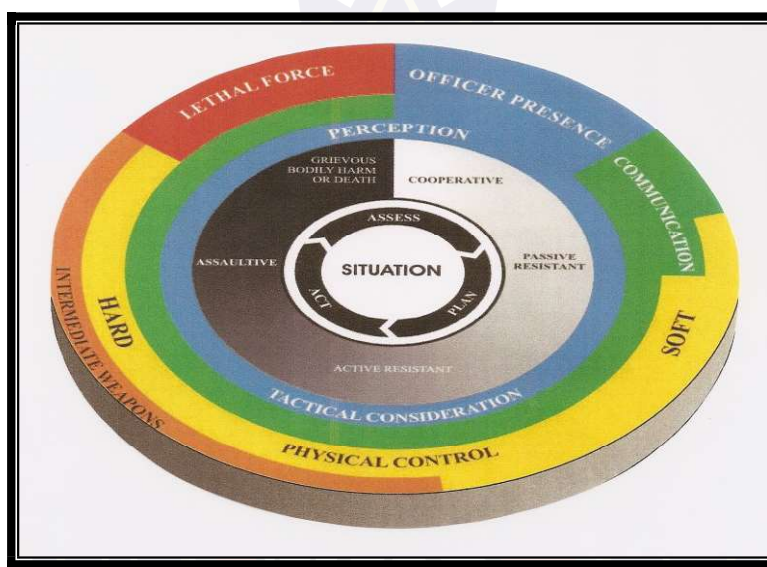
- **Sight / Vision**
- **Personal Experience**
- **Injuries**
- **Fatigue**
- **Strength / Overall fitness**
- **Skill / Ability / Training / Confidence**
- **Size / Gender**
- **Fear / Anxiety**

Tactical Consideration – A guard's assessment of a situation will also be affected by some of the following tactical considerations.

These considerations play a very important part in the guard's selection from his available options.

- **Uniform and equipment**
- **Number of officers**
- **Availability of back up**
- **Availability of cover**
- **Agency policies and guidelines**
- **Geographic considerations**
- **Disengage**

Use of Force Options



Officer Presence – The dress and deportment of the security guard at the scene or on their arrival at the scene

Communications – A Security Guard can use verbal communication to control or resolve a situation

Physical Control – Any physical technique used to control the subject that does not involve a weapon.

- **Soft:** Techniques that are control oriented and have a lower probability of causing injury *such as joint locks or pressure points.*
- **Hard:** Techniques intended to stop a subject's behavior or to allow application of a control technique, these have a higher probability of causing injury *such as empty hand strikes and punches or takedowns.*

Intermediate Weapons – Involves the use of a less lethal weapon. Less lethal weapons are those that are not intended to cause serious injury or death. – (flashlights are not considered to be an intermediate weapon) – *Examples of intermediate weapons would be the use of a baton (to appropriate areas) or a Peace Officer using pepper spray.*

Lethal Force – Involves the use of any kind of weapon or technique that is intended to, or is reasonably expected to cause grievous bodily harm or death. *For example, a baton strike to the head or the use of a firearm by a Police Officer.*

Levels of Resistance

Now we have an understanding of two items; how the subject can resist our attempts at control and what options we have available in regards to force options. Which brings up a very important question:

WHAT LEVEL OF FORCE IS SUITABLE FOR WHAT LEVEL OF RESISTANCE?

As a Security Guard, we never want to get ourselves in a position where the opponent can match or overcome our defensive actions. Therefore, a suspect using Psychological Intimidation is not met with a returned “stare” from the Guard. The subject in this case would probably be controlled by using a soft physical control technique like the Mandibular Angle Pressure Point.

This concept is known as the **FORCE + ONE THEORY.**

In essence, if met by one level of resistance, the Security Guard counters that resistance with one level of force greater than the resistance.

This theory of Force + One has been defended in court and on the streets. As a Security guard, you always want to avoid a potential wrestling match.

Sometimes there are variables which force Security Guards to escalate or de-escalate their level of control.

Situational factors, Perception and Tactical Considerations are taken into consideration when deciding how much force to use. These factors coupled with the subject’s behavior of the subject allow the guard to respond with reasonable force.

Obviously there are a large number of variables that will play a role in any guard’s decision on what level of force to use.

Criminal Code Sections that deal with the Use of Force

There are discussed earlier, there are many criminal code section that a guard may come across or have to deal with when performing security duties. However, there are some that also deal with the application of force under certain circumstances.

CRIMINAL CODE SECTION 25

1. Everyone who is required or authorized by law to do anything in the administration or enforcement of the law,
 - a) as a private person
 - b) as a Peace Officer or Public Officer
 - c) in aid of a Peace Officer or Public Officer
 - d) by virtue of his office

is if he/she acts on reasonable grounds, justified in doing what he/she is required to do and in using as much force is necessary for that purpose.

CRIMINAL CODE SECTION 27

Every one is justified in using as much force as is 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/she believes would if it were done, be an offence mentioned in paragraph (a)

CRIMINAL CODE SECTION 34 – Defence - use or threat of force

- (1) A person is not guilty of an offence if
 - (a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person;
 - (b) the act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force; and
 - (c) the act committed is reasonable in the circumstances.

- (2) In determining whether the act committed is reasonable in the circumstances, the court shall consider the relevant circumstances of the person, the other parties and the act, including, but not limited to, the following factors:
- (a) the nature of the force or threat;
 - (b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;
 - (c) the person's role in the incident;
 - (d) whether any party to the incident used or threatened to use a weapon;
 - (e) the size, age, gender and physical capabilities of the parties to the incident;
 - (f) the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat;
 - (f.1) any history of interaction or communication between the parties to the incident;
 - (g) the nature and proportionality of the person's response to the use or threat of force; and
 - (h) whether the act committed was in response to a use or threat of force that the person knew was lawful.
- (3) Subsection (1) does not apply if the force is used or threatened by another person for the purpose of doing something that they are required or authorized by law to do in the administration or enforcement of the law, unless the person who commits the act that constitutes the offence believes on reasonable grounds that the other person is acting unlawfully.

CRIMINAL CODE SECTION 35 – Defence – property

- (1) A person is not guilty of an offence if
- (a) they either believe on reasonable grounds that they are in peaceable possession of property or are acting under the authority of, or lawfully assisting, a person whom they believe on reasonable grounds is in peaceable possession of property;
 - (b) they believe on reasonable grounds that another person
 - (i) is about to enter, is entering or has entered the property without being entitled by law to do so,
 - (ii) is about to take the property, is doing so or has just done so, or
 - (iii) is about to damage or destroy the property, or make it inoperative, or is doing so;
 - (c) the act that constitutes the offence is committed for the purpose of

- (i) preventing the other person from entering the property, or removing that person from the property, or
 - (ii) preventing the other person from taking, damaging or destroying the property or from making it inoperative, or retaking the property from that person; and
- (d) the act committed is reasonable in the circumstances.

- (2) Subsection (1) does not apply if the person who believes on reasonable grounds that they are, or who is believed on reasonable grounds to be, in peaceable possession of the property does not have a claim of right to it and the other person is entitled to its possession by law.
- (3) Subsection (1) does not apply if the other person is doing something that they are required or authorized by law to do in the administration or enforcement of the law, unless the person who commits the act that constitutes the offence believes on reasonable grounds that the other person is acting unlawfully.

So to summarize, Criminal Code Sections; 25, 27, 34, and 35 deal with the use of force. It gives us the authority to use force under specific circumstances. They are:

C.C.C. 25 – In the administration or enforcement of law. (When making an arrest or in aid of someone making an arrest.)

C.C.C. 27 – To prevent the commission of an offence.

C.C.C. 34 – To defend yourself against force or the threat of force.

C.C.C. 35 – To defend property.

The amount of force one can use is defined as;

As much force as is necessary to control the subject or stop the action. The guard must also make sure that the level of force must be in proportion to the action encountered.

Any force past that will be seen as *Excessive Force*.

Excessive Force

Excessive Force can be defined as the following:

Any force used past the point of controlling the subject or stopping their action.

CRIMINAL CODE SECTION 26

Every one 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.

CRIMINAL CODE SECTION 269 - Unlawfully Causing Bodily Harm

Every one who unlawfully causes bodily harm to any person is guilty of

- a) an indictable offence
- b) an offence punishable on summary conviction

Excited Delirium

Excited Delirium is a serious medical condition, where EDP's suffering from either substance abuse or psychiatric illness which may literally cause the body to stop (cardiac arrest, suffocation or asphyxiation by aspiration of vomitus). People with the following signs and symptoms are in danger of dying at any time:

Bizarre or Aggressive behavior	Impaired thinking
disorientation	Hallucinations
Acute onset of paranoia	Panic
Shouting	Violence towards others
Unexpected Physical strength	Significantly diminished sense of pain
Sweating, fever, heat intolerance	Sudden tranquility after frenzied activity

EMS staff should promptly assess persons exhibiting any combination of these symptoms. Remember, that the preservation of life is more important than a criminal charge.

Secondly, the position of restraint and detention may increase the risk of death. Persons exhibiting these symptoms should be restrained in a seated position, noting that restraining in a prone position is particularly hazardous.

In summary, be aware that persons exhibiting signs of Excited Delirium are at risk of sudden death. Restraint in the prone position increases the risk. Always treat persons with Excited Delirium as medical emergencies.

Positional Asphyxia

When a hog-tied subject dies, forensic pathologists generally attribute death in whole or part to positional asphyxia resulting from respiratory compromise. Positional asphyxia occurs **when the position of the body interferes with the person's ability to breath**. Breathing involves interaction of the chest wall, the diaphragm, the muscles of the rib cage and the abdomen. Interference with proper breathing procedures an oxygen deficiency (know as hypoxia) in the blood, which disturbs the body's creates the condition for fatal rhythm disturbance in the heart.

Prevention

Criminal justice professionals across the country have sought methods to ensure the safety of subjects restrained in a hog-tied and prone position. The simple fact of the matter is that even if officers take precautions, hog-tied and prone restraint is inherently risky. Awareness and vigilance when using prone restraints is vital to protecting the subject.

First, you must be made aware of the inherent risks of using prone position restraints for extended periods of time. You should realize the adverse position affects a subject's breathing and how to recognize signs of respiratory distress. You also must be able to recognize the factors that contribute to positional asphyxia.

Whenever a prone position restraint is employed for an extended period, you should determine whether subjects have used drugs or suffer from cardiac or respiratory diseases, if possible. Handcuffed subjects should not be left on their stomachs; rather, they should be rolled over on to their side or seated.

The process of hypoxia is insidious and subjects might not exhibit any clear symptoms before they simply stop breathing. Generally, it takes several minutes for significant hypoxia to occur, but it can happen more quickly if the subject has been violently active and is already out of breath. If the subject experiences extreme difficulty breathing or stops breathing altogether, **you must take steps to resuscitate the subject and obtain medical care immediately.**