

THE USE OF FORCE BY SECURITY PERSONNEL

Security personnel shall use only the amount of defensive action which is reasonably necessary to affect lawful objectives. All personnel shall act in good faith in the exercise of defensive action.

Section 494 of the Criminal Code sets out the powers of arrest of all security personnel. They are the same powers as those of any citizen. Note that we are not commanded to arrest, but that we MAY arrest.

494 (1) Any one may arrest without warrant

- (a) a person whom he finds committing an indictable offence; or
- (b) a person who, on reasonable grounds, he believes
 - (i) has committed a criminal offence, and
 - (ii) is escaping from and freshly pursued by persons who have lawful authority to arrest that person.

(2) The owner or a person in lawful possession of property, or a person authorized by the owner or by a person in lawful possession of property, may arrest a person without a warrant if they find them committing a criminal offence on or in relation to that property and

- (a) they make the arrest at that time; or
- (b) they make the arrest within a reasonable time after the offence is committed and they believe on reasonable grounds that it is not feasible in the circumstances for a peace officer to make the arrest.

(3) Any one other than a peace officer who arrests a person without warrant shall forthwith deliver the person to a peace officer.

(4) For greater certainty, a person who is authorized to make an arrest under this section is a person who is authorized by law to do so for the purposes of section 25.

We are authorized (as a citizen) to use as much force as is necessary to prevent the continuation of an offence, by virtue of section 25 of the Criminal Code:

25. (1) Every one 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, or

(d) by virtue of his office,

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

Section 26 states:

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.

...and by virtue of section 27:

27. 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).

Section 30 states:

30 Every one who witnesses a breach of the peace is justified in interfering to prevent the continuance or renewal thereof and may detain any person who commits or is about to join in or to renew the breach of the peace, for the purpose of giving him into the custody of a peace officer, if he uses no more force than is reasonably necessary to prevent the continuance or renewal of the breach of the peace or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of the breach of the peace.

Section 34 goes on to state:

34 (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.

DEFINITIONS

Defensive action - The use of force in a defensive manner by a security guard to overcome a person's physical resistance to the guard's performance of a legal duty, to protect the guard or another person from physical resistance of acts of aggression that are likely to cause bodily harm, or used to apprehend a fleeing criminal suspect.

Less-lethal action - That defensive action which is neither likely nor intended to cause death or serious physical injury

Lethal action – That defensive action which is likely to cause death or great bodily harm

Physical Control – The necessary employment of restraints and/or other defensive actions by a security guard

Reasonable belief – the facts the guard knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances

Grievous bodily harm/serious physical injury – a bodily injury which creates a substantial risk of death, causes serious permanent disfigurement, or results in long term loss or impairment of the functioning of any body part or organ. (Both terms are synonymous)

JUSTIFICATION FOR DEFENSIVE ACTION

Justification for the use of defensive action is limited to what is reasonably known or perceived by the guard at the time of use. Facts discovered after the event, no matter how compelling, cannot be used in later determinations of whether the defensive action was justified.

USE OF LESS-LETHAL DEFENSIVE ACTION

Personnel shall only use the amount of less-lethal defensive action that is reasonably necessary to protect themselves or others from harm or to affect the lawful arrest of a subject.

In many cases some level of defensive action will be necessary to affect an arrest or to protect the guard(s) or others from danger or harm. That amount of physical control may be as low as placing a hand on the subject's body and directing that subject to place his hands behind his back for handcuffing. Depending upon the level of resistance offered, the guard may use techniques that escalate the amount of defensive action needed to gain compliance from a subject during the arrest process.

For the resolution of incidents, this procedure restricts guards from carrying any weapons (lethal and less-lethal) with which they have not proven proficiency.

Personnel shall use company approved defensive tactics and less-lethal weapons upon which they are trained, qualified, and certified as determined by company training procedures. To avoid injury to personnel, hand-to-hand confrontations should be avoided whenever possible in situations where increased levels of defensive action are justified.

When a confrontation escalates suddenly, a guard may use any means or device at hand to defend him/herself, as long as the level of the defensive action is reasonable given the existing circumstances.

USE OF LETHAL DEFENSIVE ACTION

A guard may use force, up to and including deadly force, only when the guard reasonably believes that the action is in defense of human life, including the guard's own life, or in defense of any person in immediate danger of serious physical injury.

A guard may use force, up to and including deadly force to stop an offender fleeing from justice only when the guard reasonably believes that the action is in defense of human life, including the guard's own life, or in defense of any person in immediate danger of serious physical injury.

Where feasible, a warning should be given prior to engaging in the use of escalated force.

RESISTANCE AND CONTROL

The use of force shall be examined from the two perspectives of resistance and control.

1. The guard's use of defensive action was initiated by the subject's resistance.
2. The level of defensive action used by the guard was necessary and not excessive when considering the type of resistance offered by the subject.

Resistance - Resistance is manifested by the subject who attempts to evade a guard's attempts at control. Resistance is action directed at the guard by the subject. The amount and type of resistance will vary based on the actions of the subject. Resistance can be categorized into three broad areas.

- **Verbal** - refusal to comply with lawful orders of arrest or commands through verbal threats or assaults.
- **Physical** - physical attempts to resist or elude control of the guard.
- **Aggressive** - physical assault against a guard that could lead to severe physical injury

Control - Control is the action a guard uses to influence or neutralize the resistance of a subject.

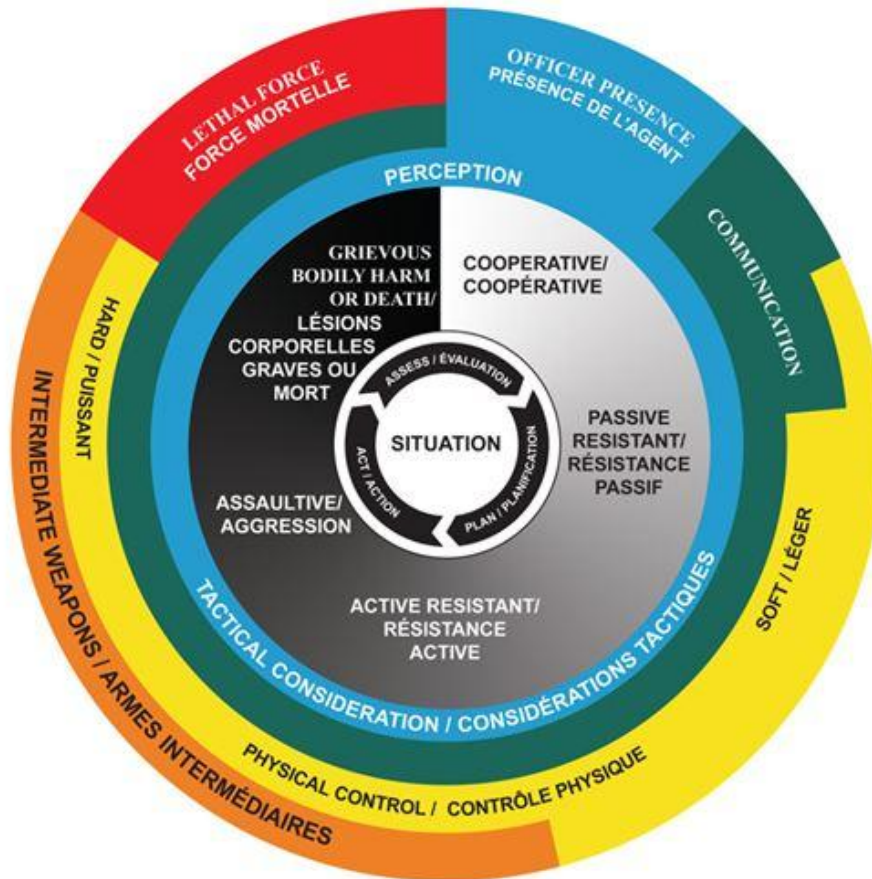
Guard response - The guard's response to resistance will be based upon their perception of the level of resistance, coupled with their ability to overcome the resistance and gain control of the subject. Generally, there are four occasions in which a guard is justified in using physical control methods:

1. To stop potentially dangerous and unlawful behaviour.
2. To protect the guard or another from injury.
3. To prevent subjects from injuring themselves.
4. To complete the process or affect a lawful arrest when the subject offers a degree of resistance.

THE NATIONAL USE OF FORCE FRAMEWORK

Most agencies across Canada use a variation of the Royal Canadian Mounted Police IMIM use of force framework:

This model acts as a sound guide toward the use of appropriate force during a fluid encounter.



It is circular for a reason...you can de-escalate a situation as well as escalate.

USE OF FORCE LEVELS (Resistance & Control)

LEVEL ONE

Subject Resistance: A subject is on the scene engaging in suspicious activity. Psychological Intimidation: Non-verbal intimidation tactics may include clenching fists, widening of foot stance, a blank stare, and other forms of body language.

Guard Control: Presence. The guard is on the scene. This includes proper voice and/or other identification, body language, alertness, and readiness; all denoting the presence of authority to the subject.

Field Interrogation Stance - The guard adopts a stance with the subject outside their danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked. In such a stance, any weapon side leg is away from the subject; the non-weapon or "reactionary side" leg is forward toward the subject; the feet are about shoulder width apart; knees slightly bent giving balance, control, and a lower body center of gravity; equally distributed body weight; and the hands are at least waist high in readiness for guarding the upper body. Proper distance from the subject should be one metre to two metres away where the guard can see both the hands and feet of the suspect in case he/she should make an aggressive movement toward the guard.

Pre-emptive Physical Control - The guard may escalate to physical control before any overt moves are made by the subject if the non-verbal signs given by the subject indicate an immediate potential for violence and/or the guard believes that physical control is necessary to prevent the subject from injuring himself, others, or the guard.

LEVEL TWO

Subject Resistance: Verbal Resistance. A subject may verbally refuse to comply with the guard's requests or attempts to control the situation. The subject may verbally threaten the guard with further resistance. The subject may boast of their fighting skill and intentions to injure the guard. Or, the subject may simply refuse to respond to or ignore the guard.

Nonverbal Cues: The subject's verbal resistance may be accompanied by body language which may indicate their intentions with regard to physical resistance. The subject may assume a fighting stance such as raised hands and clenched fists. The subject may grab a fixed object to be used as an anchor. Or, the subject may lie or sit down placing his hands under his body.

Guard Control: Dialogue. A two way, controlled, non-emotional, business-like communication between the guard and the subject, directed toward problem identification and/or resolution.

Verbal Direction: A guard tells or commands the subject to engage in, or refrain from, a specific action or non-action.

Touch: A guard employs a soft touch when directing, or a firm, strong touch prior to escalating to a higher level of response.

Pre-emptive Physical control: The guard may escalate to physical control before any overt moves are made by the subject if the verbal communications by the subject indicate an immediate potential for violence and/or the guard believes that physical control is necessary to prevent the subject from injuring him/herself, others, or the guard.

Further Escalation: The guard's reaction to verbal threats should be based on a reasonable perception of:

- The validity of the threat
- The subject's ability to carry out that threat, and
- The guard's own physical ability to manage the threat.

If the subject's body language during a threat indicates his intention to escalate his resistance, the guard should prepare to escalate to intermediate weapons, or even to lethal means if the subject has a weapon or has such physical advantage that the threat of death or great bodily harm exists

LEVEL THREE

Subject Resistance: Passive Physical Resistance: The subject physically refuses to comply or respond. He/she does not make any attempt to physically defeat the actions of the guard but instead forces the guard to employ physical manoeuvres to establish control. Passive resistance is usually in the form of a relaxed or "dead weight" posture intended to make the guard lift, pull, or move the subject to establish control.

Guard Control: Transporters. Techniques used to control and/or move a subject from point A to point B with minimum effort by the guard in order to gain and retain control over the subject.

Pain Compliance: Techniques that force the subject to comply with the guard as a result of the guard inflicting controlled pain upon specific points in the subject's body.

Takedowns: Techniques that redirect, in a controlled manner, a subject to the ground in order to limit their physical resistance and to facilitate the application of a restraining device.

Restraint Devices: Mechanical tools used to restrict a subject's movements, such as handcuffs, flex cuffs, leg irons, belly chains, nylon restraining devices, etc.

Counter Moves: Techniques that impede a subject's movement toward a guard or others such as blocking, parrying, dodging, weaving, redirecting, or avoiding followed by appropriate controlling techniques.

LEVEL FOUR

Subject Resistance: Active Physical Resistance. The subject makes physically evasive movements to defeat a guard's attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the guard to get close to him/her. However, the subject does not attempt to strike the guard or inflict bodily harm upon the guard.

Guard Control: Techniques that include striking blows with hands, fists, kicks, or actions such as brachial stuns.

TASER: Although not approved for civilians, this is where they begin to be used to control dangerous or violent subjects when attempts to subdue the subject by conventional methods have been, or likely will be, ineffective.

Impact Weapons: Such as the ASP baton primarily used to render a subject controllable.

LEVEL FIVE

Subject Resistance: Aggressive Physical Resistance. The subject makes overt, aggressive, hostile, attacking movements which may cause injury to the guard but are not likely to cause death or great bodily harm to the guard or others.

Guard Control: Incapacitation. Techniques that are intended to stun or render a subject temporarily unconscious, delivered with or without intermediate weapons, such as a strike to a major nerve area.

LEVEL SIX

Subject Resistance: Aggravated Physical Resistance. The subject makes overt, hostile, attacking movements with or without a weapon with the intent and apparent ability to cause death or great bodily harm to the guard or others.

Guard Control: Lethal Defensive Action. Techniques that may result in imminent death or great bodily harm, such as impact weapon strikes to the head, joints, or neck.

CONTRIBUTING FACTORS

In properly determining the appropriate response to a subject's resistance, several factors must be evaluated by a guard. There are two types of factors to consider:

- Subject Factors
- Guard Factors

Subject Factors

- Seriousness of the crime committed by the subject.
- Size, age, and weight of the subject.
- Apparent physical ability of the subject.
- Number of subjects present who are involved, or who may become involved.
- Weapons possessed by or available to the subject.
- Known history of violence by the subject.
- Presence of potential victims in the area.
- Whether the subject can be recaptured at a later time.
- Whether evidence is likely to be destroyed.

Guard Factors

- Size, physical ability, and defensive tactics expertise of the guard.
- **Number of personnel present or available.** Sometimes the best tactic is to disengage.
- The necessity for immediate reaction in the case of sudden attack.
- Weapons or restraint devices available to the guard.
- Legal requirements.
- Company post orders.

VERBAL SKILLS

The direction and result of most encounters with subjects can be controlled by good communication skills on the part of the guard. In most encounters, the mere presence of a guard and proper verbal direction will be sufficient to resolve potential problems and allow the guards to execute their duty. When verbal confrontations arise, the subject's fear and anger must be defused before the subject will be able to understand and follow the guard's commands. Again, this will require good communication skills and patience on the part of the guard.

Good communication skills and proper application of communication techniques can prevent many physical confrontations from escalating to higher levels. Personnel are encouraged to consciously develop and practice good communication skills as a part of their basic proficiency in security techniques.

EMPTY HAND CONTROL

Empty hand control is a physical contact technique which includes many different methods of subject control. Some of these methods may be as subtle as gently guiding a subject's movements, to an escort hold, to joint locks, to pressure point control methods, to hand strikes and kicks. The types of empty hand control include the following:

Soft hand control

Touching

Escort holds

Pressure point controls

Hard hand control

Stunning and striking actions

Strikes to legs, arms, shoulders, side of neck

Strikes by fist, forearm, hand, foot, or leg

In order to effectively use hand controls, they must be constantly practiced.

All persons performing response team duties should be able to effectively control a subject. All Axe personnel shall strive to attain proficiency in effective techniques.

HANDCUFFS AND RESTRAINTS



The purpose of handcuffs, flex cuffs, and leg restraints is to restrict the movement of a subject in a manner that allows a safe means for transporting the subject. Restraining devices also can be used to prevent further physical resistance from a subject. Whatever the application, restraining devices should be considered temporary in nature and used as a means for safely achieving other goals.

The Alberta Security Services and Investigators Act Policy Manual, section **10.5.3**, reads as follows:

Handcuffs may be utilized by any licensee, except locksmiths or automotive lock-bypass licensees. Employers must ensure adequate training is provided on the use of this equipment.

The primary principle of handcuffing is to control first, then handcuff.

There are three rules to follow for successful application of handcuffs. By following these **three rules**, handcuffing will be easier to perform and flow better for you.

1. From behind the offender's back, cuff the offender's first hand with the same side hand. (Cuffs in the right hand, cuff offender's right hand first).
2. Cuff the offender's hands on the thumb side of the wrist.
3. Always cuff with the bottom cuff first. (The cuff next to your little finger).

The procedure for handcuffing is simple and effective. By using the three rules, the movement patterns stay the same for all handcuffing techniques. This helps with memory retention and motor skill performance.

In order to more easily remember the separate phases of the handcuffing process, the acronym **C.R.E.S.T.** is used.

CREST stands for:

- **Control** – Ensure the scene and the offender are controlled (covered)
- **Restrain** – Safely apply the handcuffs
- **Evaluate** – Check to ensure engagement of both cuffs
- **Search** – Perform a weapons check of the offender
- **Transport** – Arrange police transport as soon as possible

INTERMEDIATE WEAPONS

Intermediate weapons are defined as approved tools which provide a method for controlling a subject when lethal defensive action is not justified but when empty hand control techniques are not sufficient in affecting control over the subject. Whenever a guard uses an intermediate weapon for control, it should be used with the intent to temporarily disable the subject, and never with the intent of creating a permanent injury.

Intermediate weapons may include:

- **Aerosol Deterrents**
- **Batons, and**
- **TASERs.**

AEROSOL DETERRENTS

Commonly called Pepper Spray, aerosol deterrent contains a mixture of Oleoresin Capsicum (OC) dissolved into an inert carrier agent. This is the approved aerosol used by law enforcement agencies.

If authorized, personnel may use aerosol deterrents only when facing all of the following circumstances:

- The subject is being arrested.
- Verbal dialogue has failed to bring about the subject's compliance with directions.
- The subject has signalled his intention to actively resist your efforts to make the arrest.

An aerosol deterrent may also be used in self-defence when necessary to prevent serious injury to yourself or others. **Currently, aerosols are NOT approved for security in Alberta.**



TASERS

Civilians are **not yet authorized** to use the TASER as an intermediate weapon. This device is shaped like a handgun and when fired launches two metal darts at the target. When the darts contact the target a high voltage current is delivered.



Stun guns, on the other hand, must be placed against the target in order to discharge. **These are also not authorized as defensive items against humans.**

BATONS



Batons may be used for defensive actions necessary to gain control of a subject engaged in some forms of active physical resistance or engaged in any form of aggressive physical resistance and aggravated physical resistance.

Baton target areas include:

1. Center mass of the arms.
2. Center mass of the legs.
3. Center mass of the torso.

A subject's head, neck, throat, spine, and clavicle shall not be used as targets for impact weapon strikes unless the guard is justified in the use of deadly force. These striking points have a high probability of causing injuries that could result in death or great bodily harm.

Batons may be used in the following situations:

- When there is probable cause to believe that a crime has occurred or is about to occur and the subject is actively attempting to physically resist arrest.
- When the use of the baton would assist in reducing the risk of injury to a suspect, bystander or personnel.

- As a less than lethal alternative to deadly force, when deadly force could be used, if the situation dictates.
- Against an armed subject, acting in an apparent irrational manner, and/or threatening suicide.
- They may be utilized to defend yourself or other person against attack from a dangerous animal.

SSIA GUIDANCE

General guidance on the carrying of weapons by Alberta security professionals can be found in section 10.5.6. of the SSIA Policy Manual:

10.5.6 Weapons

In the interest of public safety, the Act and Regulations clearly identify which weapons may be used by licensees and applicable restrictions and training.

Batons

Batons may be used by all licensees, except locksmith and automotive lock bypass licensees, if authorized by the Ministry and indicated on the Licence ID Card. Licensees must successfully complete an approved 40-hour use-of-force training course to be approved for baton use.

Recertification in use of batons will be required every 36 months. Use of batons while on duty is at the discretion of the employer. Business licensees may restrict the use of batons, regardless of whether an individual licensee has the appropriate training.

Batons shall be no longer than 26 inches in length when fully extended. Please be advised that batons shall not be carried in a concealed manner or in a way so as to hide the baton from the public's view as this may contravene elements of the Criminal Code of Canada with respect to carrying a concealed weapon.

Firearms

Firearms will not be approved for use under the provisions of this legislation except in rare situations where the Federal Chief Firearms Officer for the Province of Alberta approves the issuance of a firearm to a licensee through Federal Legislation (section 20 of the Firearms Act (Canada)). In this event the Registrar will conduct a review including consultation with the licensee and the Chief Firearms Officer, to determine if it would be appropriate to add a term and/or condition to an individual's licence allowing for the carrying of a firearm.

Prohibited Weapons

Firearms, OC spray, SAP gloves, PR 24 nightsticks, shock sticks, conducted energy weapons or any other weapon prohibited by the Criminal Code of Canada will not be permitted. Use of any prohibited weapon while on duty will result in immediate suspension or cancellation of a licence.

Bear Spray

While OC Spray is prohibited, the use of bear spray is acceptable, provided the environmental conditions warrant the carrying and possible use of this product. It is only appropriate to carry and possibly use this product where the likelihood of running into a bear or other wildlife exists, i.e. remote wilderness security sites. As with all equipment, the business licensee may establish policy about the use of this product, including prohibiting use by its employees.