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NAO Use of Force Directive		

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1.0 Purpose

Constellis, LLC and all of its affiliate companies, including but not limited to Triple Canopy, Centerra Group and OMNIPLEX (herein, the “Company”) is committed to conducting business honestly, ethically, and in accordance with applicable laws and regulations of the United States and jurisdictions in which we operate. We are also committed to the highest ethical standards, and all employees and applicable third parties are expected to adhere strictly to the Company’s Code of Business Ethics and Conduct and applicable policies. The Company has designed this Use of Force Directive for all personnel on its Domestic Security Contracts to define and provide guidelines for the use of force that may be required by armed security personnel in the performance of their duties.

The Directive sets forth guidelines for the appropriate use of force in the course of the officers’ duties, including situations that could result in death or serious bodily injury.

All personnel are reminded that it is the individual officer’s responsibility to be familiar with and in full compliance of federal, state and local laws pertaining to the licensing and regulations for armed security officers. To the extent specific contract requirements mandate additional or separate requirements or directives for security officers, the contract requirements supersede this Directive

2.0 Scope

This Directive applies to all armed Personnel in the North American Operations (“NAO”) business line who work in the continental United States.

3.0 Definitions

- **Deadly Force** is the use of any force that is likely to cause death or serious bodily injury. When an officer uses such force, it may only be done in accordance with the guidelines described below and in full compliance of federal, state and local laws.
- **Reasonable and Necessary Force.** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations
- **Necessity of Deadly Force** in evaluating the necessity to use deadly force, two factors are important. (1) the presence of immediate threat to the officer or others and (2) the absence of safe alternatives to the use of deadly force. Deadly force is never permitted under this policy when the sole purpose is to prevent the escape of a suspect
- **Levels of Force**
 - Mere Officer Presence – uniform, appearance, attitude
 - Verbal Commands
 - Physical Actions – move in front to block suspect, hand on weapon
 - Physical Contact – hand on arm
 - Physical Restraint – handcuffs, surrounding with other officers
 - Weapon Use – Less-Lethal, chemical spray, baton.
 - Weapon Use – Lethal - firearm
- **Probable Cause:** The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” In addition, “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them.”

4.0 Directives

4.1 General Standards

- 4.1.1 Armed security officers are required to be familiar with applicable policies and procedures regarding the use of force and all applicable local jurisdictional regulations and laws.
- 4.1.2 The furnishing of weapons and ammunition to an officer is authorized under the provisions of 40 U.S.C 1315.
- 4.1.3 Armed security personnel must be trained, licensed where applicable, and certified with issued equipment, its capabilities, and how to operate it, but most importantly, know when to apply it.

4.2 Authorized Equipment

- 4.2.1 Armed security officers are only authorized to use contractually approved equipment.
- 4.2.2 Armed security officers shall not carry firearms, other weapon, or defensive equipment

- except those authorized by contract and approved in their local jurisdiction.
- 4.2.3 Unless otherwise specified by a Government Contract, armed security personnel are equipped with expandable batons, firearms and ammunition. This equipment can only be utilized in full compliance with federal, state and local laws for the protection of persons, property, and the apprehension of criminal offenders.
 - 4.2.4 Armed security officers shall be trained in the use of a firearm and Less-Lethal Force options such as an expandable baton, O.C. spray or Taser. An Officer may carry those items only after successful completion of training.
 - 4.2.5 The revolver or semi-automatic pistol (hereafter referred to as the service weapon) are furnished to and worn by all authorized officers as directed by contract.
 - 4.2.6 Only that ammunition provided and authorized by contract shall be carried by officers or placed/used in the service weapon.
 - 4.2.7 The service weapon will be fully loaded and carried in the service holster provided by contract. Personal holsters are prohibited.

4.3 Less - Lethal Force

- 4.3.1 The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations
- 4.3.2 If Less-Lethal Force is to be used, the armed security officer must exercise the highest degree of care, proficiency, and mental and physical composure to achieve the immediate objective of stopping a threatening situation.
- 4.3.3 Force may be used to minimize the potential for injury; provide for the safety of the officer and others. The Officer's duty is to take steps to prevent harm to themselves and others. They do not have to wait for injury to occur before taking appropriate action. Officers may be required to escalate rapidly or to de-escalate the use of force depending on the overall circumstances.
- 4.3.4 During a situation where the use of Less-Lethal Force is necessary:
- 4.3.5 The armed security officer shall identify himself/herself and issue a verbal warning to submit to the authority of the armed security officer prior to the use of force; and
- 4.3.6 If a verbal warning is not effective, the officer may use only the minimum necessary physical force to establish lawful control.

4.4 Duty to Intervene

An officer has a duty to intervene to prevent abusive conduct or stop the use of excessive force by another officer when it is safe and reasonable to do so.

NOTE: Failure to intervene may subject an officer to disciplinary action. Officers must immediately, or as soon as safety allows, notify a supervisor after such an intervention.

4.5 Deadly Force

- 4.5.1 Deadly force is any use of force that creates a substantial risk of causing death or serious bodily injury.
- 4.5.2 Deadly Force may only be used as a means of self-defense to protect one's self or others when there is cause to believe that a threat of death or serious bodily injury is immediate, **and** if to do so would not increase the danger to the armed security officer or others.

- 4.5.3 A subject may pose an immediate threat even if he/she is not pointing a weapon at the officer.
- 4.5.4 Deadly force may be used to prevent the escape of a fleeing subject if there is probable cause to believe the subject has committed a felony involving the infliction of serious bodily injury or death, and escape of the subject would put the officer or others in immediate danger of serious physical injury or death.
- 4.5.5 Deadly Force Restrictions: Deadly force should not be used against persons whose actions are a threat only to themselves or property and are there for prohibited.
- 4.5.6 Firearms shall not be discharged at a moving vehicle unless:
- 4.5.6.1 A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle.
 - 4.5.6.2 Discharging firearms at a moving or fleeing vehicle is prohibited unless it is necessary to prevent imminent death or serious bodily injury to the officer or another person. Officers will not voluntarily place themselves in a position in front of an oncoming vehicle where deadly force is a probable outcome. If confronting an oncoming vehicle, officers will move out of its path, if possible, rather than fire at the vehicle.
 - 4.5.6.3 Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
- 4.5.7 Choke holds are prohibited

4.6 Professional Demeanor and Appearance

An armed security officer's professional demeanor and appearance are the most commonly used form of control. The following levels of force are based on fundamental policing skills and capitalize upon the acceptance of authority by the general public.

- 4.6.1 Armed security officer's identification and mere officer presence
- 4.6.2 Verbal commands which rely on communication skills, verbal directions, relative positioning, and the officer's presence.
- 4.6.3 Contact soft control techniques such as escort, positioning, and handcuffing.
- 4.6.4 Compliance control techniques such as joint locks and pressure points.
- 4.6.5 Defensive tactics such as escape techniques, striking techniques and weapons retention.
- 4.6.6 Use of Less-Lethal Force weapons such as Baton and O.C. Spray or Taser

4.7 Use of Deadly Force

Whenever a firearm is discharged for any reason, a report of the discharge will be made to the Supervisor and Project Manager, or designee, immediately. The Officer who discharged his weapon in a Use of Force situation must provide a Public Safety Statement and include it in the Use of Force Report form

- Description of the offender if not on scene
- Direction offender fled if not on scene
- Weapon used, if weapon was fired, direction in which the weapon was pointed
- Injuries to offender and/or officer or others
- Was anyone else injured/any witnesses

When any force is used and once the scene is safe, an officer shall provide appropriate medical care

consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

- 4.7.1 Notify a supervisor of the incident and location without delay.
- 4.7.2 The ranking supervisor on the scene must determine whether circumstances are such that the presence of the officer who engaged in the use of force at the scene might cause a more hazardous situation to develop. The supervisor has the responsibility for instructing the officer involved to move to a more appropriate location. Any officer involved in a discharge of a firearm during a use of force should be seen by medical personnel as soon as possible.
- 4.7.3 The officer/supervisor involved must maintain control of any discharged firearm for examination and submit said firearm to the appropriate investigating authorities, when requested. After the threat has stopped and it is safe and practical to do so the weapon must not be cleared, reloaded or cleaned
- 4.7.4 Cooperate with internal and external authorities as needed and requested in responding to any after action evaluation or investigation. A written statement must be completed after at least two sleep cycles.

The Contract/Project Manager shall immediately notify the applicable COR and the Constellis Director of the discharge verbally, followed up with a written description of the event using the **Constellis Use of Force Report**. The Contract/Project Manager will notify the appropriate Director who in turn will notify the Vice President for North American Operations and the Director for Special Operations without delay. In the event a member in the chain of notifications is not available for any reason, the next higher authority will be notified.

The Vice President, in consultation with President of North American Operations and the Constellis General Counsel, will assign personnel to investigate all discharges of a weapon whether in a use of force or an unintentional discharge situation.

RELATED DOCUMENTS

- Constellis Use of Force Report

VERSION HISTORY

	Version	Version Date	Author	Description
1	1.0	09/05/2017	Domestic Security	Initial version
2	1.1	5/11/2018	Domestic Security	Moved Directive to Constellis Level
3	2.0	8/25/2021	Ron Libby	Moved to NAO Business Line, updated definitions and directive to comply with industry developments