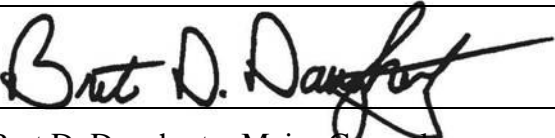




Department Policy No. JFHQ-412-20

Title	Rules for Use of Force Policy
Former Number	New
Authorizing Source	RCW 38.08.090 Governor to Promulgate Rules RCW 38.32.120 Authority of Commanding Officer
References:	Army Regulation 190-56 Army Regulation 190-14
Information Contact	Provost Marshal Building #18 (253) 512-7901
Effective Date	October 1, 2020
Mandatory Review Date	October 1, 2024
Revised	N/A
Approved By	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

Purpose

Provide guidance required on the rules of use of force for Washington Military Department (WMD) security guards.

Scope

This policy applies to all WMD Security Guards.

Policy

1. WMD security guards will provide the following:
 - a. Security guard services to WMD facilities and property.

- b. Controlled ingress and egress of the installation/facility via designated access control points (ACP) at the outer most perimeter of the boundary or cantonment area.
 - c. Conduct visitor control operations to include screening and vetting of personnel in accordance with Army regulations and instructions as applicable within state/territory/federal laws and statutes.
 - d. Conduct vehicle inspections in support of the installation security program.
 - e. Perform security checks of installation/facility perimeters, and sensitive or critical areas, to counter criminal, terrorist, and hostile threats.
 - f. Conduct physical security inspections and surveys, risk analysis/mitigation, and assist in the overall joint base security initiative in support of the Physical Security program.
 - g. Monitor Electronic Security Systems (ESS) and devices, Closed Circuit Television (CCTV), Intrusion Detection Systems (IDS) associated with installation access control and critical asset protection.
 - h. Provide other physical security equipment and services necessary to secure WMD resources and personnel.
2. The Adjutant General has identified and determined specific rules for use of force for security guard operations based on state/local laws and statutes. Security guard personnel performing security guard duties will be armed as deemed appropriate by the Adjutant General for the performance of their duties.
 3. In order to support the WMD security guard activities and responsibilities, the following rules for use of force apply:
 - a. General principles:
 - 1) It is the policy of the WMD that an employee shall not use physical force against someone unless they reasonably believe that such force is necessary to protect themselves or another individual from imminent bodily harm. The extent of force employed must not exceed the minimum amount of force necessary to counter the threat and may be employed only for as long as the threat persists, as described in more detail below.
 - 2) Training on this policy will be accomplished in accordance with Provost Marshall Training guidelines. At a minimum, training will be accomplished before carrying a weapon on duty and annually thereafter.
 - 3) WMD considers any time an employee physically touches another person to achieve a desired level of compliance to be a use of force. This includes any

time a security guard uses their hands, body, defensive tactics, equipment, less-lethal weapons, or firearms in the course of their regularly assigned duties. Any use of force requires reporting and notification as outlined herein.

- b. Use of Force Continuum shall be the standard model for the use of force by all WMD security guards. The continuum is broken down into six broad levels. Each is designed to have an elastic factor to accommodate evolving situations evoking different levels of force. It is common for the level of force to move from level two to level three and back again in a matter of seconds. WMD security guards should be mindful that, so long as prudent under the circumstances, de-escalation in favor of calling local law enforcement authorities with jurisdiction is always the preferred course of action as part of the use of force continuum.
 - 1) **LEVEL ONE - Security Presence.** The mere presence of highly visible uniformed security presence element is often enough to stop a crime in progress or prevent a future crime. Security presence includes standing, walking, and running. Without saying a word, alert security can deter threats or direct criminal activity away from a property by use of body language and gestures. At this level, gestures should be non-threatening and professional.
 - 2) **LEVEL TWO - Verbal Communication.** Used in combination with a visible presence, the use of the voice can usually achieve the desired results. Words can be whispered, used normally, or shouted to be effective. The content of the message is as important as security's demeanor. It's always best to start out calm but firm and non-threatening. Choice of words and intensity can be increased as necessary or used in short commands in serious situations. The right combination of words can de-escalate a tense situation and prevent the need for a physical altercation. Training and experience improve the ability of a security guard to communicate effectively with everyone, including the police.
 - 3) **LEVEL THREE - Use of Open Hands, Control Holds, & Restraints.** Certain situations may arise where words alone do not deter or reduce the aggression. Sometimes security will need to get involved physically. At this level, minimal force would involve the use of bare hands to guide, hold, or restrain. This does not include offensive moves such as punching, tackling, or choking. Pain compliance holds could apply here but only after ordinary holds fail to control an aggressive person. A baton may only be used at this level as a self-defense mechanism to block blows or temporarily restrain a person. Handcuffs can be used as a restraint device only if security has been trained to do so and if absolutely necessary for the safety of others. Not every person needs to be handcuffed. Restraints should only be used on a person exhibiting aggression and posing a real and direct threat of imminent bodily harm to themselves or others. Handcuffs should not be applied too tightly and should be double-locked. To avoid the possibility of "positional asphyxiation,"

security may not pile on top of a person or place a handcuffed person face down on the ground. Use of non-issued restraints are prohibited.

Once a person is handcuffed, security is responsible for his or her safety and must immediately inform law enforcement of the detainment and follow all instructions from law enforcement as to whether the person shall continue being detained or released.

- 4) **LEVEL FOUR - Chemical Agents.** When a person is violent or threatening, more intense, non-lethal measures may be used to bring the person under control or affect an apprehension. Before security may move to level four, it is assumed that they have exercised other less physical measures or deemed them inappropriate. When used by surprise, pepper spray is an excellent distraction, allowing security time to get away, contact law enforcement, or subdue the person. Pepper spray is to be used as a defensive weapon and should not be used to protect property or to enforce business rules as per policy. When pepper spray is used defensively, it must be directed toward the person's face for maximum result and used on a single target only. Even though considered non-lethal, pepper spray can cause severe reaction(s) and possible injury. Also, pepper spray has a blinding effect and care must be used to ensure that spray victims do not fall downstairs, wander into traffic, or operate a motor vehicle.
- 5) **LEVEL FIVE - Temporary Incapacitation.** This level of force may only be employed when the situation is so extreme, violent, and immediate that it is necessary to temporarily incapacitate a person prior to the arrival of law enforcement. This includes the use of all methods of less-than-lethal force beginning with control holds up to and through the potential use of closed fist and offensive striking techniques, including impact tools. At level five, properly used defensive and offensive techniques (including take downs, knee, hand, elbow and arm strikes) are allowed under the right circumstances. Baton blows to soft tissue, arms, and legs are consistent with professional security training standards. Striking the head, neck, or spine, however, can be deadly, and are inconsistent with professional training standards, and are strictly prohibited unless the use of deadly force is justified.
- 6) **LEVEL SIX - Deadly Force.** Security is justified to employ deadly force only when security has a reasonable belief that the subject of such force will cause imminent danger of death or serious physical injury to Security personnel or to another person, and the use of lesser force is insufficient to stop the threat. Additionally, deadly force may not be used to prevent a fleeing person unless that individual poses an imminent threat to the safety of others. **NOTE:** Attempts to fire warning or disabling shots are not permitted at any time.

If feasible, and if to do so would not increase the danger to the guard or others, a verbal warning to “**Halt**” shall be given prior to the use of deadly force. When the decision is made to use force, an armed security guard may continue its application only until the subject surrenders or otherwise no longer poses an imminent danger to themselves or to others.

A weapon will only be drawn when needed in the defense of self or others. When employing deadly force, armed Security should assess whether its use creates a danger to third parties that outweighs its use. Consideration must be given to the safety of bystanders and the potential harm created by any rounds that do not strike their target.

- c. Additional criteria for all use of force:
- 1) Whether the force used is less-than-lethal or deadly force, when force is used against a person it must cease when the resistance or threat is overcome. Security must be mindful that the purpose of force is to stop the threat and may be used only to prevent imminent bodily harm to Security personnel or others. As indicated by the Use of Force Continuum, whenever feasible, verbal commands should be given before resorting to physical compliance techniques, less-than-lethal, or deadly force. The application of force must be reasonable in its duration, intensity, and magnitude. Reasonableness is determined by the standard of what a “reasonable person” would believe by observing the situation.
 - 2) Since the Use of Force Continuum contains the exercise of less lethal force, as well as deadly force, no security personnel will be authorized to carry a firearm until that individual is trained in the use of and equipped with a less lethal weapon such as a baton or pepper O.C. (Oleoresin Capsicum) spray.
 - 3) Security must be mindful that in all circumstances, de-escalation, in favor of calling law enforcement authorities, is the preferred course of action provided doing so does not endanger the safety of the guard(s) or other individuals.
4. Violations of the rules for use of force will be treated as a serious offense warranting disciplinary action(s) up to, and including, termination.
 5. All records related to the rules of the use of force are subject to the Public Records Act RCW 42.56.