

Allied Universal Security Services Policy Statement

Legal – Use of Force and Reporting Policy

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SOURCE: Legal Department
PREPARED BY: James C. Grant, Director, Firearms & Use of Force
Policy: Y
Procedure: Y

Purpose:

To articulate policy and procedures concerning the use of force.

Person(s) Responsible:

Division Presidents
Region Presidents
Region Vice Presidents
Branch Managers (or similar)
Account and Field Operations (or similar)

Scope of Employees Covered:

This policy applies to all employees of Allied Universal Security Services.

I. Use of Force

Use of Force- General Principles

It is Allied Universal's policy that employees shall not use physical force against persons unless the employee reasonably believes that such force to be necessary to protect the employee 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.

In most circumstances, disengagement in favor of calling law enforcement authorities is preferable choice. Further, a decision to use force in any situation shall consider the likelihood of success and the risks to the Security Professional. Under no circumstances should a Security Professional engage in a physical altercation that is likely to result in physical injury to the Security Professional or that is unlikely to effectively counter the threat.

Allied Universal considers any time an employee physically touches another person to achieve a desired level of compliance to be a use of force. A use of force includes:

- Use of hands, body, defensive tactics or equipment, less lethal weapons, or firearms in the course of duties;
- Pursuit of any kind;
- Display or brandishing of any weapon;
- Deployment of a working dog.

As an exception to this policy, routine therapeutic patient restraint procedures and routine handcuffing during police operations (i.e. Company Police, Special Officers) do not need to be reported to the Legal Services Group. In these environments, the Corporate Use of Force Report only needs to be completed if they involve the use of weapons, injuries to our employees, the subject or a third party, if there is some other unusual or unexpected outcome, or if the subject of medically-ordered therapeutic restraint resisted the procedure.

Possession of Weapons Prohibited

No Allied Universal employee or agent may carry, possess, or store a firearm or other weapon, including less lethal weapons during the course and scope of their employment, except as permitted by this policy. Except where state law prohibits such a restriction, this policy shall prohibit the carrying of a personal firearm to work, as well as having a personal firearm available in the passenger compartment or trunk of a Company vehicle or private vehicle being used for work purposes. As stated in the employee handbook, employees who violate this policy will be subject to discipline up to, and including, termination.

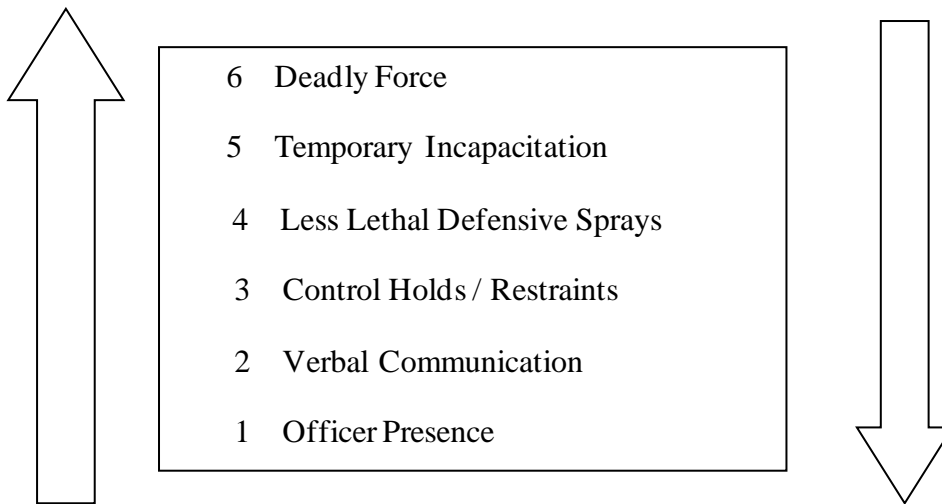
Use of Force Continuum

The Use of Force Continuum shall be the standard model for the use of force by all Allied Universal Security Professionals. 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.

Allied Universal Security Professionals should be mindful that so long as prudent under the circumstances, disengagement in favor of calling the police or other law enforcement authorities is always the preferred course of action as part of the force continuum.

Additionally, Security Professionals must remember that the Use of Force Continuum relates not only to the escalation of the Use of Force but also directs the de-escalation of techniques as the subject's threats diminish or stop.

The following diagram demonstrates the escalation and de-escalation of the use of force with 1 being the least force used and 6 being deadly force:



LEVEL ONE

Officer Presence. The mere presence of a highly visible uniformed Security Professional may stop a crime in progress or prevent future crime. Without saying a word, an alert Security Professional can deter crime or direct criminals away from a property by use of body language and gestures. At this level gestures should be non-threatening and professional.

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 the Security Professionals 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 improves the ability of a security officer to communicate effectively with everyone, including the police.

NOTE: All uses of force above Level Two require the preparation and submission of a Use of Force Report

LEVEL THREE

Use of Open Hands, Control Holds & Restraints. Certain situations may arise where words alone do not reduce the aggression. Sometimes Security Professionals 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 suspect. A baton may only be used at this level as a self-defense mechanism to block blows or temporarily restrain a suspect. Handcuffs can be used a restraint device only if the officer has been trained to do so. Not every suspect needs to be handcuffed. Restraints should only be used on a person who exhibits aggression, poses a real threat. Handcuffs should not be applied too tightly and should be double-locked when safe to do so. Once a suspect is handcuffed, the officer is responsible for his or her safety. To avoid the possibility of "positional asphyxiation," Allied Universal Security Professionals may not pile on top of a suspect, or place a handcuffed suspect face-down on the ground. Hog-ties and hobbling (tying legs together) are prohibited.

LEVEL FOUR

Less Lethal Defensive Spray (O.C.). When a suspect is violent or threatening, more extreme but less lethal measures may be used in defense, to bring the suspect under control, or affect an arrest. Before a Security Professional may moving to level four, it is assumed that he or she exercised other less physical measures or deemed them inappropriate. When used by surprise, pepper spray is an excellent distraction, allowing the officer time to get away, call the police, or subdue the suspect. Pepper spray should not be used to protect property or to enforce business rules. It is a defensive weapon. Pepper spray must be directed in the suspect's face for maximum result, and not sprayed wildly at groups of people. Even though considered less lethal, pepper sprays can cause severe reaction and possible injury. Also, pepper sprays have a blinding effect and care must be used that spray victims do not fall down stairs, wander into traffic, or operate a motor vehicle.

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 suspect prior to the arrival of the police. This includes the use of all methods of non-deadly force beginning with the empty hand up through and including impact tools, Taser's or working dogs. At level five, properly used defensive and offensive moves (including take downs, knee, hand, and elbow and arm strikes) are allowed under the right circumstances. Baton blows to soft tissue and certain joint areas are consistent with professional security training standards. Kicking any part of a subject's body, and baton blows to the suspect's head or throat, however, can be deadly, and are inconsistent with professional training standards, and are strictly prohibited **unless the use of deadly force is justified**. Any violation of this directive will be treated as a serious offense warranting discipline up to, and including, termination.

Temporary incapacitation is used to stop a suspect from injuring an officer or others, permitting the application of handcuffs or other restraints. Electronic control devices(("ECDs") also known as conducted electrical weapons, and "Tasers") are a recognized means of temporarily incapacitating an assailant, but may only be carried by an Allied Universal Security Professional

with the express approval of the Chief Administrative Officer and General Counsel in consultation with the Legal Services Group.

LEVEL SIX

Deadly Force. Allied Universal Security Professionals are justified in threatening or using less lethal force against another when and to the extent that the officer reasonably believes that such threat or force is necessary to defend him/herself or a third party against another's imminent use of unlawful force. Deadly force, however, may be used only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person, and the use of lesser force is not possible or would not extinguish the threat.

By way of example, but not limitation:

- A. Deadly force generally may not be used to prevent the escape of a fleeing suspect unless that individual poses an imminent threat to the safety of others.
- B. Firearms may not be fired for the purpose of disabling moving vehicles.
- C. Firearms may not be discharged at or from a moving vehicle.
- D. Warning shots are not permitted.

If feasible and if to do so would not increase the danger to the Security Professional or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

When the decision is made to use force, an Armed Security Professional may continue its application only until the subject surrenders or otherwise no longer poses an imminent danger to the Security Professional or to others.

When the application of deadly force is necessary, attempts to wound or otherwise cause minor injury are unrealistic and impractical, and can prove dangerous to the Security Professional and others because such attempts are unlikely to neutralize the imminent danger he or she confronts.

The brandishing of an un-holstered firearm in a public setting is strictly prohibited unless the situation warrants the use of deadly force as stated herein. Even when deadly force is permissible, Armed Security Professionals should assess whether its use creates a danger to third parties that outweighs the likely benefits of its use. Consideration must be given to innocent bystanders and Security Professionals shall not unreasonably endanger the safety or welfare of bystanders.

Additional Criteria for All Uses of Force

Whether deadly or less lethal, when force is used against a person it must cease when the resistance or threat is overcome or ceases. Allied Universal Security Professionals must be

mindful that the purpose of force is to overcome aggression or threats and only to protect the lives of the officer or other persons. The application of force for any other purpose is not justified.

Since the Use of Force Continuum requires the exercise of less lethal force before resorting to deadly force, no Allied Universal security officer will be authorized to carry a firearm unless and until that officer is trained in the use of, and equipped with, a less lethal weapon such as a baton, pepper O.C. (Oleoresin Capsicum) spray, or ECDs.

NOTE: Adoption or use of Client-specific use of force policies must be approved by the Legal Services Group.

Allied Universal Security Professionals will exercise only that level of force necessary to de-escalate an incident and safely achieve control. As indicated by the Use of Force Continuum, whenever feasible, verbal commands should be given before resort to physical compliance techniques or the use of O.C. spray, a baton, or stun device. The level of force necessary to safely achieve control will logically be proportionate with the level of resistance confronted.

Monitoring of the Subject and Medical Attention

Once a combative subject has been detained it is important to monitor them for any medical problems resulting from the use of defense tactics or equipment. Medical professionals shall be summoned for any subject who has been exposed to prolonged fighting, OC spray, baton strike, ECD use, dog bite, gunshot wound or with any other obvious injury or medical difficulty. In the case of OC spray, immediate post-exposure cleansing should begin as soon as it is tactically safe to do so.

Pursuit

Pursuit is defined as travelling at a faster pace or speed than a suspect, with the objective to approach and detain a suspect who is attempting to flee the scene of a crime and/or to avoid arrest/detention. Pursuit is **prohibited** except in situations where failure to detain the suspect could cause death or serious bodily injury.

Pursuit does not include following at a rate and manner to maintain surveillance of the fleeing suspect with the intent to relay information to responding Law Enforcement or to contact the suspect who ceases to flee.

Vehicle Pursuits

A pursuit using a vehicle is defined as using a vehicle to follow a suspect who is on foot or in a vehicle while travelling at a higher speed than normal for the environment or in a manner that would be considered unsafe for the environment.

Vehicle Pursuits are **prohibited**, no matter the circumstances or equipment provided on security vehicles

Following a suspect or a suspect vehicle shall not be done in a manner that is unsafe or violates any jurisdictional vehicle code (speed limits or traffic control laws) or private property rules.

Detention and Legal Arrest

A Security Professional, as result of his/her position, has no elevated legal duty or authority to detain or arrest a subject.

A person is considered arrested or detained when he/she is not free to leave the scene, regardless of whether force or coercion has been used.

Generally, a Security Professional's ability to make a lawful arrest is governed by the same laws which govern arrests made by private citizens, commonly referred to as a "citizen's arrest". Therefore, a Security Professional should understand the law in the jurisdiction where they are working with respect to a private citizen's ability to perform a lawful arrest. What may be considered a lawful detention and arrest in one state may be unlawful in another state.

Security Professionals may only make a Citizen's Arrest under a set of very strict circumstances. Though state laws vary, a Citizen's Arrest generally can only be made if all three of these conditions have been met:

- A felony has been committed in your presence
- The police would not be able to respond in time to prevent injury from imminent physical harm or death (a justified use of reasonable) force or the escape of the subject
- Your site's contract and post orders permit you make a citizen's arrest

Making a physical arrest should be an act of last resort and local law enforcement must be immediately notified.

There is no legal obligation for a Security Professional to make an arrest. While it is recognized that there are situations wherein Security Professionals do make arrests, if the situation is unsafe, the decision to not arrest may be appropriate. In such a situation, notifying and waiting for Law Enforcement may be prudent.

Moving an Arrestee

While awaiting the arrival of Law Enforcement, the Security Professional should keep the arrestee at the scene of the apprehension, unless doing so would be unsafe. The arrestee should be placed in a seated position, either on a chair or other elevated stable object. If no such object is available the arrestee may be seated on the ground.

Any handcuffed and compliant arrestee shall be seated or under direct physical control of a security professional.

As set forth above in Section I (Use of Force Level 3) at no time shall a restrained subject be left in a prone (face-down) position. Hog tying or hobbling of subjects is prohibited.

If it is prudent to move the arrestee due to tactical or procedural considerations, then the arrestee may be escorted to another location.

The arrestee shall be under the observation of Security Professionals at all times until placed in the custody of Law Enforcement. The constant observation of the arrestee is for the safety of all persons, to limit the attempt to escape, or to protect against the destruction of evidence.

Exceptions to the Pursuit/Detention/Arrest Policy Statements

In some instances, Allied Universal Security Professionals' have different duties and legal authorities, such as "police type" operations (i.e. Company Police, Special Officers), certain retail environments, facilities impacting national security or critical infrastructure. In these instances, further policy instructions, in conjunction with local regulations regarding the limits of your authority, will be communicated at the job level.

II. Reporting Requirements and Response

Required Reporting

In every incident involving the Use of Force, the employees(s) involved must complete a "Use of Force Incident Report" and this form is to be forwarded by the Account Manager or Field Operations Manager over the Security Professional involved in the event to the Legal Services Group (force@aus.com) with copies to the supervisor's management chain (i.e. BM, RVP, RPs) within 24 hours of the event. This report will provide detail about the incident including the identity of those involved, the level and type of force applied, and the reasons for its application. Injuries to either officers or others must be fully described, as must any resultant property damage.

Branch and Regional Office management are responsible for strict compliance with notification requirements specified by all relevant state, local, and county private security licensing and regulatory authorities.

Within 5 business days of the event, Branch Office management will review the incident, the Security Professional(s) immediate supervisor must make a recommendation regarding whether the use of force complied with company policy, contract deliverables, and local regulations or if any additional investigation is dictated by the facts and circumstances of the incident.

Response

In all incidents involving the Use of Force, the Security Professional's immediate supervisor will respond to the scene as soon as practicable to gather the facts and assist the officer in the preparation of Use of Force Incident Report. He or she should notify the Account Manager and/or Branch Manager of the event as soon as practicable.

Absent aggravating circumstances, no further investigation is necessary beyond the submission of the Use of Force Incident Report to the Legal Services Group and relevant Regional President. In determining whether an investigation is necessary based upon aggravating circumstances, local management should consider the nature and level of force applied, the extent of any injuries, and the level of adherence to policy. The Supervisor, Account Manager, Branch Manager, and, if appropriate, the Regional President should contact the Legal Services Group for guidance in such cases when formulating a recommendation for follow-up investigation.