



# NEC SECURITY SERVICES LIMITED

INTEGRATED MANAGEMENT SYSTEM

## USE OF FORCE PROCEDURES

REF: ISO 18788:2015 Clause 8.3

Doc. No.: NSSL-SOMS-PR002

Version: 1.0

Issue Date: 01/05/2023

Rev. (00)

### PURPOSE

To maintain and, whenever necessary, to improve the working conditions and status of the security officer. Whereas a threat to the life and excessive use of force must be seen as a threat to the stability of society.

### SCOPE

This procedure applies to all NSSL operations where we provide security services.

### DEFINITIONS:

For the purpose of this rule the following definitions will apply:

1. **Reasonable Force** - A balanced response suitable to the confrontation that is necessary to overcome unlawful resistance and regain control of the situation.
2. **Non-Lethal Force** is that amount of force that will generally not result in serious bodily injury or death.
3. Prudence is cautious, discreet, or shrewd action having due regard for the rights of citizens while maintaining an awareness of the responsibilities of a police officer.
4. **Reasonableness** means within reason, moderate and/or fair action suitable to the confrontation. The final decision as to the prudence and reasonableness of a police action will be determined on a case-by-case basis by those members of the department called upon to judge the propriety of a fellow officer's action. Such judgments may not conflict with the expressed provisions of this or any other rule or order.
5. **Totality of the Circumstances:** the sum of all elements in a situation used to determine the presence or absence of excessive force (nature of subject offense, actions of third parties, officer's physical odds, feasibility, or availability of force alternatives).
6. **Serious Bodily Injury:** Serious bodily injury is defined as any bodily injury which creates a substantial risk of death; causes serious, permanent disfigurement; or results in extended loss or impairment of the function of any bodily member or organ.
7. **PPCT** – Pressure Point Control Tactics

### PROCEDURE

#### A. General Provisions

- NSSL shall adopt and implement rules and regulations on the use of force and firearms against persons by security officers. In developing such rules and regulation NSSL shall keep the ethical issues associated with the use of force and firearms constantly under review.
- NSSL shall develop a range of means as broad as possible and equip security officers with special types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restrain the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for security officers to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests, and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.



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- The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.
- Security officers, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.
- Whenever the lawful use of force and firearms is unavoidable, security officers shall:
  - (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved.
  - (b) Minimize damage and injury, and respect and preserve human life.
  - (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.
  - (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.
- Where injury or death is caused by the use of force and firearms by security officer, they shall report the incident promptly to their superiors.
- Organization shall ensure that arbitrary or abusive use of force and firearms by security officer is punished as a criminal offence under their national law.
- Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

### B. Special Provisions

- Security officers shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.
- In the circumstances provided for under principle 10, security officers shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the security officer at risk or would create a risk of death or serious harm to other persons or would be clearly inappropriate or pointless in the circumstances of the incident.
- Rules and regulations on the use of firearms by security officer should include guidelines that:
  - (a) Specify the circumstances under which security offices are authorized to carry firearms and prescribe the types of firearms and ammunition permitted.
  - (b) Ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm.
  - (c) Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk.



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- (d) Regulate the control, storage and issuing of firearms, including procedures for ensuring that security officers are accountable for the firearms and ammunition issued to them;
- (e) Provide for warnings to be given, if appropriate, when firearms are to be discharged.
- (f) Provide for a system of reporting whenever security officer use firearms in the performance of their duty.

### C. Policing Unlawful Assemblies

- As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Organization and security officers shall recognize that force and firearms may be used only in accordance with principles 14 and 15.
- In the dispersal of assemblies that are unlawful but non-violent, security officers shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.
- In the dispersal of violent assemblies, security officers may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Security officers shall not use firearms in such cases, except under the conditions stipulated in principle 10.

### D. Qualifications, Training and Counselling

- NSSL shall ensure that all security officers are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.
- NSSL shall ensure that all security officers are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those security officers who are required to carry firearms should be authorized to do so only upon completion of special training in their use.
- In the training of use of force, NSSL shall give special attention to issues of company ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behavior, and the methods of persuasion, negotiation, and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents.
- NSSL and law enforcement agencies shall make stress counselling available to security officers who are involved in situations where force and firearms are used.

### E. Reporting and Review Procedures

- NSSL shall establish effective reporting and review procedures for all incidents referred to in principles 7 and 12 (f). For incidents reported pursuant to these principles, Organization shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.



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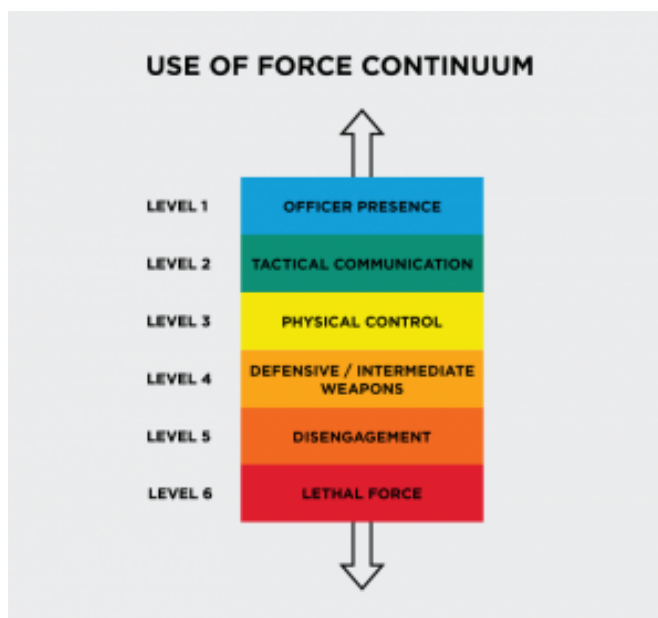
- Persons affected by the use of force and firearms, or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependents accordingly.
- NSSL shall ensure that superior officers are held responsible if they know, or should have known, that security officer under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.
- NSSL shall ensure that no criminal or disciplinary sanction is imposed on security officer who, in compliance with the Code of Conduct for Security officers and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.
- Obedience to superior orders shall be no defence if security officers knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

### F. SITUATIONS WHEN A SECURITY OFFICER MAY USE FORCE

- Arrests – Public Safety/Protection of Property
- Self-Defense – Protection of Self/Others

#### I. USE OF FORCE CONTINUUM

- The use of force may be standardized by a use of force continuum, which presents guidelines as to the degree of force appropriate in a given situation. A **use of force continuum** is a standard that provide security officers and **civilians** with guidelines as to how much **force** may be used against a resisting subject in a given situation.
- **There are many Uses of Force Continuum's.**





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Continuum's must consider the subjects resistance levels, security officer/subject factors, and special circumstances, as well as the security officer's reasonable level of force for that situation.

Each successive level of force is meant to describe an escalating series of actions a security officers may take to resolve a situation, and the level of force used rises only when a lower level of force would be ineffective in dealing with the situation. Typically, any style of a use of force continuum will start with Security Officer Presence, and end with the use of Deadly Force.

### Use of Force Continuum (PPCT)

1. Security Officer Presence (using the effect of the presence of an authority figure on a subject).
2. Verbal Communication (commanding a subject).
3. Empty hand control (using empty hands to search, relieve weapons, immobilize, or otherwise control a subject).
4. Intermediate weapons (using non-lethal chemical, electronic or impact weapons on a subject).
5. Deadly Force (using any force likely to cause permanent injury or death to a subject).

### The Levels of Resistance (PPCT)

1. Psychological Intimidation – Nonverbal cues indicating a subject's attitude, appearance, and physical readiness. (Ex: Karate stance, the finger, fist to palm, up your arm)
2. Verbal Noncompliance – Verbal responses indicting unwillingness or threats. (Ex: "Go to hell," "I'm not going," "I'm going to kill you.")
3. Passive Resistance – Physical actions that do not prevent officer's attempt to control. (Ex: Passive demonstrator sitting on the ground)
4. Defensive Resistance – Physical actions that attempt to prevent officer's control, but never attempt to harm the officer. (Ex: Pulls away from officer, walks away from officer)
5. Active Aggression – Physical actions of assault. (Ex: Subject punching or kicking officer)
6. Deadly Force Assault – Deadly force encounter. (Ex: Suspect trying to stab officer with knife)

### The Levels of Officer Control (PPCT)

1. Officer Presence – Identification of authority.
2. Verbal Direction – Commands of direction or arrest.
3. Empty Hand Control
  - Soft Empty Hand Control – Techniques that have a minimal chance of injury. (Ex: Touch pressure and joint locks).
  - Hard Empty Hand Control – Techniques that have a probability of injury. (Ex: Leg strikes, hand strikes, and neck restraints).
4. Intermediate Weapons – Intermediate weapon control includes impact weapons, chemical agents, and electronic disruption devices.
  - The use of an intermediate weapon is justified when the officer believes that empty hand control will be insufficient, but the use of deadly force is not justified.
  - Intermediate weapons are used only with the intent to temporarily disable the suspect and not with the intent to cause permanent injury to the suspect.



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5. Deadly Force – Deadly force actions (can occur by using personal weapons, impact weapons, or firearms).

### The Elements of Deadly Force

- Deadly Force – A force that is likely to cause great bodily harm or death.
- The three requirements for use of deadly force in self-defense are:
  1. Ability – The capability or means to cause great bodily harm or death.
  2. Opportunity – In a position to cause great bodily harm or death.
  3. Jeopardy – An overt threatening move or gesture that could cause great bodily harm or death.
- There is no golden rule to cover every situation.
- The circumstances and variables are normally different and can change.
- An officer will usually have only seconds to make a decision on the street
- The legal standard used to determine the lawfulness and appropriateness of a use of force is the Fourth Amendment to the United States Constitution.
- 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 calculus of reasonableness must embody allowance for the fact that officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.
- The test of reasonableness is not capable of precise definition or mechanical application.
- The force must be reasonable under the circumstances known to the officer at the time the force was used.

### Not Resistant (Compliant):

- Suspects who do not resist but follow all commands are compliant.
- Only a security officer's presence and verbal commands are required when dealing with these individuals; no coercive physical contact is necessary.

### Non-Threatening Resistance:

A suspect fails to follow commands and his actions are neutral or defensive, and the officer does not feel threatened by his actions.

- Non-Threatening Resistance occurs when the subject isn't following your commands but is not doing anything that causes you to feel physically threatened.
- So, if the officer does not feel physically threatened, he/she is not allowed to use pepper spray, or baton, etc.
- But the officer is allowed under this second category to use pressure points, control holds, and take-downs.

### Threatening Resistance (1):

A suspect takes offensive action and to defend himself, the officer must respond with appropriate force to stop, eliminate, or control the threat.





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The officer feels threatened by the suspect's actions. Justified responses include the use of personal weapons (hands, fists, feet), batons, and pepper spray.

If the officer does believe the subject's behavior is physically threatening to the officer or another person (Threatening Resistance), then the officer is justified in using personal weapons, OC, baton, etc.

### **Threatening Resistance (2):**

The officer needs to carefully document (articulate) those perceptions in the subsequent use-of-force report. Officers may recognize pre-incident indicators that based on his/her training and experience and may perceive a very real threat before the suspect has "attacked," like the subject may assume a fighting stance, clearly indicating his intention to fight. This would be classified as threatening resistance even though an actual attack has not yet been launched. Another example could be verbal, with clearly communicated threats to commit harm.

It is reasonable for the officer to feel threatened under these circumstances and, therefore, could employ those tools from the Threatening Resistance category (i.e., personal weapons, baton, pepper spray, etc.).

### **Deadly Resistant:**

- A deadly resistant suspect will seriously injure or kill the officer or another person if immediate action is not taken to stop the threat.
- The officer is justified in using force, including deadly force, reasonably necessary to overcome the offender and effect custody.

### **Remember that DEADLY FORCE is a LAST RESORT.**

- The suspect creates the situation leading to the response; so, unless deadly resistance (a deadly threat to the security officer or another) is presented, the use of deadly force is not an option.
- The converse is also true: If a deadly threat has been presented, there is no requirement that the private citizen, security officer, or police officer exhaust all other options.

## **II. USE OF NON-LETHAL FORCE**

This rule is issued to establish guidelines for the use of non-lethal force by security officers in the performance of their duties, and to establish appropriate training, reporting, and record keeping procedures for such use of force.

This rule will set certain specific guidelines and provide security officers with a concrete basis on which to utilize sound judgment in making reasonable and prudent decisions, attending to the spirit over the letter of the rule.

The "Reasonableness" of a particular use of force must be judged from perspective of reasonable officer on the scene, and its calculus must embody an allowance for the fact that security officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.



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The right to use non-lethal force is extended to security officers as an alternative in those situations where the potential for serious injury to an officer or civilian exists, but where the application of lethal force would be extreme.

The availability of a variety of non-lethal weapons is necessary to provide the security officer with a sufficient number of alternatives when presented with a physical confrontation. However, since such force will not likely result in serious injury and the close public scrutiny that accompanies the use of deadly force, this availability may also increase the possibility for overzealous and inappropriate use of force.

Therefore, application of non-lethal force will generally be limited to defensive situations where

- an officer or other person is attacked, or
- an officer is met with physical resistance during an encounter.

An officer may also use non-lethal force if, in the process of making an arrest, the officer is met with passive resistance, i.e., an individual who refuses to get out of an automobile, or a protester who is illegally occupying a particular place. Such force should be a reasonable amount required to move the subject based on the totality of the circumstances.

An officer who encounters resistance should be assisted by any other officer's present.

Two or more officers may effect an arrest, without the use of force which one officer cannot complete without resorting to the use of force.

As a result of the increased potential for injury, officers shall refrain from utilizing restraint techniques that include squeezing the trachea, windpipe, or throat area to stop a subject from ingesting any controlled substance. This does not preclude an officer from using other reasonable methods to secure evidence that may be destroyed or lost during an encounter. As with all use of force it must be reasonable and suitable to the confrontation.

When the officer believes that an individual has swallowed a controlled substance, the officer shall take the following actions:

If the officer has probable cause to arrest the individual, the officer shall make the arrest and detain the individual.

If the officer does not have probable cause to arrest the individual, the officer shall ask the individual to remain at the scene. The officer shall notify dispatch of his belief that the individual swallowed a controlled substance and shall request EMS to come to the aid of the individual. The officer shall protect the scene and the individual while awaiting EMS.

For this reason, officers should generally confine the use of incapacitating agents against armed or unarmed persons to the following situations:

- In self-defense or to defend another person.





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- When an officer, during an encounter is met with active resistance.

Officers should be aware of the increased potential for serious injury to the suspect when incapacitating agents are used under the following circumstances:

- When the subject is less than two feet away.
- When the subject is in an enclosed area without ventilation.
- When the subject lacks normal reflexes, such as the ability to blink, or is otherwise incapacitated.
- When an incapacitating agent has been applied to a subject, officers should, upon securing the suspect, provide for the thorough dousing of the exposed areas with water as soon as is practicable. This should be done as soon as possible since the seriousness of any injury or burn is directly related to the length of time the exposed area remains untreated.

### III. SERVICE BATONS:

The Company currently authorizes several baton-type implements for use as non-lethal weapons against assailants. Upon issuance to and qualification by an officer, the only baton-type implements authorized for that officer's use shall be their company issued baton.

The primary purpose of these weapons is to provide officers with an advantage when fending off and subduing an UNARMED assailant. Officers should not rely on these weapons to overcome an ARMED attack, since they are not intended for such use.

All officers should bear in mind the essentially defensive nature of the use of non-lethal force.

when using these weapons. Except in extreme situations, where the officer is in imminent danger of serious injury, no blows should be struck above the thigh, other than to the arms. Additionally, officers should be aware of the potential for permanent disability arising from a blow to the groin and should limit such blows to extreme situations.

### IV. INVESTIGATION OF USE OF FORCE:

Company will thoroughly investigate every incident in which an officer strikes someone with any object, or an incapacitating agent is used on a subject, or when a visible injury occurs with officer(s) on scene.

All such applications of force or visible injury as described above shall be immediately reported verbally to the supervisor. By the end of the tour of duty, an officer who has used non-lethal force shall make out a written report describing the incident including the names of the officer and other persons concerned, the circumstances under which such force was used, the nature of any injury inflicted, and the care given afterwards to the injured party.

Upon receipt of verbal notification, the Supervisor shall respond to the scene and make an initial assessment of the incident. During this assessment if the officer(s) involved are assigned to and working in a capacity for a sector out of the chain of command of the Supervisor, the Supervisor shall make contact with a supervisor from that sector if available and request he/she respond to the scene.



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The investigation of the incident shall then be the responsibility of that sector supervisor. Prior to the end of the tour of duty the Supervisor shall conduct a complete investigation on the use of such non-lethal force and submit a report to the guarding service manager or Unit where the officer(s) is assigned. Such report shall include the Supervisor's findings and recommendations based upon the assessment of facts known, as to the justification for the use of force. A complete Supervisor's investigation shall consist of the following, where applicable:

- Supervisor's investigative report.
- A copy of the incident report.
- Reports from the officer(s) alleged to have utilized non-lethal force.
- Reports from all company personnel that were present.
- Reports on all interviews of civilian witnesses to the incident.

### V. USE OF LESS - LETHAL FORCE

This rule is issued to establish guidelines for the use of less-lethal force by security officer in the performance of their duties, and to establish appropriate training, reporting, and documentation for such use of force.

### VI. SECURING OF LESS LETHAL SHOTGUN AND AMMUNITION

Each less lethal firearm shall be stored in an armory in a safe condition (i.e., safety on, action open, chamber and magazine empty).

### VII. AUTHORIZATION AND USE OF LESS LETHAL WEAPONS:

Only security officers who have completed the firearm training and qualification program shall be allowed to use less lethal force

Approved by:

**Col. Moses Mwesigwa**  
**General Manager**



**Date: 05/05/23**