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THE ORION BULLET

**A Professional Security
Publication**

**By
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USE OF FORCE – THREAT ASSESSMENT

The decision to use force against another should always be considered in relationship to the totality of the situation and the duties and responsibilities of the parties involved.

Two elements in the decision making process that must be considered by the Law Enforcement or Security Officer are, (1) What are my lawful duties and responsibilities in the context of the incident and (2) Have I conducted an evaluation of the threat to determine the appropriate level of force to be deployed.

**Inadequate Security*

**Lack of Planning and Implementation*

** Inappropriate and or Excessive use of Force*

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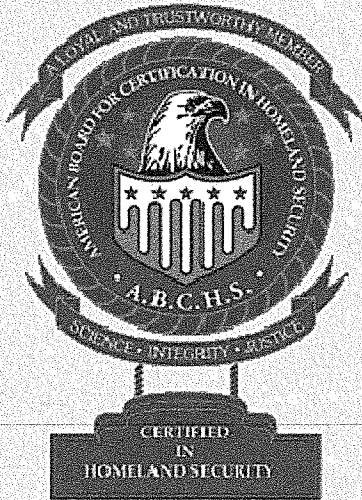
Neither element is exclusive of the other and both must be considered mutually to avoid allegations of excessive or illegal Use Of Force.

The 1989 Supreme Court decision in Graham versus Conner serves as the benchmark case to be considered by Law Enforcement Officers concerning use of force during the performance of their lawful duties.

Law Enforcement Officers, in deference to their unique status, may utilize lethal or less lethal force to effect an arrest and to protect themselves and others during the performance of their duties.

This unique status does not exist for the Private Security Officer. Whether Use Of Force by a Private Security Officer was justified or reasonable will be determined by the individual circumstances of the incident.

Regardless of their position both the Law Enforcement Officer and the Private Security Officer need specific training in threat assessment to determine the appropriate level of force to be applied in



an incident.

Threat assessment is using identifiers to determine the capacity of the individual to follow through on a perceived threat and inflict harm on another.

This in turn determines the appropriate level of force to be used by the Law Enforcement or Private Security Officer.

Identifiers such as failure to comply with verbal commands and advancing toward someone while verbalizing what you intend to do or not do can convey threat.

Assessing the capacity to carry thru on a threat can include among other things consideration of an individual's size or know specialized training in the martial arts or boxing and/or possession of a weapon.

The force deployed to counter the threat must be reasonable in conjunction with the totality of the situation and threat assessment.

Force can be classified as **LETHAL-** (Force intended or likely to cause death or great bodily harm) or **LESS LETHAL-** (Force neither intended nor likely to cause death).

The use of lethal force may be deemed unreasonable if non- deadly force would have been sufficient to avert a threatened harm. Less Lethal force may be considered unreasonable if the force used was substantially in excess of what was needed in a particular situation.

References and recommended reading:

(1) Use of Force Training: A Reasoned Approach (part Two) by Thomas D. Petrowski, J.D.

“Whenever Law Enforcement Officers use force, the legal evaluation will focus on whether they reasonably perceived a threat at the time they used force and whether the force used was a response that an objectively reasonable Law Enforcement Officer might have selected”.

(2) Left of Bang by Patrick Van Horne and Jason A. Riley

"The process of making decisions is simple: Establish the baseline, identify anomalies, decide, and react. The key to Any decision -making is when to decide"

" Any effective method of decision making should have a threshold of decision"; " A threshold of decision guards against hesitation and indecision due to over analysis or waiting for additional information"

"Left of Bang" means before bad stuff happens. That's where you want to be - alert, ready to respond to protect yourself."

(3) Graham V. Conner 490 U.S. 386, 396,104 L.Ed.2d 443,109 S. Ct 1865(1989)

(4) Chew V. Gates, 27 F. 3d 1432(9th cir.1994).cert. denied, 513 U.S. 1148, 115 S.Ct. 1097, 130 L.Ed.2nd d1065 (1995).