

USE OF FORCE POLICY
Chandler & Associates Private Investigations, LLC
d/b/a PLATINUM PROTECTION SERVICE

Platinum Protection Service (hereafter referred to as PPS) recognizes and respects the value and special integrity of each human life. When investing Security employees with the lawful authority to use force to protect the public welfare and private property a careful balancing of all human interests is required.

It is the policy of Platinum Protection Service that authorized employees shall use only that force that is reasonably necessary to affect lawful objectives. Therefore, intentional misuse of the authority granted under this policy is grounds for disciplinary action up to and including those outlined as established policy for Discipline and Corrective Action.

This policy is for Platinum Protection Service use only and does not apply in any criminal or civil legal proceedings. This policy should not be construed as the creation of a higher legal standard of care. Violation of this directive will be basis for disciplinary action.

Definitions Specific to Use of Force

A. **Absolutely Necessary:** All other options have been exhausted, unavailable, or are not feasible.

B. **Active Aggression:** Where the employee's attempt to gain lawful compliance has culminated in the perception of an attack, or the potential for such an attack, on the employee or others. The employee makes the reasonable assessment that such actions by the subject would not result in serious bodily injury or death to the employee or others.

C. **Active Resistance:** A subject whose non-compliance includes resistive movements or physical defiance.

D. **Aggravated Active Aggression:** Where the employee's attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the employee or others. The employee makes the reasonable assessment that such actions by the subject could result in serious bodily injury or death to the employee or others.

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E. **Authorized Weapons and Ammunition:** Weapons and ammunition approved by the Tennessee Department of Commerce and Insurance / Platinum Protection Service for which authorized employees receive approved safety and proficiency training.0780-05-02.15 T.C.A. 62-35-129b .38, .32, .357, 9mm, 10mm, .40, or .45 caliber and standard 12 gauge shotgun.

F. **Conducted Energy Device (CED):** A hand-held device that is designed to subdue persons and/or animals. The device uses a low dose electrical current to temporarily stun and immobilize.

G. **Deadly Force:** Any use of force reasonably calculated to produce death or serious bodily injury.

H. **Defensive Force:** Use of hands, feet, or any other defensive equipment to overcome violent resistance or to protect self or others from assault or injury.

I. **Excited Delirium:** A state of extreme mental and physiological excitement characterized by extreme agitation (including shouting and disruptive behavior), hyperthermia, excessive watering of the eyes, hostility, paranoia or panic, inappropriate nudity, exceptional strength and endurance without fatigue.

J. **Force-Continuum:** Broad categories of force, in identifiable escalating/de-escalating stages of intensity, in response to a subject's action. They are commonly identified as official presence, verbal direction, soft empty-hand control, hand-held chemical spray device, hard empty-hand control, batons, and firearms.

A subject's action may be defined in broad categories including full compliance to commands, verbal uncooperativeness, passive resistance, active resistance, active aggression, and aggravated active aggression (deadly force).

K. **Injury:** Includes any physical pain, illness, or any impairment of physical condition.

L. **Less Lethal Devices:** A device that is designed to reduce the potential of causing serious bodily injury or death.

M. **Lethal Weapon:** Any weapon reasonably calculated to produce death or serious bodily injury.

N. **Non-Deadly Force:** Any use of force other than that which is considered deadly force.

O. **Passive Resistance:** A non-compliant subject who offers no sign of physical defiance or resistive movement towards an employee's efforts.

P. **Physical Force:** The application of a technique, action, or device to compel a change in the actions of another person; usually compliance with a desired behavior, submission to authority, or to de-escalate a threatening behavior.

Q. **Positional Asphyxia:** Positional asphyxia is a position that can produce unconsciousness or death caused by a lack of oxygen or an increase of carbon dioxide in the blood.

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R. **Reasonable Belief:** The facts or circumstances the employee knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

S. **Restraining Force:** Force which is limited to holding and restraining persons, which shall include arm-lock and takedown holds, but shall not include neck restraints.

T. **Serious Bodily Injury:** Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

U. **Verbal Uncooperativeness:** A compliant subject who offers no sign of physical defiance or resistive movement towards an employee's efforts, yet verbalizes resistance to instructions.

1-2 0780-05-02-.15 AUTHORIZED WEAPONS.

(1) Firearms - The holder of a valid armed security guard/officer license may carry a firearm in the performance of duties only if:

(a) The security guard has qualified pursuant to T.C.A. § 62-35-118(b)(2) in the use of such firearm. The security guard must be qualified by a certified trainer for each firearm used in the security guard's employment.

(b) The firearm is a standard .38, .32, .357, 9mm, 10mm, .40, or .45 caliber revolver or semiautomatic pistol, standard 12 gauge shotgun, or other firearm approved by the Commissioner; and

(c) The firearm is carried pursuant to a written directive issued in accordance with T.C.A. §§ 39-6-1702 and 62-35-131 by the appropriate law enforcement official in the PRIVATE PROTECTIVE SERVICES CHAPTER 0780-05-02 (Rule 0780-05-02-.15, July, 2018 (Rev 10)), and in the county of the security guard's company's permanent business address. An armed security guard/officer shall not work unless he/she is in possession of a valid electronic directive. A handgun carry permit issued by the Department of Safety is not acceptable to fulfill this requirement.

(d) No unarmed security guard/officer shall carry a firearm on their person while in a security uniform or acting in the role of a security guard/officer regardless of whether or not such individual possesses a handgun carry permit issued by the Department of Safety.

(2) Other Weapons - A security guard/officer may carry a baton, a stun-gun or a chemical spray only if:

(a) The security guard/officer has successfully completed the appropriate training for the use of the weapon as established by this rule;

(b) The security guard/officer carries on his or her person a card signed by a trainer certified by the Commissioner to conduct such training to the effect that the security guard/officer has successfully completed the training required to carry the weapon which was administered by the trainer.

(c) The security guard/officer has obtained authorization from the contract security company or proprietary security organization which employs the security guard/officer.

(3) Prior to carrying a baton, a security guard/officer shall complete a minimum of four (4) hours of training administered by a trainer who has been certified by the Commissioner to train security guards/officers in the use of the baton. Such training shall consist of instruction in the proper use of a baton and the liabilities associated with the use of the baton.

(4) Prior to carrying chemical spray, a security guard/officer shall complete a minimum of four (4) hours of training administered by a trainer who has been certified by the Commissioner to train security guards/officers in the use of chemical spray. Such training shall consist of instruction in the proper use of chemical spray and the liabilities associated with the use of chemical spray.

(5) A security guard/officer who after November 1, 1994 received four (4) hours of training covering the use a nonlethal weapon identified in this rule may continue to use the weapon without undergoing retraining only if:

(a) The trainer who provided the training is approved by the Commissioner to administer the type of weapons training provided to the security guard/officer; and

(b) The trainer, after having been approved by the Commissioner to administer the type of training provided to the security guard/officer, furnishes the security guard/officer with

a PRIVATE PROTECTIVE SERVICES CHAPTER 0780-05-02 (Rule 0780-05-02-.15, July, 2018 (Revised) 11 a card on which the trainer certifies that the security guard/officer has received the training required by this rule to carry the weapon.

(67) A security guard/officer may not possess any type of weapon that is not provided for by this rule while acting as a security guard/officer.

Authority: T.C.A. §§ 62-35-125, 62-35-129(b), 62-35-131(b), and 62-35-134(c)(4).

Administrative History: Original rule filed November 17, 1987; effective January 1, 1988.

Amendment filed October 21, 1988; effective December 5, 1988. Amendment filed April 16, 1992; effective May 31, 1992. Amendment filed January 30, 1997; effective April 15, 1997.

Amendment filed February 28, 2001; effective May 14, 2001.

1-3 Parameters for Non-Deadly Force

A. When the use of force is needed, if feasible, authorized employees will identify themselves and determine which options in the force continuum will best de-escalate the situation in the most safe, reasonable, and prudent manner possible.

B. Authorized employees are permitted to use department authorized non-deadly force techniques and equipment for resolution of incidents to:

1. Protect themselves or another from bodily injury;
2. Restrain or subdue a resistant person for whom there is probable cause or reasonable suspicion to stop;
3. Prevent damage to property; and/or
4. Bring an unlawful situation in which there is lawful authority for the employee to intervene, safely and effectively under control.

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C. Employees are **not** permitted to use hobble restraints, leg shackles, plastic ties, or any other device to place any subject in a manner which is likely to produce positional asphyxia.

D. Any use of force on subjects who are handcuffed or otherwise in custody is prohibited unless physical resistance must be overcome. Such uses of force must be specifically articulated-with an emphasis on why a particular level of force used was necessary to obtain compliance.

E. Authorized employees are permitted to use only that force which is reasonable and necessary under the particular circumstances to protect themselves or others from bodily injury, and only after other reasonable alternatives have been exhausted or it is determined that such alternative action(s) would be ineffective under the circumstances.

F. Flight alone shall not justify the use of any level of force beyond presence or verbal direction on a suspect. An agent must have reasonable suspicion or probable cause to believe that the suspect has committed or is about to commit a criminal offense before utilizing force greater than verbal direction.

1-4 Use of Chemical Spray

A. When discharging chemical spray on an individual or animal that is within the parameters for the use of non-deadly force, the authorized employee shall:

1. Give the verbal warning of “**clear**” to alert other personnel that the spray is about to be used so they can create a safe distance between themselves and the target of the spray; and

2. Use a short burst and only the number of bursts necessary to achieve the desired effect of temporarily immobilizing the individual being sprayed; and
3. Use at a maximum distance of fifteen (15) feet, and a minimum distance of three (3) feet from the target person; and
4. When possible, discharge the spray from his/her strong hand; and ;⁶⁵¹
5. Follow all other techniques and/or instructions taught or disseminated by Platinum Protection Service Training Division personnel.

B. Storage & Security

1. Chemical spray shall be securely stored at all times when not in use.
2. An employee shall keep **chemical spray** out of reach of children at all times.

C. Further provisions regarding chemical spray:

1. All Platinum Protection Service and other authorized employees shall be trained in the proficient use of chemical spray, in accordance with the training provided by Platinum Protection Service Training Division personnel.
2. Authorized employees are only allowed to carry PPS approved chemical sprays.
3. Chemical spray is to be carried only in a company approved holster, on the front side of the utility belt in a manner consistent with established training.
4. Use of Force Report is on file that describes the employee's use of the chemical spray before the agent carries a new container.
5. Carrying of a chemical spray while off-duty shall be at the discretion of the employee.
6. Authorized employees will not carry a chemical spray onto any airplane or helicopter.
7. Prior to using the chemical spray on an individual driving or in physical control of a vehicle, the employee(s) shall immobilize the individual's vehicle to prohibit it from moving during the incident, or ensure the vehicle would not pose an unreasonable risk to persons or property should chemical spray be deployed. All incidents of use ⁶⁵² will be consistent with established PPS approved training.
8. Authorized employees should not use a chemical spray in the vicinity of infants and children at all times.
9. Any use of a chemical spray not consistent with established PPS policy or approved training is expressly prohibited, and may result in disciplinary action.
10. Violation of departmental policies or training governing the use of chemical spray by an employee may result in remedial training, corrective or disciplinary action.

1-5 Taser® Deployment

1. At the time of issuance of this Platinum Protection Service LLC Use of Force Policy, **Tasers or similar CED devices are not allowed**. PPS will review in the future the possibility of agents under employment of PPS using these devices.

1-6 Reporting & Documentation

- A. Personnel shall report all use of force incidents for the purpose of determining their justification.

Use of Less Lethal Devices

PPS may issue or make available less lethal devices (i.e., bean bag, etc.) to **authorized** employees who have successfully completed specialized training and/or qualification in the operation and use of these devices.

Use of Deadly Force in Self Defense

Authorized employees may use deadly force when they have a reasonable belief that the action is immediately necessary to prevent imminent death or serious bodily injury of a human being, including the employee.

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Administration of First-Aid

A. Whenever an employee is involved in a use of force incident in which a person sustains injuries or requests evaluation and/or treatment, the appropriate first-aid shall be administered either by the employee or others at the scene, by transporting the injured person to the hospital, and/or by summoning emergency medical personnel.

B. After any use of force, employees should inquire of the subject as to injuries or pre-existing medical conditions, regardless of whether they are obvious. Where employees are informed or have reason to believe that a person, to whom any use of force has been applied, has an injury or pre-existing medical condition which places the subject at an increased risk of developing a medical crisis, employees shall provide immediate aid by transporting the injured person to the hospital, and/or by summoning emergency medical personnel.

C. After any use of force on an individual who has exhibited signs or symptoms of excited delirium, extreme drug/alcohol intoxication, extreme hyperactivity, or similar uncontrolled behaviors, employees shall provide immediate aid by summoning emergency medical personnel and/or by transporting the person to the hospital.

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D. After any use of force on an individual who is suspected to have ingested contraband, evidence, or unknown suspicious substances; employees shall provide immediate aid by summoning emergency medical personnel and/or by transporting the person to the hospital.

E. After any use of force, at a minimum, employees shall notify receiving Medical EMT personnel of any known or observed injuries or pre-existing medical conditions so that the E.M.S. can conduct an informed intake interview and assessment.

F. In a case when chemical spray is used the employee will:

1. Monitor and verbally reassure the subject that the effects of the spray will normally subside in thirty to forty-five minutes;
2. After the subject is secured, allow the subject proper ventilation to expedite the recovery period;
3. If the individual experiences or complains of symptoms other than those normally associated with the use a chemical spray or does not show signs of recovery within the normally expected time period, they should be afforded immediate medical attention. Unusual symptoms include profuse sweating, respiratory problems, or chest and/or neck pain. If these symptoms do occur the employee should administer first aid and call for an ambulance. Employees will also advise medical personnel that the individual has been exposed to chemical spray;
4. The **Chemical Spray Aftercare Notice**, shall be provided to all individuals who have been exposed to the chemical spray.

General Provisions

A. In addition to the use of force provisions stated in this order, an authorized employee may also discharge a firearm under the following circumstances:

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1. During legal or routine firearms training; and

2. To destroy seriously injured and suffering or dangerous animals when no other disposition is practical. A supervisor's approval will be sought when possible.

B. Authorized employees shall adhere to the following restrictions:

1. Except for maintenance, official inspections, or during training, employees **shall not draw or exhibit their firearm** unless circumstances create reason to believe that it may become necessary to use it as provided in this policy.

2. **Warning shots are prohibited**

3. When the use of deadly force is necessary to defend the employee or another from death or serious bodily harm, every effort will be made to minimize the risk of harm to innocent persons.

C. Employees shall adhere to approved procedures, training, and tactics related to use of force.

D. Employees **shall not** discharge their firearm at or from a moving vehicle unless absolutely necessary to protect the life of the employee or others.

E. Employees shall not knowingly place themselves in a position where they would be in jeopardy of being struck by a suspect vehicle or knowingly stand and/or step into the path of a vehicle, creating circumstances where the use of deadly force may be necessary.

F. All authorized employees shall be armed while on duty except, subject to supervisory approval, when their assignment requires otherwise.

G. The carrying of firearms while off-duty shall be at the discretion of the employee. If the employee chooses not to carry a firearm and the need for police services arises, the employee **shall** take appropriate action and request an on-duty employee to respond.⁶⁶³

H. When an authorized employee is in civilian attire and armed, the firearm must be concealed from view when in public. Authorized employees shall always possess their license and State issued credentials (ID Card) when armed.

J. Use of equipment, other than the approved baton, as an impact device is prohibited.

1. However, under **exigent circumstances**, other equipment may be used as a defensive impact device when the use of the baton is not feasible.

a. If such non-lethal equipment is used as a defensive impact device within the guidelines of this policy, the guidelines applicable to the use of a baton shall apply.

b. If lethal equipment (firearm, vehicle, etc.) is used as a defensive impact device within the guidelines of this policy, the guidelines applicable to the use of a deadly force shall apply.

Use of Force Training

A. All employees will be provided with a copy of the current use of force policy and thoroughly trained before being authorized to carry any weapon. Authorized employees will be instructed in the policies and procedures described in such policy and provided with the necessary training, at a minimum, on an annual basis. Employees shall adhere to principles and practices provided during PPS approved training.

(The category of violation is based upon the circumstances and nature of the offense).

B. Less Lethal Devices

Only those authorized employees who have successfully completed specialized training and/or qualification in the operation and use of less lethal devices may use such devices.

C. Lethal Weapons

For policy regarding training in the use of lethal weapons, see current firearms policy and PPS approved lesson plans.

D. Written directives and lesson plans governing the use of force shall be reviewed annually by the PPS Director of the Training.

Reporting Use of Force

A. Employee's shall report all use of force incidents. However, no report is required when official presence, verbal direction, and/or soft empty-hand control is used by the employee and there is no injury and no allegation of injury.

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B. Use of force incidents to be reported shall include but are not limited to:

1. Whenever an employee discharges a firearm, other than for training or legal recreational purposes;
2. Whenever an employee takes an action that results in (or is alleged to have resulted in) injury or death of another person;
3. When force is applied through the use of less lethal weapons, chemical spray, baton, etc.; and/or
4. Whenever an employee uses defensive or physical force other than soft empty-hand control.

C. The employee involved in a use of force incident shall notify the appropriate supervisor immediately and complete a PPS Use of Force Report. D. The employee's immediate supervisor shall investigate the incident and review policy, Use of Force Report and any associated documents completed by the employee, and document his/her findings on a report.

E. The notified supervisor shall ensure that all appropriate notifications are made, consistent with established policy and procedure on callouts of investigative elements.

By signing below you acknowledge that you have received, read, and fully understand Platinum Protection Service's Use of Force Policy and will abide by the information set forth in this document. You further agree that if at any time you feel that you cannot comply with this policy you will notify Terry Chandler or your supervisor immediately.

Employee Signature

Date

Witness Signature

Date