



SECURITY USE OF FORCE PRINCIPLES


A Tribal Security Legal & Operational Toolkit — National Native Justice Institute | www.nativejustice.us


■ USE OF FORCE IN TRIBAL SECURITY SETTINGS

Use of force by tribal security officers is one of the most legally and ethically consequential actions in the security profession. Unlike sworn law enforcement, tribal security officers have limited legal authority to use force, no arrest powers in most circumstances, and significant exposure to civil liability when force is used improperly. Every tribal security officer must understand the legal framework governing their use of force, the continuum of force options available to them, and the documentation requirements that protect both the officer and the tribe after any force incident.

 Tribal security officers may only use force that is objectively reasonable under the circumstances — as determined not by their subjective fear, but by what a reasonable person with the same training and information would do.

 Excessive force by a tribal security officer exposes the individual officer and the tribe to civil liability under tribal and potentially federal law. No force decision should be made in anger, frustration, or retaliation.

 Every use of force — however minor — must be documented immediately and completely. Undocumented force is indefensible force.

 The best use-of-force decision is the one that never had to be made. De-escalation, distance, and calling for law enforcement backup are always preferable to physical intervention.

■ THE LEGAL FRAMEWORK FOR SECURITY USE OF FORCE

Authority to Use Force

- Tribal security officers' authority to use force is derived from tribal ordinance, employment policy, and the common law right of self-defense and defense of others. It is not derived from law enforcement authority.
- Read and understand the specific use-of-force provisions in your tribal security ordinance and employment policy before your first shift. These documents define your legal authority.
- Absent specific tribal ordinance authorization, a security officer's use of force is generally limited to: self-defense against imminent physical harm, defense of another person from imminent physical harm, and protection of a crime victim during or immediately after a serious crime.

The Reasonableness Standard

- Force must be objectively reasonable: necessary given the threat actually present, not the threat perceived in the heat of the moment.
- Courts assess reasonableness based on: the severity of the threat, whether the individual posed an immediate danger, whether the individual was resisting or attempting to flee, and the options available to the officer.
- The reasonableness standard requires continuous assessment. When the threat changes — the person stops resisting, steps back, or complies — the force must immediately de-escalate to match the new threat level.

■ THE FORCE CONTINUUM FOR TRIBAL SECURITY

Levels of Response (Least to Most Force)

- **Officer Presence** – Uniform, badge, and calm professional demeanor. The most used and most undervalued force deterrent. Visible, professional presence prevents most incidents before they begin.
- **Verbal Commands** – Clear, calm, direct verbal direction: "Please step back." "You need to leave the building now." Tone, clarity, and instruction level matter.
- **Soft Empty Hand Control** – Guiding, steering, or repositioning a compliant individual using minimal physical contact. Appropriate for assisting an intoxicated person to a seat, for example.
- **Hard Empty Hand Control** – Physical restraint, takedowns, or control holds used against active resistance. Requires training and proportionality. Each technique must be justified by the level of resistance.
- **Less-Lethal Weapons** – OC spray or other agency-approved less-lethal options where authorized by tribal policy and where the officer is trained and certified. Never deployed unless threat justifies it.
- **Deadly Force** – Authorized only when the officer or another person faces an imminent threat of death or serious bodily injury and no lesser option is available or effective. Requires post-incident reporting, investigation, and review.

■ POST-USE-OF-FORCE REQUIREMENTS

- Render aid immediately after any use of force: check for injury to both the subject and the officer, and request medical assistance if needed.
- Notify your supervisor immediately after any use of force, regardless of severity.
- Complete a written use-of-force report before end of shift documenting: the threat, the force used, the specific actions of the subject, your assessment of alternatives, and the outcome.
- Preserve any physical evidence, surveillance footage, or witness information. These materials may be critical to a subsequent investigation or legal proceeding.

RESOURCES, GRANTS & SUPPORT

Funding, Training, and Support Resources — Tribal Security Use of Force Programs | www.nativejustice.us

FEDERAL GRANT RESOURCES

Court Security Funding

- **COPS Tribal Resources Grant (TRG)** – Funds tribal public safety including court security staffing, training, and equipment. cops.usdoj.gov/tribalresources
- **CTAS – Coordinated Tribal Assistance Solicitation** – DOJ consolidated tribal funding for courts, law enforcement, and security programs. justice.gov/tribal
- **BJA Tribal Justice Programs** – Supports tribal court operations and court security capacity. bj.a.ojp.gov/program/tribal-justice
- **FEMA Tribal Homeland Security Grant Program (THSGP)** – Annual DHS funding for tribal security infrastructure and emergency preparedness. fema.gov/tribal

Legal & Professional Standards

- **DOJ Civil Rights Division** – Federal civil rights standards applicable to use of force by public safety personnel including tribal security. justice.gov/crt
- **COPS Community Policing – Use of Force Resources** – Research and resources on use of force standards applicable to tribal public safety. cops.usdoj.gov
- **National Center for State Courts** – Court security use-of-force standards and training resources. ncsc.org

STATE & ADDITIONAL RESOURCES

- **State Court Security Standards** – Most state court administrative offices publish court security standards applicable to tribal courts under intergovernmental agreements. Contact your State Court Administrator.
- **State Homeland Security Grants (SHSGP)** – Tribal court security programs may be eligible for state-administered FEMA homeland security funding. Contact your State Administrative Agency (SAA).
- **Tribal Law & Order Act (TLOA) Resources** – TLOA expanded tribal justice authority and DOJ technical assistance for tribal courts and security programs.
- **Grants.gov Tribal Search Tool** – Search all federal grants available to tribal entities. grants.gov (filter: Tribal Government eligibility)

HELPFUL TIPS FOR TRIBAL PROGRAMS & LEADERS

<p>Adopt a Written Use-of-Force Policy for Security Every tribal security program must have a formally adopted, annually reviewed use-of-force policy that defines authority, the force continuum, de-escalation requirements, and post-incident reporting.</p>	<p>Require Use-of-Force Training Before Deployment No security officer should be deployed with authority to use force without completing formal use-of-force training that includes legal standards, continuum application, and documentation requirements.</p>
<p>Conduct Supervisory Review of All Force Incidents A documented supervisory review of every use-of-force incident ensures accountability, identifies training needs, and demonstrates organizational seriousness about force standards.</p>	<p>Track and Analyze Use-of-Force Data Annual analysis of use-of-force incidents by location, subject, type of force, and outcome reveals training gaps, identifies high-risk settings, and supports grant applications.</p>

KEY WEBLINKS

National Native Justice Institute	www.nativejustice.us
National Center for State Courts	ncsc.org
COPS Tribal Resources Grant	cops.usdoj.gov/tribalresources
BJA Tribal Justice Programs	bj.a.ojp.gov/program/tribal-justice
DOJ Civil Rights Division	justice.gov/crt
COPS Use of Force Resources	cops.usdoj.gov
CTAS – DOJ Tribal Assistance	justice.gov/tribal
Grants.gov (Tribal Search)	grants.gov

PARTNER WITH NNJI — WE ARE READY TO SUPPORT YOUR COMMUNITY

TAKE ACTION TODAY — Contact NNJI at www.nativejustice.us to schedule training, consultation, or access resources.

Strengthening Tribal Justice — One Community at a Time