

**BOARD OF POLICE COMMISSIONERS
KANSAS CITY, MISSOURI
POLICE DEPARTMENT**



**PRIVATE OFFICERS LICENSING SECTION
INFORMATIONAL MANUAL**

Commissioned Private Officer's Instructional Manual

INTRODUCTION

All applicants for private security licenses must successfully pass a written examination demonstrating a knowledge of the responsibilities and legal ramifications associated with performing private security services. This manual is to assist you in passing the written examination.

This manual is not a comprehensive training manual for all private security officers. This manual focuses only on those parts of your job which hold the highest probability of civil liability. It will cover such areas as search and seizure, arrest, use of force, firearms, patrol tactics, and handling emergencies. Applicants for a "Class B" license should be aware that your license will not grant you the authority to apprehend, detain or search suspects. Your license does grant you certain powers and authorities as set forth in this manual. However, a knowledge of search, seizure, and arrest law will assist you in understanding your relationship with "Class A" licensees and law enforcement officers.

As for "Class A" licensees, this is not meant to encourage you to make arrests; that will depend on the policy of your employer and the situation. We expect that with understanding of this manual and your companies policies, you will become more confident about what you can and cannot do in arrest situations.

Interpretations in the text concerning laws of arrest and searches incident to arrest are intended to aid you, the private officer in making proper decisions, but they are not to be construed as precise or complete summaries of law.

The term private officer is used throughout this course. However, this training applies to all employees of firms in the private security business including persons called guard, loss prevention agent, private agent, patrol agent, private investigator, security specialists, airport police and courier.

INSTRUCTIONS FOR LEARNING FROM THIS COURSE

This is a self-instruction course on your role as a private officer. You will learn faster and easier if you follow these directions:

1. Read the content until you come to questions.
2. Answer each question by writing your answers and without looking back in the text.
3. After completing the questions, check your answers. If you get a question wrong go back to the text and re-read that portion. At the end of each series of questions are the answers.
4. When you have completed the series of questions and checked your answers, go on to the next section of the text.

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THE PRIVATE OFFICER

A private officer is not a police officer. You do not have the training of a police officer, you do not have all the duties of a police officer, and you do not have the same powers as a police officer according to the law. If you, as a private officer, pretend or even imply that you are a police officer you are committing a crime. A person found guilty of impersonating a police officer may be punished by a fine of up to one thousand dollars, or imprisonment for up to one year, or both.

1.1 Private Officer Positions

The following is a brief description of several private officer positions:

Loss Prevention Agent - Prevents theft by unobtrusive, alert skills. This officer is unarmed and nonuniformed. He/she investigates, apprehends and prosecutes shoplifters, etc.

Security Specialists - Prevents loss of merchandise or other property of the employer to employees or the public. This officer is armed or unarmed and may be uniformed or nonuniformed. He/she investigates, apprehends and prosecutes shoplifters, etc.

Patrol Agent - Prevents theft, trespassing or damage to property in a specific designated area. He/she may be armed or unarmed and is uniformed. This officer apprehends, detains, investigates and aggressively polices their patrol area.

Private Agent - Prevents damage and loss of property from specific areas (banks, hospitals, etc.) and these officers are generally assigned particular designated posts. This officer is armed or unarmed, uniformed and may apprehend and detain.

Private Investigator - Prevents loss of property by aggressive investigation of illegal activities. He/she may be armed or unarmed and is nonuniformed.

Guard - Prevents theft and trespassing within a designated area. This officer is unarmed and may be uniformed or nonuniformed.

Courier - Prevents loss of property while it is being transported from one location to another. This officer is armed and uniformed.

Airport Police - Prevents loss of property and additionally possesses the authority to enforce city ordinances and state statutes within the boundaries

of Kansas City International Airport. This officer is armed, uniformed and may investigate, apprehend, and detain.

1.2 Classes of License

The position you have will depend on the needs of your employer. However, the authority you have will depend on the classification of your license. Listed below are the two categories of licenses allowed. You must know what classification of license you hold and the authority of each license. There are two types of licenses, Class A and Class B.

Class A

If you hold a Class A license you have the authority to detain and apprehend people either committing crimes, or attempting to commit crimes in your presence, or when you have probable cause to believe they have committed a crime. These people would be considered suspects. Your authority is limited to the property you are hired to protect and during the times your are hired to protect it. Your authority does not extend outside the property you are hired to protect except if you chase a suspect, on foot, onto the street. You should not chase if the suspect enters a vehicle and attempts to escape. If you chase at that time you are exceeding the authority of your license. All of the categories of private officer positions previously listed are Class A except guards and couriers. Airport police officers hold Class A licenses with the additional authority to enforce city ordinances and state statutes within the boundaries of Kansas City International Airport.

Class B

If you hold a Class B license you do not have the authority to detain or apprehend suspects. You may ask for identification or the nature of a person's business, however, your primary function is to watch, note, and report suspicious activity. A courier is responsible for transporting valuables from one place to another and has authority that is limited only to the protection of that property.

1.3 Primary Function

If you looked at the brief descriptions of the private officer positions above you probably noticed a key word that is in all the descriptions. The key word for all of these positions is PREVENT.

Your number one responsibility is to protect the property and persons you are hired to protect. You will act in a preventative role to a far greater degree than a police officer.

If you are a uniformed private officer (guard, patrol agent or courier) you should be highly visible to deter those who might consider stealing or damaging property. If your position does not require the wearing of a uniform you will prevent crime by your alertness and unobtrusive observation skills. You will use your eyes, ears, and other senses to detect potential threats to property and persons. When you are most effective, violations do not occur. For example, if you spotted some juveniles trying to climb a fence to enter private property you should shout at them, turn on lights -- anything that might prevent them from coming on the property. You should not hide until they get over the fence so you can arrest them. If a serious violation occurs you do not charge in without thinking but you must stay calm, observe what's happening and call either your supervisor or the local police for help.

Answer these questions:

- Q1. Which of these is the primary function of the private officer?
- A. Enforce the law.
 - B. Protect client's property.
 - C. Preserve the peace.
 - D. Arrest law breakers.
- Q2. A private officer is the same as a police officer?
True or False
- Q3. Which of these best describes your responsibility as a private officer, before a crime has been committed?
- A. Detain and punish.
 - B. Observe and report.
 - C. Prevention.
 - D. Seizure.
- Q4. It is against the law for you to:
- A. Arrest someone.
 - B. Protect property.
 - C. Observe and report.
 - D. Make someone think you're a police officer.

Q5. If you have the authority to detain and apprehend a suspect, you have a Class ____ license. A or B

Q6. Name the two private officer positions that make up a Class B license.

1. _____

2. _____

Q7. If you are in a position in which you carry a weapon you have the authority to apprehend, detain, and arrest.

True or False

Check your answers.

A1. B--Protect client's property.

A2. False

A3. C--Prevention.

A4. D--Make someone think you are a police officer.

A5. A

A6. 1--Guard 2--Courier.

A7. False

YOUR AUTHORITY

2.1 General

A police officer enforces all local laws. If any law is broken he/she may pursue and arrest that person. This is not the case for a private officer. You are hired by a client to protect specific people and/or property. This may entail enforcement of some of the same laws that a police officer would enforce, such as burglary or robbery, but not others, such as rules of the road for vehicles or laws concerning prostitution. For instance, if you were on duty at a bank and you observed two teenagers having an auto race down a public street that runs by the bank, you would not attempt to place them under arrest. You may decide to report it to the police if a telephone is nearby, but you are hired to protect the bank, not arrest speeders. In fact, you should always be a little suspicious of any activity which might draw you away from your post. It could be a decoy set by someone who wants to gain access to the place you are protecting while you are distracted. Remember, police officers enforce all laws -- you are primarily concerned with those laws which relate to the persons or property you are hired to protect.

2.2 Limits

Again, your authority is limited to the boundaries of the client's property during the hours you are hired. As a Class A license holder you have the authority to chase and detain a suspect outside the boundaries of the property you are hired to protect provided you are in hot pursuit (that is, chasing the suspect on foot) and the suspect does not enter a vehicle as he/she attempts to escape. At that time you should quit chasing the suspect. In any event, as soon as you leave that property or "clock out" your authority ends -- you have no more authority than any other citizen.

When you act properly, your employer or the owner of the property you are protecting assumes the liability, (i.e., cost of lawsuits), for your actions. If you act improperly, that is exceed your authority, you assume the liability for your actions.

There are 3 questions you need to ask yourself before you act:

1. Is the suspect on the property you are hired to protect?
2. Is the crime occurring on the property you are hired to protect?
3. Are you on duty?

If you can answer "yes" to all three questions you can be sure that you have the authority to act. If you answer "no" to any of these questions you should not get directly involved.

Read the situations and answer these questions:

- Q8. You are standing guard inside a department store and you observe two men come out of a bar across the street and start fighting. What is your authority in this situation?
- Q9. You are hired by a bar owner to check I.D.'s and to generally maintain order in a bar. Two men get into a fight on the dance floor. What should you do?
- Q10. You are having dinner on your day off at a restaurant where you provide parking lot security. A couple, several tables away, leaves without paying their bill. Do you have authority in this situation?
- Q11. You are providing security as an armed guard in an expensive apartment building. You hear a woman scream and see a man running out the front door. You rush to the door just as the man jumps into a red sports car and drives away. What should you do?

Check you answers.

- A8. You should not get directly involved. You were hired to protect the department store property not to maintain law and order across the street. You have authority only on the property you are hired to protect. You should call the police and report the fight if you can do so without leaving your post.
- A9. You are hired to maintain order in the bar, therefore, part of your job is to break up fights. If you don't think you can handle it alone, get help or call the police.
- A10. You have no authority on your day off. If you do act and your actions result in a civil suit, you will be liable.
- A11. You have no proof that the man has committed a crime and he is no longer on the property you were hired to protect. You should note as many details about the man and car as you can. Find and talk to the woman. If a crime has occurred, contact the police.

2.3 Priority

Again, your first priority is to prevent loss, damage or destruction to property, or harm to persons you are hired to protect. If you are unable to prevent a crime from occurring, the next step is to OBSERVE and REPORT it to your supervisor or the police.

If a serious offense has been committed such as robbery, burglary, assault or arson, you will need help in apprehending the suspect, so call the police immediately. Even police who are trained to make forcible arrests do not work alone.

Here are some examples:

- A. You are patrolling and across the street you observe two males in a fist fight. (You should observe and report.)
- B. An adult male comes running out of a bar. Ten seconds later the owner comes running out and says he has been robbed. You are not employed by the bar. (You should observe and report.)
- C. A shopper loads Christmas gifts into her car and goes back to do more shopping. The windows of the car are open and three boys are gathered around, looking in the car. (You should act in a preventative role. You would walk over and stand near the car or walk the owner out to the car so she could lock the vehicle.)
- D. You are on guard in a jewelry store. An employee showing diamond rings is called to the phone and leaves a customer by himself with the display box of rings. (You should act in a preventative role. You would walk over and stand near the display box to prevent theft.)

Now answer these questions:

Q12. 1. What is your role before an offense has occurred?

2. What do you do after an offense has occurred?

Q13. While on duty you surprise two men breaking into an automobile across the street from your patrol area. When they see you they turn and run. What should you do?

Q14. It is 7:00 p.m. and while making your rounds at the plant, you notice two strange cars parked just outside gate 3. It is almost dark and the lights haven't been turned on yet. What do you do?

Check your answers:

A12. 1. Prevention.

2. Observe and report.

A13. Observe and report.

A14. Turn on the lights. You are not trying to trap suspects, you are trying to prevent crime. You may also want to walk over to the gate to let them see that the plant is well protected. Also observe closely and write down the license numbers in your notebook just in case.

YOU AND YOUR CLIENT

3.1 You as an Agent

In addition to enforcing some public laws you may also be responsible for enforcing certain regulations set up by the client. As a private officer, you are an agent of the owner of the property and as such can exercise the owner's right to ask people on the property what they are doing, what their names are, etc. If they refuse to answer your questions or if their answers are not satisfactory you may ask them to leave. If they do not leave they are guilty of trespass and you may call the police to have them removed.

The owner of the property also has the right to enforce certain regulations which may not be a part of the Criminal Code which we will address in later sections. For instance, if an employee shows up for work drunk, he is violating a company rule, but he is not breaking a public law unless, of course, he drives a vehicle. The client may want him sent home or may wish to fire him. That is between the employer, the employee and possibly the union but has nothing to do with the police or public law. If the owner or the owner's representative asks a drunken employee to leave and he refuses, he is guilty of breaking the law against trespassing.

Another thing you can do on private property, when acting for the owner, is to stand in a person's way to prevent him from entering an area. If, for instance, someone is trying to go into a computer center without authorization, you may physically prevent it.

3.2 Limits as an Agent

Sometimes in a factory or plant you are asked to inspect employees' belongings. This is not a search. Always make sure that the employer has notified the employees first. When inspecting never touch the employee and never touch the employee's belongings. Ask them to open their lunch pails or purses and then look inside. If you can't observe the contents because of something in the way, ask the employee to remove the obstruction. Never do it yourself. If the employee should hand you an item, politely refuse. You can look anywhere including cars, lunch pails and purses. But you shouldn't touch anything. This type of inspection is always done with the employee's cooperation. If the employee does not cooperate you should get his name, badge number, license number and description and make a full report to the client in writing.

Your supervisor, and in some cases, the client will give you instructions as to your areas of responsibility. Be sure to check with your employer regarding the way he wants you to handle a violation of company rules and a violation of public laws.

Answer these questions.

Q15. On the client's property, your powers to question are given to you by:

- A. The police.
- B. The owner.
- C. The suspect.
- D. The uniform.

Q16. Employees are told they may not enter the factory without their badges. An employee shows up without his badge and tries to enter. You can:

- A. Block the entrance.
- B. Arrest him.
- C. Fire him.
- D. Do nothing.

Q17. Your employer asks you to inspect personal belongings of employees leaving the plant. He has announced this to all employees. What are the two key rules to remember about inspections? (Refer to your text if you have to.)

1. _____

2. _____

Q18. An employee leaving work walks up to you and hands you his lunch box for inspection. What should you do?

Q19. You are walking through the parking lot and observe company equipment on the rear seat of a car. Are you legally allowed to look into auto windows in the company parking lot?

Check your answers.

A15. B - The owner.

A16. A - Block the entrance.

A17. 1. Never touch the person.

2. Never touch the person's belongings.

A18. Ask him to open the lunch box so you can look in.

A19. Yes. You can look anywhere as long as you don't touch personal property. You can look all day long but you cannot legally open doors and look under blankets of every car in the parking lot to see if anyone has stolen anything.

YOU AND THE POLICE OFFICER

4.1 Police Contact

The rules of the Board of Police Commissioners, Title 17 state that persons to perform private security services have limited police powers only so long as it is exercised on the property which they have been assigned to protect. (A minor exception exists for Class A licensees on adjacent streets - see "Classes of License"). As this is the case, it is important to recognize your authority as a security officer as defined in this manual.

1. Immediately identify yourself to the officer. Include your name and the company for whom you work.
2. If time and duties allow, attempt to make yourself available to assist the officer as directed.
3. Report all facts to the officer in a calm manner and in the order in which they occurred. The officer's report will be based on what you say. Make sure you are factual and clear. To keep an accurate record of events and information a pen and notebook or paper should be kept on your person at all times. Write down all information---do not rely on your memory! Also, a flashlight should be carried at all times, day or night. This will allow you to see in dark places, properly record small numbers, etc.
4. Protect any crime scene. A crime scene is an area where a crime has occurred. This is important to help the police and investigators in collecting evidence for court. It is important that any property related to a crime scene is kept and protected. This may be important during a trial and must be included on a written report.
5. If possible, politely request witnesses to crimes to remain at the scene until the police arrive. If they do not want to stay, ask them for identifying information, such as name, address, and a phone number, so they may be contacted later. If the witness tells you something of importance, make a note of this statement. You may not force a witness to stay at the scene.

Answer these questions:

Q20. Immediately upon contact with a police officer you should:

- A. Show them your license.
- B. Identify yourself and whom you work for.
- C. Write the name of the officers on the call.
- D. Report to your supervisor.

Q21. Suspects and witnesses should be kept in an area away from the public view.
True or False

Q22. What items should you carry with you to help you in your duties?

- A. Flashlight.
- B. Pen/pencil.
- C. Paper.
- D. All of the above.

Q23. You should rely on your memory to remember the facts of a crime.
True or False

Check your answers.

A20. B--Identify yourself and whom you work for.

A21. True.

A22. D--All of the above.

A23. False.

PATROL TACTICS

5.1 Observation

Overall, your primary duty as a private officer is to deter and thus prevent crime by your presence. Even if your presence does not deter crime, you may be instrumental in the police and the courts being able to prosecute criminals. Generally, this means making careful observations and reporting unusual activities or areas of potential problems. Like many things, the best way to develop your observation skills is to practice. While on duty be aware of situations around you. Make mental notes and practice remembering details of your surroundings. Carry a pen and paper to make written notes. You may need this information at a later date. Report any potential fire or safety hazard you encounter.

You probably noticed in the brief descriptions of the private officer positions listed at the beginning of this manual, that some positions discuss the patrolling of designated areas. It is important that you understand some specific techniques for patrol which are included below. These points are general in nature and other points not listed may apply.

1. Note and report **anything** unusual, such as doors and windows found unlocked. Check for lights that are on when normally off, or vice versa, open gates, etc.
2. Be aware of illegal or suspicious activity. This means to take note of persons or vehicles you have not seen before. If you are not sure who or what is suspicious, take notes anyway---you may need this information later.
 - a. When describing a person include their race, sex, age, hair color, height, weight, and clothing description, starting with the head moving down to the feet. For example, you observed a white male approximately 40 years old, brown hair, 6'3" tall, wearing a blue shirt, brown pants and white tennis shoes.
 - b. In describing a vehicle use the "CYMBOL" method of description.
 - C = color
 - Y = year
 - M = make
 - B = body style
 - O = occupant (sex,race,and anything else you can determine)
 - L = license number (include letters, state of issue, number year, and state counties, if applicable. Also make note of the license plate color.)

For example, you observed a blue, 1993, Ford LTD, four door, occupied by two black males, license number TCC-123, MO, 1994.

3. Be alert to techniques for concealing and removing property from the premises.
4. Make your inspections or patrols start and end at different times and vary your route. If possible, check the perimeter. Do not forget to look for fire and/or safety hazards.

NOTE: It is impossible to overemphasize the need to be aware of your surroundings. Not only will this make you a good observer and allow you to give the best service, but awareness and alertness are also the keys to your safety.

5.2 Emergencies

Making mental and/or written notes may never be more valuable than after a crisis. You must be prepared in the event of a fire, bomb threat, storm, etc. In any emergency people will look to a person who knows what to do. Citizens will look to you, as a uniformed officer, as someone who knows what to do. In any crisis, you have the responsibility to take charge. Your actions and behavior will help avoid panic in others.

IN MOST EMERGENCIES YOUR FIRST RESPONSIBILITY IS TO CALL FOR HELP

After summoning help stay calm and work as efficiently and effectively as possible. To do this you must be in control of yourself and, as much as possible, your surroundings. If possible, you must limit any further damage to property and safeguard personnel. This may include controlling a violent person or suspect, or assisting victims of medical emergencies or violent crimes. You may also need to keep bystanders away from the scene of an incident, or assist in the evacuation of an area. To be as efficient and effective as you can be, you should know in advance the procedures for evacuation and storm or fire procedures. Also, be aware of the location of telephones, fire extinguishers, exits, etc. Know the proper use of fire extinguishers and other safety equipment. Understand the telephone system and know how to make outside calls. This is also where you will use the observation skills you have practiced while on duty. If you know the location of equipment, telephones, exits, etc., you will work with confidence. This will help keep you, and those around you, calm.

After arrival of police, fire or ambulance personnel, identify yourself and assist in any way you can and/or as directed by emergency personnel (See "You and the Police Officer" for further information). Again, make note of times, ambulance numbers, names, etc.

After a crisis or incident your practice in observation skills will again be useful. As you report an incident to emergency personnel it is important you are accurate and detailed. Refer to the notes you have taken and explain everything that happened, making sure that it is in the order in which events occurred.

5.3 Written Reports

You will probably be required to complete a written report. Again, you must explain in your report exactly what happened and exactly in what order it occurred. Be factual and arrange the events logically without drawing any conclusions of your own. The notes you have taken will assist your memory and you should include all names, license plate numbers and any other information you have taken. Your report should include who, what, when, where, and how, if available. Remember, your report may be used in a court proceeding.

Answer these questions:

Q24. What do the letters "CYMBOL" stand for.

C _____
Y _____
M _____
B _____
O _____
L _____

Q25. List two things that are the key to your safety.

1. _____
2. _____

Q26. In most emergencies your first responsibility is to:

- A. Call for help.
- B. Contact your company.
- C. Phone home.
- D. Make written notes.

Q27. While conducting your duties you may be called upon to:

- A. Help control a suspect.
- B. Assist victims in medical emergencies.
- C. Help evacuate victims.
- D. All of the above.

Check your answers.

A24. Color, Year, Make, Body, Occupants, and License.

A25. Awareness and Alertness.

A26. A--Call for help.

A27. D--All of the above.

ARRESTABLE OFFENSES

There will be instances that while on patrol or while acting in your preventive role, you will encounter people who are or who have committed crimes. Remember, if you are a Class A license holder you have the authority to detain and apprehend those people limited to the property you are hired to protect. Your authority may extend outside the property if you are in hot pursuit and chase a suspect onto the street. Recall, you should stop in the chase if the suspect enters a vehicle in an attempt to escape. Class B license holders do not have the authority to detain and apprehend.

Since you may encounter people who may be involved in criminal activity it is important that you know what factors make a crime or offense. In order for you to recognize an offense you need to be familiar with the ones you are most likely to encounter. You need to know the names of offenses to know when to arrest and to tell the suspect what you are arresting them for. For instance, "You are under arrest for burglary." Once you have said these words the suspect knows he/she is under arrest and the reason for the arrest. It is every citizen's duty to cooperate once placed under arrest.

One common way to classify crimes is Crimes Against Persons, Crimes Against Property, and Crimes Against the Public.

One way to remember the difference is that when it is a crime against a person, the victim must be present and personally experience harm or loss. In a crime against property the victim may be present when the offense occurs, and there is loss or damage to his property. A crime against the public is an offense that adversely affects public welfare.

We will not attempt to cover all crimes. You should receive more detailed training from your employer in the crimes you will deal with on your assignments.

6.1 Crimes Against Persons

Murder - Knowingly and deliberately causes the death of another person.

Robbery - Forcibly takes property from another person and causes or threatens serious injury or threatens injury with a dangerous instrument, deadly weapon or physical force.

Assault - This crime includes a range of acts, from inflicting serious physical injury with a weapon or object to behavior which is offensive or provocative. Even if an attempt to inflict injury is unsuccessful it is still considered to be an assault.

NOTE: It is important to know that you have legal grounds to intervene at the lower level where only an attempt or touch is involved. In doing so, you may prevent the incident from escalating into a more serious problem.

Answer these questions. Write the name of the crime committed in the space provided.

Q28. Two women get into an argument over a parking space. One woman keeps poking her finger into the shoulder of the other woman while she's yelling at her. The second woman is offended by this action.

Crime _____

Q29. Two persons approach a man leaving a bar and stand in front of him saying, "Hand over your wallet and you won't get hurt."

Crime _____

Q30. An ex-employee of a supermarket waits in her car until the manager closes up the building and walks toward his car. She steps out of her car, points a gun at him and fires three shots, and kills the manager.

Crime _____

Q31. Two secretaries get into an argument over pay raises. One of them leaves the argument to go to the restroom. The remaining secretary, still angry, hides behind a large bookcase and as the first secretary returns, attempts to push the bookcase over on top of the other secretary who jumps out of the way as the bookcase comes crashing down.

Crime _____

Check your answers:

A28. Assault.

A29. Robbery.

A30. Murder.

A31. Assault.

6.2 Crimes Against Property

Arson - Knowingly damages a building or inhabitable structure by starting a fire or causing an explosion.

Burglary - Knowingly and unlawfully enters or remains in a building with the intent to commit a crime.

Property Damage - Knowingly damages property of another or with the purpose to defraud an insurer.

Trespassing - Knowingly enters or remains unlawfully in a building or inhabitable structure or upon the real property of another.

Stealing - Takes property or services of another without consent, by deceit or by coercion. Some common forms of stealing you may encounter are:

Price tag switching.

Fraudulent refunds.

Shoplifting.

Leaving a restaurant, bar, motel, etc., without paying bill.

Fraudulent Use of A Credit Device-The use of a credit device when not authorized to, stolen, or revoked.

Answer these questions. Write the name of the crime committed in the space provided.

Q32. A man who has purchased a new lawn mower pushes it out to his car and leaves it beside the car while he goes back to get a bag of fertilizer. While he is gone, someone drives up in a station wagon, puts the lawn mower in the back of the wagon and drives off.

Crime _____

Q33. A woman is sitting in the lobby of an automobile showroom. At 5:00 the guard starts to lock up for the night and asks the woman to leave. The woman refuses so the guard asks the woman who's she is waiting for. The woman replies, "None of your business." Again the guard asks the woman to leave. She refuses.

Crime _____

Q34. An irate employee pours lighter fluid in a trash container in the stock room and throws in a match.

Crime _____

Q35. You drive up to a store at 2:00 a.m. and observe two men break open a door and start loading a pickup truck with merchandise. When they see you they turn and run.

Crime _____

Q36. A teenager girl climbs over the parking lot fence and is prowling around the cars.

Crime _____

Q37. A teenage boy is angry because the private officer assigned to patrol his neighborhood told him to leave the area. He returned with a can of spray paint and sprayed the windows of the cars in the neighborhood.

Crime _____

Check your answers:

A32. Stealing.

A33. Trespass.

A34. Arson.

A35. Burglary.

A36. Trespass.

A37. Property damage.

6.3 Offenses Against the Public

Peace Disturbance - includes the following situations:

Unreasonably and knowingly disturbs or alarms others by:

Loud noise.

Offensive and indecent language.

Threatening to commit a crime against any person.

Purposely causing inconvenience to others by unreasonably and physically obstructing vehicular or pedestrian traffic or entrance or exit from a public or private place.

Indecent Exposure - Exposure of any part of the body in a situation or manner with the intent to cause affront or alarm.

MAKING AN ARREST

7.1 Limits

A violation of one of the above offenses or crimes may result in arrest. Different companies in the private security business have different policies regarding when and if you should make arrests. It is your responsibility to learn your company's policy.

If you attempt to arrest someone while on-duty at the property you are hired to protect, you have police power. If you are not on-duty or on the property you are hired to protect, your legal powers are no more than that of an ordinary citizen. An arrest made by a citizen is called a citizen's arrest. Citizens who make arrests must reasonably believe that a suspect has committed a crime and the suspect must, in fact, have committed the crime. In other words, citizens must be correct in their belief.

You, as a Class A license holder, may find yourself in a situation where you need to detain a suspect for the purpose of arrest. If you recall, a Class A license holder may detain and apprehend people committing or attempting to commit crimes on the property they are hired to protect. Chase may be given and the suspect detained outside the property as long you are in hot pursuit and the suspect does not enter a vehicle in an attempt to escape. In this situation, the law provides that your property temporarily extends to the location where the suspect is being detained.

7.2 Terminology

Missouri case law states that you may make an arrest if you reasonably believe that an offense has been committed and the person they are arresting committed the offense. This belief constitutes probable cause.

The two terms you need to be clear about are arrest and probable cause.

An arrest occurs when a person is restrained, i.e., his freedom of movement is limited. Telling a suspect that he is under arrest makes it clear to him that he is under arrest. However, there are also other actions that may make a person feel he is under arrest. If because of your uniform, badge, or actions, the suspect concludes he must answer your questions or is not free to walk away he can legally claim he was under arrest. Anytime you detain someone, that person is actually under arrest regardless of whether you have told him he was under arrest or not. If, on the other hand, he feels he is free to walk away but by his choice chooses to wait for the police to arrive, he should not consider himself under arrest. The distinction is important. Don't tell someone "You wait right here until the police arrive" unless you have sufficient cause to arrest the suspect.

That brings us to the second term, probable cause. Probable cause is the required justification for an arrest. It means that you believe that the person has committed or is about to commit a crime.

Your belief must be based on the evidence and facts that you have before you make an arrest. That means that you cannot justify the arrest with evidence or information found after you make an arrest.

Evidence is something that furnishes proof that the suspect committed the crime. For instance, you see a man prowling around in a fenced-in area in back of a store. You investigate and find out he has no business being there. He claims he was just waiting for a friend and must have gotten mixed up. He thought the back of the store was a public parking lot. You look for additional evidence. There are shoe prints in the mud that lead from the fence over to the rear of the store. Some mud is caked on his shoes, there is a hole in the fence at the point where the shoe prints start, and the man is carrying a pair of wire cutters. A car is parked on the other side of the fence. If the car is his, this will be additional evidence. Also, the man's coat is torn and you see a small piece of cloth of the same color hanging on the fence. All of these are pieces of evidence that can be used to support your arrest for trespass.

If you catch a burglar breaking into a store, the evidence would include your eyewitness report of what you saw the suspect doing, any tools at the scene, pry marks on the door, plus anything else that would indicate that the suspect was committing burglary.

The point is, you should have several good pieces of evidence to support an arrest. In the case of burglary and robbery there are usually several pieces of evidence that can be used to support your eyewitness report. However, in some kinds of cases you may only have a few pieces of evidence. For instance, if a suspect steals something, a critical piece of evidence will be the item he/she stole. If you see someone pick up a diamond ring and walk out the door without paying for it, you should attempt to arrest them before they dispose of the ring. If the suspect should pass the evidence to someone else or dispose of it in some way, you may not have sufficient evidence for an arrest. This is why private officers working the shoplift detail are told never to let the suspect out of their sight. If the suspect ditches the prime evidence (the thing stolen) the case may not hold up in court.

Remember, probable cause must exist to make an arrest. If you observe a person pick up a rock and throw it through a plate glass window that person could be arrested because breaking a window is an offense and you know that he committed the offense because you saw him do it. However, if you heard a window break and rushed to the front of the building to see a group of teenagers laughing and milling about you would not have grounds for arrest. It appears an offense has been committed but you did not see anyone do it.

Analyze the following incidents and indicate whether you have grounds for arrest, then answer these questions:

You are making your rounds at a shopping center and come upon a pickup truck parked at the curb. In the back of the pickup are two color T.V. sets in their crates. The two men in the pickup truck look suspicious.

Q38. According to the law, can you arrest these men? _____

Here is another incident:

You are on guard at a factory and you observe a man pouring what appears to be gasoline on the ground by some storage tanks. As you approach he begins to light matches and throw them on the ground where he has emptied the solution.

Q39. According to the law can you arrest this man? _____

Q40. According to the law, which of the following conditions must exist before you make an arrest?

- A. A crime has been committed.
- B. You reasonably believe the person being arrested committed the crime.
- C. You saw suspects running from a store.
- D. A and B.

Q41. A private officer's powers of arrest when not on the client's property are:

- A. Greater than the ordinary citizen.
- B. Same as the ordinary citizen.
- C. Less than an ordinary citizen.

Check your answers.

A38. No. You think these men have committed an offense but you do not know for a fact that an offense has been committed. You should note

all the facts you can. For instance, the license number of the pickup, a description of the truck and the two men inside, the brand of T.V. sets, type and any numbers that might be on the outside of the boxes. Then check the T.V. stores on your beat to see if any have been burglarized.

A39. You certainly can. A crime is being committed (arson), you know that this man is committing the crime because you are observing him do it.

A40. D--A and B.

A41. B--same as ordinary citizen.

Review

Take a few minutes to review and be sure you understand how the ideas we have discussed apply to your work. Give a brief explanation of what each of the following terms mean:

Q42. Arrest _____

Q43. Probable Cause _____

Q44. Evidence _____

Check your answers:

A42. Restrict a person's freedom of movement.

A43. You believe, based on personal observation or other evidence, that the person you arrest committed or was about to commit a crime.

A44. Anything - physical or spoken - which leads you to believe the suspect committed a specific crime.

Now let's look at an example that was not handled well. Decide what you would do using what you have learned so far:

It is 11:00 p.m. and a guard is making his rounds of the plant gates and finds gate number five open. There are pry marks on the chain that normally holds the gate closed. About fifty yards from the gate, on a gravel road running by the west end of the plant, is an old pickup truck parked by the side of the road. Two men are standing next to the truck. The guard walks over to the truck and says, "All right you guys, what are you doing here?" One of the men looks up and says, "What's it to you, Fatso?" The guard, getting angry, says, "Look punks, you had better tell me what you are doing here or you are in big trouble!" The men do not reply but one of them gets into the driver's seat and turns over the engine. The guard says, "Did you hear what I said?" The man by the engine says, "Buzz off." The guard moves to the front of the truck and grabs the man's arm saying, "You guys aren't going anywhere until you answer a few questions."

What do you think was wrong in the way the guard acted and what do you think he should have done instead? Jot down your ideas.

Read the following analysis of the situation. Did your answer include these points?

Finding a gate open with pry marks on the chain does not indicate for certain that a crime has been committed. There are a number of possible explanations short of forced entry. Next, there is nothing to tie the two men in with the gate except that their truck is on the road and that could be for many reasons. The guard cannot demand that the men answer the questions. The guard's attitude, tone of voice, uniform, and badge, could easily make the men believe that they were under arrest.

If the guard refused to let them leave and if it turned out that they had nothing to do with the open gate, the men could sue the guard for false arrest.

This is what the guard should have done:

He should have noticed the condition of the gate carefully, and the license number of the pickup truck and a description of the two men. He should have secured the gate, if possible, and reported the open gate to his supervisor. He may or may not have decided to talk with the two men. He could have entered into a friendly conversation and asked if they had seen anyone near the gate. If they were not cooperative there is nothing the guard could do except observe closely. The guard should never have touched the man. He should have avoided reacting emotionally when the man challenged his authority.

Remember the reference to friendly conversation? Although you cannot demand answers from a person you can always engage in casual conversation with anybody. An example:

"Hi fellas, got car trouble?" One of the men replies, "Yeah this thing shorts out every once in a while." Guard says, "Say, have you seen anybody around that gate?" The men reply, "No, we haven't seen a soul except you." The guard says, "How long have you been here?" Oh, about five minutes." Guard, "Thanks for your help. If you need to call for road service to get your car going, I can make the call for you." "Nah, thanks anyway but we'll get it going." Guard, "OK" and walks away. The guard may not have gotten a lot of information from what they said but he had a chance to observe each man closely and look into what they were doing without running the risk of bad public relations or a false arrest suit.

7.3 Use of Force in an Arrest

If a suspect resists arrest you are allowed to use reasonable force to subdue him or her. Reasonable force means just that force necessary to prevent the suspect from escaping. If the suspect submits willingly, no force is necessary. If the suspect should resist arrest, remember that only the force necessary to prevent escape and protect yourself is allowed. Examples of excessive force would be knocking an unarmed suspect unconscious when he is only trying to leave the scene. You should place handcuffs on those persons who have resisted or whom you think may resist arrest. You should do this for your safety and for the safety of the person under arrest.

7.4 Factors to Consider Before You Make an Arrest

At no time are you, as a private officer, obligated to make an arrest. As a matter of fact, unless you are a Class A license holder, you should not even attempt to arrest another person. Class B holders have no authority to detain or apprehend suspects. You may be right at the scene when a violation occurs, but you do not have to make the arrest. This is what the police are for. Your first responsibility is **prevention**. After a crime has been committed, your next responsibility is to **observe and report**. The purpose of this training is not to encourage you to make more arrests, but to teach you the law as it relates to arrest and search and seizure so that you will know what you can do and what you cannot do under the law.

In addition to the law, there are a number of factors you should consider before making an arrest. Here are a few:

1. Physical size of the suspect. Is the suspect bigger than you are? Is he/she in better physical condition?
2. Is the suspect armed? Could he/she be carrying a concealed weapon?
3. Is it a major or minor offense? You should be more concerned with major offenses. If you caught a teenager setting a fire on a loading dock you would be more likely to arrest and hold him/her than some kids who climbed a fence to steal apples from the company orchard.
4. Does the offense relate to property or persons you were hired to protect? As a good citizen you want to uphold the law and order, but your first duty is to the client. The client is the one who is paying you to be there.

Answer these questions:

Below are four incidents. Place the number of the factor from the list you have just studied beside the appropriate incident.

- Q45. An ex-football player is damaging property at a bar where you are working. He is about 6'8" and 250 pounds.
- Q46. A guy is sitting in a car with the motor running outside a jewelry store. You notice that inside his coat he is wearing a shoulder holster.
- Q47. You are working a dance and everything is running smoothly. Two doors down, in front of a bar, two guys get into a fight.

Q48. It's the day before Christmas and shopping is heavy. You see a guy cough and spit on the sidewalk. You happen to know that spitting on the sidewalk is an offense.

Check your answers.

A45. Physical size of the suspect. (1)

A46. The suspect may be armed. (2)

A47. Is it on the property you were hired to protect. (4)

A48. Is it a major or minor offense. (3)

7.5 Frisk

A frisk is nothing more than a quick check to see if the suspect has a weapon in the obvious places. How or when to conduct a frisk is not covered in this manual and you should contact your employing company for instructions regarding a frisk.

7.6 Searching a Suspect

There are laws which protect the rights of suspects when being searched. It is important that you know what you, as a private officer, may do and may not do according to the law. During a search, after the arrest, you may enter a suspect's pockets, handbags, and packages to thoroughly check for weapons and evidence.

There are only two factors which justify a search:

1. To protect yourself from any weapons.
2. To prevent the destruction of evidence.

Never search a suspect until he/she has been placed under arrest. You are not allowed to search someone first, trying to find evidence so you can arrest him/her afterwards.

Never make a general search. When searching a suspect you should know what it is you are searching for.

There are two things that you look for when making a search:

1. Weapons.
2. Evidence.

During a search, you may find weapons which you did not discover when you did a frisk. In other situations you may not have conducted a frisk prior to arresting the suspect.

At the beginning of this lesson you were taught to make an arrest only if you have probable cause to believe a person committed a crime. In the section on evidence you learned about those things that you need to prove your charge against the suspect. In searching after a proper arrest, you need to retrieve any evidence of the crime.

If you saw someone steal something and put it in his/her pocket and you make an arrest, you must recover the stolen item for evidence. Therefore, you must either get the suspect to willingly give you the item or you must search him/her and take it. If you don't take the evidence from him/her, he/she may be able to dispose of it.

A search puts you in a potentially vulnerable situation. For one thing, if you don't have another witness to your search, the suspect may claim you planted the evidence on him/her. For another thing, while you are searching the suspect, he/she may be able to kick you or hit you and escape. Therefore, you should have another person on hand when you search a suspect. The exact methods of searching are beyond the scope of this manual and will not be presented here. You should ask your supervisor to demonstrate it for you.

Answer these questions:

Q49. Before you arrest a suspect you must have sufficient _____ to prove that he/she committed the crime.

Q50. You are standing guard in a department store when you observe a woman walk in, linger by the jewelry counter and look around to see if anyone is watching her. She doesn't see you. She picks up an expensive cigarette lighter, drops it into her pocket and walks out the door. If you decide to arrest this person, what will be your prime piece of evidence?

Q51. What must you do before you search a suspect?

- A. Cuff the suspect.
- B. Arrest the suspect.
- C. Tie the suspect's hands over his/her head.
- D. Write your report.

Q52. A "frisk" is a limited check to see if a suspect has:

- A. Weapons only.
- B. Evidence only.
- C. Drugs.
- D. Anything.

Q53. After arresting a suspect, you are permitted to search for:

- A. Weapons only.
- B. Evidence only.
- C. Weapons and evidence.
- D. Anything.

Check your answers.

A49. Probable cause. Before you arrest, you must have sufficient probable cause.

A50. The cigarette lighter. You will have to find the cigarette lighter on her person to prove your case.

A51. B - Arrest the suspect. You cannot search first and then arrest.

A52. A - Weapons only. A frisk is a limited search for weapons.

A53. C - Weapons and evidence. A search is for both weapons and evidence.

AFTER THE ARREST

After you arrest someone you must turn him/her over to the police as soon as possible. You should make a note of the time when you made the arrest and the time when you called the police. If you delay calling the police for any prolonged period so that you can confine or interrogate the suspect, you may be guilty of an illegal arrest. Reasonable delays are all right. For instance, if you had to walk a half mile to the nearest phone or wait at your post for your partner to come by, these would probably be called reasonable delays. However, if a phone is handy and you let an hour go by before calling, it could be considered an unreasonable delay.

If you expect to be making arrests, you should obtain a copy of the Missouri Criminal Code and study those sections that relate to your job. Use the index and look up those sections that cover arrest and also read the sections that describe those offenses which you will most likely encounter.

8.1 Police Responsibility

If you have made a legal arrest, the police generally will take custody of the suspect. Custody means "to take charge of." If the suspect is charged with a serious offense, the police will probably take him/her down to the station to take fingerprints and photos. They may release the suspect if bail is posted. Taking custody of suspects charged with less serious offenses may not involve going to the police station. The police may choose simply to cite the suspect and then release him/her pending the hearing. This is still considered taking custody.

8.2 Police Arrest - Felony

If the suspect has committed a major crime (felony) the police will officially make the arrest. This means they will collect the evidence and be responsible for testifying in court when the case is tried.

After the police arrive they will take your statement of what happened, so you should take care to observe as many factual details as possible. They will also investigate to collect evidence. You may be asked to testify at the trial.

8.3 Police Arrest-Misdemeanor

If the suspect is charged with a minor crime (misdemeanor) such as trespassing, petty theft or disturbing the peace, the police will still generally take custody of the suspect if the arrest was a legal arrest. If you arrest a suspect for a misdemeanor you will call the police and when they arrive, turn the suspect over to them and make your statement, just as you would for a felony.

Answer these questions:

Q54. How soon must you turn a suspect over to police after an arrest?

Q55. It is lawful to hold a suspect for two hours so your supervisor could question him before you called the police? True or False.

Check your answers.

A54. As soon as possible. By law you must turn the suspect over to police as soon as possible.

A55. No. Holding a suspect for two hours under those conditions would be a violation of his rights.

FIREARM RESPONSIBILITY AND LIABILITY

9.1 Concealed Weapons

As you look at the private officer positions listed in the beginning of this manual you notice that some positions are granted the authority to carry a firearm. It is important to realize what type of weapon you are authorized to carry and when you are allowed to carry it. The only weapon you are permitted to use is the one which you qualified with at the pistol range. Your firearm qualification will be documented and kept on file and will show your name, the date, description of the firearm, and the range score information. At the range you will be requested to initial and date the qualifying sheet that is entered in your file.

You must also know the difference between a concealed and non-concealed weapon. A concealed weapon is one that cannot be seen short of some type of search. A loaded weapon that is hidden and within easy reach is considered concealed. A non-concealed weapon can be viewed without some type of search. An unloaded weapon, out of easy reach, is considered non-concealed.

You should travel to and from work by the most direct route and you should lock the unloaded gun in the trunk or glove box. If it is impossible to secure a gun in this manner, you should not make any stops but should go directly to work or home.

You as a private officer or private detective are authorized to carry your gun only in approved attire and only after meeting the standards at the police pistol range. If you are licensed to be armed and not required to wear a uniform (refer to the private officer positions at the beginning of this manual) you are authorized to carry a concealed weapon only while on duty. Again, you must carry only the gun you last qualified with at the pistol range.

You are responsible for your firearm. You must recognize the importance of safety and have respect for the firearm. Your weapon should always be kept clean, in good working condition and treated as though it were loaded. When at home the weapon should be placed out of reach and sight.

In addition you must:

1. Qualify annually at the range.
2. Be prepared to submit to a field inspection, conducted by any police officer or a member of the Private Officers License Section, to ensure compliance with Title 17.
3. Carry only the weapon you qualified with at the pistol range.

4. Obtain special approval in the event a new gun is purchased or for some reason you cannot use the one registered in the Private Officers License Section. If the weapon is being repaired or is stolen you will be required to submit a copy of the repair order or police report stating the weapon was stolen.
5. Carry the weapon only when working in uniform, only on the premises you are hired to protect, and only when authorized. Failure to comply with this policy may result in suspension of your license and possible arrest.
6. Never carry a weapon into a courtroom, a bar, lounge, or government building.
7. Never use the weapon to threaten or intimidate. For example: do not make a movement toward the weapon to give the impression it could be used.
8. Never fire at moving vehicles.
9. Never carry a weapon you have never fired.
10. Never fire warning shots.
11. Never fire into or near a group of people.
12. Submit through your company a "Discharge of Firearms" report in the event a weapon is fired, either intentionally or unintentionally. This report will be forwarded to the Private Officers License Section. This excludes firearms training or qualification.

9.2 Deadly Force

If you are authorized to carry a firearm, you have the potential to take the life of another person. This is deadly force. There are two primary rules to remember regarding your weapon:

1. Never fire your weapon, unless it is the only way you can save your life or the life of an innocent person.
2. Never fire your weapon if there is any risk that you could hit an innocent person.

This means you never shoot at a suspect who has stolen something and is running away from you, or shoot in an area where there are innocent bystanders. You should get a good description of the suspect, any vehicle used and direction of escape. Call the police with this information as soon as possible.

The responsibility of competency is shared by the licensee and the employing agency.

It is the responsibility of the employing company to train all security officers, whether armed or unarmed, and company policies vary concerning firearms. You should become familiar with your company's stance or rules regarding weapons. Your role is crime prevention and your weapon should be used for defensive purposes and not aggressively when there is an alternative method. Remember, your authority is very limited and is only that as stated herein.

Your responsibility for your actions, particularly involving your firearm, cannot be over emphasized.

If you are armed, you must be qualified, trained and have the capacity to understand the nature and consequences of your actions. You must also understand that you, and your company will be held accountable for your actions.

Answer these questions:

- Q56. What should you say to a person you are arresting for robbery?
- Q57. Once a suspect is placed under arrest, is he/she required by law to cooperate?
- Q58. Under what conditions may "reasonable force" be used against a suspect?
- Q59. In which of the following situations are you permitted to use deadly force?
 - A. The suspect refused to obey your order to stop.
 - B. The suspect has robbed and beaten up a store employee.
 - C. The suspect may be armed and has committed a felony.
 - D. The suspect is pulling a gun out of his waist band and you think he will shoot you.

Check your answers.

A56. You would say, "You are under arrest for robbery."

A57. Yes, the law says a person placed under arrest must cooperate. If he resists, fights or tries to flee he can be charged with resisting arrest.

A58. Reasonable force may be used to subdue a suspect who is trying to escape or resist arrest.

A59. D--The suspect is pulling a gun out of his waist band and you think he will shoot you.

9.3 Negligence

Liability suits generally arise as a result of negligence or abuse of authority. The number of lawsuits are increasing and the monetary requests for damages are for larger amounts. Also, the verdicts handed down for negligence are becoming more frequent. You may also be held criminally and civilly responsible when your actions cause or threaten personal injury or damage to a person or his/her property. From a legal point of view, negligence can be committed by omission, or by commission of a negligent act.

Negligence by omission is demonstrated when you omit doing something that you should have done in order to safeguard a situation. It is failing to act properly, or not at all, when clearly you should have. For example:

On March 14, 1990, the Kansas City Star ran a story concerning a 3.8 million dollar settlement for injuries in a school parking lot a guard was hired to protect. The guard:

1. Did not see the incident.
2. Did not have a gun, flashlight, radio, or training.
3. Was in the building when the shooting occurred outside.

The newspaper related that the security company settled out of court because they had contracted to provide a professional guard and that guard in fact did not have the training to be considered a professional. The security guard exhibited negligence by not being in the parking lot where he was assigned. Therefore, this is negligence by omission.

Negligence by commission is demonstrated when an act is committed without thought to the possible consequences. For example:

You are guarding the front lobby of a bank. You remove your gun from the holster and check the weapon. When attempting to reholster the weapon the gun discharges and injures a bank customer.

You would be guilty of negligence by commission because a reasonable person would have removed his/her gun in an area away from the **view** and range of the general public. You checked your weapon without **giving** thought to the fact that your actions created a danger to other people.

Negligence by omission or commission can result in liability in either federal or state court. Criminal liability is generally charged in state court and is punishable by fine, imprisonment or both. Civil liability is tried in either state or federal court and is punishable by a fine. The perceived victims initiate civil liability claims and the state initiates criminal liability charges.

9.4 Authority

Many lawsuits stem from civil rights violations and abuse of authority. You, as a private officer, must understand your authority, know, and comply with the law and use good judgement in making decisions under stressful and dangerous conditions. Civil rights violations are tried in federal and state court and are punishable, just as criminal violations, by fine, imprisonment or both. Everyone is entitled to certain rights and you should understand your limits of authority and avoid the violation of anyone's rights.

For example, if you discharge your weapon and any person is injured, you can be held legally accountable for the injury or death, even if the injured party is a suspect. You may also be held liable for damage to property. A state criminal investigation will commence and the Prosecutor will make a determination whether the case against you will be prosecuted. Additionally, the injured person may commence a civil case against you and your company. Even if you did not act with criminal intent, but are found to be negligent, a civil court may find against you and you would be required to pay the injured individual money damages. Because of Missouri's comparative negligence standard, you may owe damages, even if the suspect was more at fault than you.

In addition, to state criminal and civil liability, you also may be tried in federal or state court for violations of an injured person's civil rights, which subjects you to fines and/or imprisonment.

Answer these questions:

Q60. Your weapon should always be:

- A. Kept clean.
- B. Kept in good working order.
- C. Treated as though it were loaded.
- D. All of the above.

Q61. You should always carry only the firearm you qualified with at the range.
True or False

Q62. Failure to carry your weapon only when in uniform and only on the premises hired to protect may result in:

- A. Suspension of your license.
- B. Field inspection.
- C. Arrest for carrying a concealed weapon.
- D. A and C.

Q63. List the two areas from which liability suits generally arise.

- 1. _____
- 2. _____

Q64. You may be held criminally and civilly responsible when your actions cause or threaten personal injury or damage to a person or their property.
True or False.

Q65. What is negligence by omission?

Q66. Civil rights violations are tried in:

- A. Federal and state court.
- B. Municipal and People's court.
- C. Municipal court.
- D. People's court.

Q67. Who could be held liable in a case where negligence was found?

- A. The prosecutor.
- B. You, the security officer.
- C. Your security company.
- D. B and C.

Check your answers.

A60. D--all of the above.

A61. True

A62. D--A and C.

A63. Negligence and Abuse of Authority.

A64. True

A65. Omit, or not do something you should have.

A66. A--Federal Court.

A67. D--B and C.

PRIVATE INVESTIGATORS

A special license designation is provided for private investigators. A private investigator carries a Class A license and all the provisions related to Class A licensees apply to private investigators.

A private investigator may or may not be authorized to carry a weapon. Like any armed licensee, the private investigators authority to carry a concealed weapon applies only when working and should not be carried any other time.

10.1 Miranda Warning

The Miranda Warning applies only to public police officers when a suspect is being held in custody. The warning is not normally used by private investigators or security officers. It may apply to private security personnel if they are agents of police agencies. You, as a private officer, are not under any requirement to give the Miranda Warning even after you have made an arrest.

When you do make a lawful arrest, you may restrain or detain a person. However, unless you make an arrest, you may not detain someone against their will or forcibly merely for the purpose of questioning.

10.2 Roles of Investigators in Police Notification

You, as an investigator, should be aware that if notified that a crime has occurred you have an obligation to notify the local police authority and to report the facts of the crime to the police to the best of your ability. It should be emphasized that any crime noted during any investigation should be reported to the police.

10.3 Electronic Surveillance

Generally the rules regarding electronic surveillance are simple and lend themselves to common sense. Overall, there are two categories of monitoring; audio and visual.

Audio recording is permissible as long as one of the participating parties in the conversation is present and consents or agrees to the recording. In any other type of audio recording a court order is needed. If there is any doubt regarding legality a court order should be obtained.

Visual or video recording is permissible as long as it occurs in a place where the party to be viewed would not have a reasonable expectation of privacy. If the placement of a recording device would be in a place where a person would have a reasonable expectation of privacy then a court order would be required. Again, if any doubt exists obtain a court order.

If a court order is obtained the order will list what you can and cannot do. You should be aware that a violation of surveillance laws is a federal offense and is punishable by imprisonment.

Be sure to use some common sense in surveillance techniques and when in doubt obtain a court order. You should contact your employer regarding the method to obtain an order.

Answer these questions:

Q68. All private investigators are Class A license holders?
True or False.

Q69. A private investigator authorized to carry a concealed weapon, may carry the weapon:

- A. Any time.
- B. Only while on duty.
- C. When he/she feels they should.
- D. All of the above.

Q70. The Miranda Warning applies only to:

- A. A privileged person.
- B. Police Officers.
- C. Private security officers if they are agents of police agencies.
- D. B and C.

Q71. During an investigation you discover that a crime has occurred. You should:

- A. Notify police authorities.
- B. Contact your supervisor.
- C. Conduct your own criminal investigation.
- D. None of the above.

Q72. If any doubt exists as to the legality of an electronic surveillance device you should contact your employer regarding a court order. True or False.

Check your answers.

A68. True.

A69. B--only while on duty.

A70. D--B and C.

A71. A--Notify police authorities.

A72. True.
