

NYS
Security Guard
Manual

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INTRODUCTION

The New York State Security Guard Act of 1992 requires that all people who work in the security industry have a security guard license and training to ensure that qualified individuals administer the duties of security and protection of people from harm and property from loss.

The topics discussed in this lesson pertain to a security guard's duties and responsibilities.

Student Training Objective(s):

Upon completion of instruction, the student will understand and be able to explain:

- The role of a security guard

- The legal powers and limitations of a security guard

- A security guard's duties and responsibilities during emergency situations

- A security guard's duties and responsibilities in regards to communications and public relations

- A security guard's duties and responsibilities in regards to access control

- A security guard's duties and responsibilities in regards to Ethics and Conduct

- A security guard's duties and responsibilities in regards to report writing

- A security guard's duties and responsibilities in regards to field note-taking

- A security guard's duties and responsibilities in regards to observation and patrol

LESSON # 1: ROLE OF A SECURITY GUARD

Student Training Objective(s):

Upon completion of instruction, the student will be able to:

1. Identify the functions, duties and responsibilities of a security guard.
2. Identify a security guard's responsibility to detect, deter and/or report incidents.
3. Identify and/or list five factors contributing to effective performance of a security guard.
 - a. Preparing for patrol (e.g. equipment, uniform, pre-shift briefing, post orders, etc.)
 - b. Guard and public safety concerns
 - c. Knowledge of patrol area(s)
 - d. Recognition of potential environmental, health & safety hazards
 - e. Observation skills
 - f. Mental & physical preparedness
4. Identify effective patrol techniques of a security guard which may include, but are not limited to the following.
 - a. Mobile patrol
 - b. Foot patrol
 - c. Fixed post (to include closed circuit television)

ROLE OF A SECURITY GUARD

“The role of a security Guard is to provide his or her employer with professional protective services, assisting in maintaining order and security within a defined area.” Security Guards have a very difficult role when dealing with numerous parties in the course of the workday. At times, situations require security Guards to wear different “hats” to deal with different situations and people. However, the ultimate responsibility of security Guards is to protect people from harm and property from loss in the built environment.

Property owners and managers have a responsibility to protect the people who occupy their properties, from retail stores to restaurants, from concert halls to hotels, from hospitals to corporate high-rise buildings. Even though protecting the property occupants is a major function of security Guards, it is the responsibility of each individual to find a means of protecting themselves from harm.

It was in the 1950s that private companies began to hire security Guards to maintain safety and patrol the companies’ properties to protect their employees. Eventually, companies began to develop a protection management style more in line with the corporate culture of the institutions and retreated from the military look that was more popular at the onset of protection management of people and property.

In New York State security Guards are private citizens who are employed by private companies. Private security Guards, whatever their legal authority, perform their functions to further the policies of their employers or clients. It is the company that hires security Guard that determines the tasks of the security Guard. Because company cultures vary dramatically, it is the responsibility of the security Guards to educate themselves about the policies that are introduced by the company. The property managers usually determine the policies and procedures that security Guards are expected to know and execute while working in their assigned properties. Besides company policies, security Guards are expected to know the city and state laws that might have an impact on their actions or lack thereof. Throughout the time that the security Guards work for private companies, security Guards are expected to maintain a professional presence and demeanor. Through continual training and exercises, security Guards develop the skills necessary to interact and address the different incidents that will happen during their tenure in a particular property. Operations orders are designed by the property managers for the security Guards to read, understand and execute while at work. These orders indicate in detail the responsibilities of security Guards. These orders serve as guidelines to ensure that security Guards understand their roles.

It is critical for security Guards to be knowledgeable of their tasks and the operation of security and fire/life safety systems in their properties. The following are systems that security Guards should be familiar with and be able to respond to them effectively and efficiently.

Properties have different types of **alarms** that security Guard should be aware of. Alarms include fire alarms, burglar alarms, water detecting alarms, LAN Room alarms and others. Security Guards should know the capabilities of the alarms as well know how to operate them and reset them when the incident is resolved. Operations orders will detail what the security Guards’ responsibilities are relative to their response to alarm activations. In most instances, operations orders indicate that the security or fire safety director, the property manager and the tenant representative should be notified upon activation of an alarm in the building.

Access Control is a critical aspect of the protection system. Different properties have different methods of screening people who enter the building. Security Guards must understand the sensitivity of access control. Without having the ability to determine who is allowed to enter the property, security Guards face a very delicate situation which can have a significant effect on the protection of the people from harm and property from loss. In New York City, properties have been equipped with turnstiles and other methods of controlling access. Turnstiles activate when people who are authorized to be in the property use a card access system to release the turnstiles and allow access. Although several methods to access the property via the turnstiles exist, most require that individuals who have a building identification card to display the cards to a proximity reader. In other instances cards must be swiped at the turnstile to activate them to release.

The access control system must be able to identify those people who are authorized entry to the property. Some access cards are programmed to allow people access to other parts of the facility. Time restraints are also programmed into the system to allow individuals access to certain areas during pre-specified times only. Attempts to use the cards to enter outside of the specified time range will result in a rejection. If access is rejected the door will not open. Generally a person is assigned the task of maintaining the access control system and programming the access cards for individuals.

Locks play a vital role in access control. Most base building rooms, such as the elevator machine rooms and mechanical equipment rooms are under lock and key. The stairwell exits leading to the street level are locked and other sensitive areas of the facility. Only authorized personnel such as security managers and engineers usually have access to these base building rooms.

The **safety** of tenants is important and a critical aspect of the responsibilities of the security Guard. When patrolling, security Guards must be able to identify risks. A risk is a situation that can lead to injury or death. Security Guards must be able to identify risks and report those risks so that appropriate actions are executed to lessen or remove the risk. The location of safety equipment is critical in an emergency incident. Properties have stations designed to be used by people, particular base building employees, to wash the eyes and decontaminate if they come in contact with a known or unknown substance that might lead to serious illness. Knowing the location of these washing stations allows the security staff to care for an injured person expeditiously until emergency responders arrive at the property. In all instances involving serious physical injury or illness, 911 must be activated by the security Guard who witnesses an incident or who is informed of an incident in the property. Because every property has a different reporting structure, security Guards must become familiar and know who to contact in the event of an emergency in the building, whether an injury to a person or a fire alarm activation.

Security controls vary amongst different type of properties. Some properties in New York City allow people uninterrupted access at the lobby level while others require the display of a photo identification before an individual is allowed to pass into the elevator lobbies. Many community friendly venues have little access control while financial corporations (“Big Banks”) have very strict access control systems. Sensitive property, whether physical or intellectual, must be secured in special areas to afford them the greatest protection. Access to these areas is limited. Security Guards must know where sensitive rooms are located in order to effectively resolve an incident involving such sensitive areas.

When an incident happens, a report must be completed. Properties have different methods of dealing with investigations of incidents or people. Usually a person or team of people is assigned to supervise investigations of people who might be considered suspicious in their behavior or activities.

Hence the security Guard needs to understand what types of situation need to be reported. The types of incidents that must be investigated may vary, however security Guards should be made aware of the types of incidents that the company with whom they are employed deems a need for an investigation. Employee theft, for example, is an incident where an investigation is likely to be implemented to determine who is committing the thefts.

After every incident and investigation, a formal **report** must be generated to maintain a record of the sequence of events and the people who were investigated including any interrogations that take place involving those employees who are considered suspects and accomplices.

It's critical for Security Guards to not disturb any crime scenes at their facility. In fact, security Guards are expected to secure the crime scene area so that the area does not become contaminated or evidence is removed. Physical evidence found at the time if the incident/crime must not be allowed to disappear. By maintaining a secure (closed off) crime scene area and ensuring that no evidence is tampered with or removed from the premises, security Guards play a critical role in outcome of the case.

Security Guards must be **mentally capable and physically fit** to perform their functions. Being mentally prepared and ready to interact with many people from many different social, economic and cultural backgrounds requires security Guards to be prepared to deal differently with different people. Hence, being mentally alert will make a significant difference in the way security Guards interact with the general public. Depending on the type of property, security Guards may come in contact with just a few people or thousands. Having the ability to respond to incidents and possibly physically interacting with someone, requires security Guards to be physically fit to meet the physical challenges they will be confronted with while in the protection management field. Since emergencies are unpredictable, physical fitness and stamina are necessary to properly respond to emergency incidents. Some incidents might require security Guards to climb hundreds of feet of stairs to reach the incident floor.

Professional presence is perhaps the most notable aspect of being a security Guard. Professional presence refers to both the demeanor of security Guards and the appearance projected by security Guards. With hundreds and thousands of people entering the facilities protected by security Guards, it is critical for the security Guards to understand that they are being observed every day by all the people who enter the property, including colleagues, management company representatives, tenants, clients, visitors and most importantly prospective tenants. Security Guards play a significant role in public relations. The demeanor and actions of security Guards are generally reported in the news media, from a photograph of a sleeping security Guard to a newspaper article about the unprofessional demeanor of security Guards who interact with the print media.

Although security Guards are confronted with many situations that may generate different reactions from the security staff, it is generally recommend that security Guards de-personalize the situations and display courtesy, even under strenuous situations, dignity and confidence in what actions they take to resolve incidents.

GOALS AND OBJECTIVES

Corporations have one idea in mind, and that is to be profitable in order to remain sustainable. The security staff is part of the marketing plan to ensure that they are profitable. By the mere existence of a security staff, a company is viewed as being proactive and interested in their employees' safety and in the continuity of the business. By having a security staff, companies are also generously

compensated (in the form of lower premiums) by insurance companies that consider security and safety of employees a top priority. A well organized and executed security program will undoubtedly have a significant impact on the company's employee safety culture. It is the responsibility of security Guards to make a difference in the way the company's image is perceived by the general public, and professional associates.

An active security force will always be "on the ball" making sure that all aspects of the protection management program are adhered to by the people who interact with the property's tenants. Implementing preventive measures will avoid more serious issues from arising.

By enforcing the company's business, security Guards enforce the company's objectives by their mere presence. But to further encourage businesses to be profitable, security Guards must also be vigilant in ensuring that company policies are enforced. The enforcement of policies may happen in informal settings, as well as business related settings. The jurisdiction for security Guards does not extend outside the times designated in a workday nor beyond the jurisdiction of the company property.

Discretion and confidentiality is critical of security Guards who have access to sensitive company information and trade secrets. Personal client information should never be exposed or tampered with by anyone, particularly security Guards who have a great deal of accessibility to this information. All business transaction should remain confidential at all times. In some properties, contractual security Guards are required to sign an agreement indicating that they are not to share any private company data with anyone outside of those people who need to know.

The employees must be afforded personal safety and protection while at work in the building. Employees are to be protected when at work and in any other area that is within the company's "property line." Privacy, health and safety and normal working conditions are expected to be provided to the employees, including security Guards.

Security Guards must protect property from loss by theft, damage and waste. A proactive and well orchestrated security program will discourage employees and intruders from committing thefts, damaging property and wasting valuable company time investigating these incidents.

Security Guards are expected to be familiar with the following protection management areas:

<u>Asset Protection:</u>	Protection company equipment
<u>Loss Prevention:</u>	Prevention loss of company documents, inventory and office equipment
<u>Escort Services:</u>	Escorting guests and visitors to appropriate locations
<u>Alarm Response:</u>	Responding to fire, burglar, water and other alarms in the property
<u>Crime Prevention:</u>	Creating and administering programs to prevent crimes from occurring
<u>Accident Prevention:</u>	Through fire drills, hazardous materials safeguards and reporting dangerous conditions

Patrols

Patrols are generally divided into two categories: Internal or vertical patrols and perimeter patrols. Internal patrols require security Guards to walk throughout the building to ensure that all the areas are properly protected. Patrols must be highly visible to be effective. Tenants and other people in the property usually feel a sense of safety when they see security personnel walking the floors and stairwells. When conducting vertical patrols, security Guards must also check the elevator lobby doors to ensure that they are secured. Excellent observation skills enhance the patrol experience for both

the security Guard and the people being protected. Being aware of what belongs and what does not belong is advantageous for the security Guard. When faced with a situation where the security Guard is faced with a problem, then it is of utmost importance that the problem is communicated to the line supervisor so that the problem is corrected.

Crowd Control is another critical aspect of security, particularly entertainment security. Concert halls and arenas can legally hold but so many people. In cases where events are over-ticketed, the potential for crowd disaster increases dramatically. Many corporate buildings have places of assembly such as auditoriums, gymnasiums, restaurants and dinner/ballrooms. Maintaining an adequate count of the number of people in the building will go a long way in preventing a crowd disaster.

Traffic control is essential for those properties that have garages and parking lots. Ensuring that there are no automobile accidents is a very serious task that security Guards undertake. Parking, traffic flow, pedestrian walkways, communications skills and understanding corresponding laws are essential to maintain order in motor vehicle/pedestrian environments.

Site-specific tasks

1. Monitoring activities
2. Reacting to incidents
3. Reporting to management or law enforcement

Theft

1. Internal vs. external
2. Business practices
3. Property removal policies
4. Criminal law knowledge

Trespassing.

1. Unwanted and unauthorized people on the premises
2. Identifying trespassers
3. Approaching trespassers
4. Removing trespassers

Drug (including alcohol) Abuse

1. Safety concerns
2. Business (productivity) concerns
3. Identifying abusers
4. Dealing with “suspected” abusers

White Collar Crime

Sabotage/Bribes/Kickbacks/Payoffs/Computer fraud/Embezzlement/Detecting white collar crimes/Deterring white collar crimes/Reporting white collar crimes.

Emergencies such as fires, explosions, bomb threats, riots and other disorderly conduct, civil disturbances, demonstrations, labor/management conflicts that lead to picket lines and hazardous materials incidents are all emergencies that security Guards should be educated on to ensure that outcomes are to the liking of all people involved in the emergency incident.

Natural Disasters such as power outages, earthquakes, snow storms, floods and other natural disasters may lead to devastating losses, but a well trained security staff usually means that the outcomes will be positive and limiting loss of lives and property.

1. Evacuations
2. Securing damaged property
3. First aid
4. Calling for assistance, etc.

Medical Emergencies

Evacuations.

1. Plans
2. Implementation.

FUNCTIONS AND TECHNIQUES

The three basic functions of security Guards are to: **Detect, Deter and Report.**

Detection

A primary function of a security Guard is to detect occurrences and circumstances which do or could affect the security of the people and premises the Guard has been hired to protect—looking for problems.

- Knowing what to look for
- Common sense and special situations
- Alertness
- Good observation skills
- Curiosity
- Visibility: Uniforms, Patrol (Scheduled and Unscheduled)

Deterrence

Effective deterrence means preventing security problems from developing in the first place. All of the attributes of detection contribute to deterrence.

1. Observation
2. Knowing what to look for
3. Curiosity
4. Visibility
5. Unpredictable patrol
6. Special programs
7. Crime prevention
8. Safety
9. Escort services

Reporting

Typically, security Guards are expected to report all unusual incidents. This provides the information necessary to identify and assess risks, and protect people and property from harm, theft, and related threats.

Written reports must be clear, concise, legible, prompt and complete

Using force (against people) is not a central feature of most security Guard roles. Use of force by security Guards is legally limited, creates significant liability risks, and is almost always “situationally focused” (employed only in very specialized or unusual situations).

LESSON # 2: LEGAL POWERS AND LIMITATIONS

Student Training Objective(s):

Upon completion of instruction, the student will be able to:

1. Identify the security guard's arrest/custody procedures in the work environment as authorized and limited by the:
 - a. New York State Penal Law
 - b. New York State Criminal Procedure Law
 - c. Policies of the security guard employer
2. Explain justification of the use of force, including deadly physical force, by a security guard/private citizen citing the New York State Penal Law, Article 35.
3. List the elements of specific crimes when deadly physical force is authorized for a security guard/private citizen.
4. Identify the types of crimes that may be encountered as defined in the New York State Penal Law.
5. Identify factors which may expose a security guard employer and a security guard to civil liability, including but not limited to:
 - a. Negligence
 - b. Incompetence
 - c. Recklessness
 - d. Failure to train or improper training
 - e. Failure to properly supervise
 - f. Civil rights violations (age, sex, religion, etc.)
 - g. Invasion of privacy
 - h. Failure to address health and safety concerns
6. Explain the importance of court testimony.
 - a. Reviewing case documents (e.g.; reports, notes, etc.)
 - b. Appearance and demeanor
 - c. Providing factual and accurate testimony

LEGAL POWERS AND LIMITATIONS

A security Guard in New York State has the same authority, no more and no less, as that of a private person. A security Guard's arrest authority will vary depending on the employer's policies and requirements, as well as purely legal rules.

The circumstances in which security Guard may be involved while performing their duties require them to make decisions as to what legal authority they have at that moment. **If security Guards exceed their legal authority, they can face serious criminal or civil liability for their actions.** Security Guards can lose their jobs, be personally named in legal actions or be charged and face trial for criminal offenses.

Conversely, if Guards do not exercise their authority in a given circumstance, they could be reprimanded by their employer, face termination, be named in a legal action or be responsible for having their employer brought to court for damages as a result of the failure to perform their duties. There are times when security Guards are in a position to legally arrest or use force upon a person, but there may be a company policy set forth by the employer prohibiting them from the use of force or affecting an arrest. This issue should be resolved by the security Guards and their employer. Generally, security Guards are not empowered by commission, ordinance, deputization, or federal or state law to act as law enforcement Guards.

ARREST BY A SECURITY GUARD/PRIVATE PERSON

Arrest means the seizure of a person. An arrest occurs whenever any action significantly interferes with a person's freedom of movement. Legally, words like "detention," "restraint," "seizure," and "arrest" are synonyms. Any time a person's freedom of movement is significantly interfered with by another person, an arrest has occurred no matter what you call it.

An arrest may result from direct physical restraint, or from words, or circumstances which functionally restrict a person's freedom of movement.

Example:

Three uniformed security Guards believe they have identified a shoplifter. They follow the individual out of the store into the parking lot. They split up, and "surround" the suspect. No words are spoken. When each Guard is about twenty feet from the suspect, the suspect notices them. There is no obvious avenue for the suspect to avoid the security Guards, and the suspect stops. The suspect has been arrested. Even though no words were spoken, or direct physical restraint employed, a reasonable person in the suspect's position would have objectively believed that s/he was not free to continue on his or her way unimpeded. It would have been apparent to an objective observer that the reason why the suspect stopped was in response to the actions of the security personnel.

To be lawful, or "privileged," an arrest must be legally justified. Without sufficient legal justification, an arrest is illegal and may subject the arrestor to civil or criminal liability. The legality of an arrest will be measured against applicable law, and the facts and information known to the arrestor at the moment s/he restrains another person's freedom of movement.

For public police Guards, Fourth Amendment constitutional criminal procedure law has been the primarily legal authority governing their powers of arrest. For private people, including private security Guards, constitutional law does not apply and their legal authority to arrest is governed by the law of "citizens' arrest."

Security Guards have no "special" authority to make an arrest.

In New York, the law of citizens' arrest is entirely statutory. That means that there is no "inherent" right to make a citizens' arrest, and the rules governing citizens' arrests are specifically written in the statutes. Thus, to be lawful, a citizens' arrest in New York must comply with the terms of the statutes.

The major statute is New York State Criminal Procedure Law 140.30(1):

Subject to the provisions of subdivision two, any person may arrest another person (a) for a felony when the latter has in fact committed such felony, and (b) for any offense when the latter has in fact committed such offense in his presence.

(Subdivision two refers to where citizens' arrests may be made, and is discussed below.)

This statute, **PL §140.30(1)**, authorizes citizens' arrests for any "offense," if it "in fact" occurs "in the presence" of the security Guard.

An "offense" is any violation of law for which the government may punish the violator, in other words any "criminal" offense. Offenses include felonies, misdemeanors, violations, and traffic infractions. These words are used in the law to "rank" offenses by seriousness.

A **felony** is an offense for which a prison term of more than one year may be imposed. (Note that an offense does not lose its status as a felony merely if a prison term of more than one year is not in fact imposed; it is the possibility of such a prison term that counts.) Felonies are the most serious crimes, and include offenses such as murder, grand larceny, serious assaults, robbery, burglary, and rape.

Misdemeanors are offenses for which a sentence of incarceration of over 15 days but not more than one year may be imposed. Misdemeanors are crimes, but less serious crimes than felonies. Offenses such as petit larceny (stealing property valued at less than \$1,000), simple assault, and many trespasses are misdemeanors.

Violations are offenses for which a jail term of not more than 15 days may be imposed. Examples are disorderly conduct, simple trespass, and harassment. Violations are not crimes, although they are governed by criminal law. A person convicted of a violation does not have a "criminal record."

Traffic Infractions are a variety of violations concerning improper operation of motor vehicles. Speeding tickets, failure to stop at a red light, and automobile equipment violations are examples. The major difference between traffic infractions and other violations are procedural—the methods used in the court proceedings for traffic infractions differ somewhat from those used for other violations.

Note: Not all traffic offenses are traffic infractions. Some, such as reckless driving or DWI, may be misdemeanors or felonies. The two most important things to remember about citizens' arrests are that to be legally justified:

- (a) The offense must have actually ("in fact") occurred, and
- (b) The arrestor must have actually seen it occur (it must have occurred "in the presence" of the arrestor).

- (a) With one exception (discussed below), security Guards are not permitted to make arrests on “probable cause.” To justify a citizens’ arrest, the offense must have actually occurred. A security Guard is not legally authorized to make an arrest merely because s/he has a belief that an offense has occurred, no matter how reasonable that belief is.
- (b) For a citizens’ arrest to be legally justified, in addition to the offense having actually occurred, the offense must have occurred “in the presence” of the arrestor. The security Guard must have actually seen the offense occur. If s/he does not, even if the offense did actually occur, a citizens’ arrest is legally unauthorized.

For example: An employee at a factory advises a security Guard that another employee has stolen her purse. Three other employees tell the Guard that they saw it happen. The security Guard is not legally authorized to arrest the suspect, since the theft did not occur “in the presence” of the Guard.

(This does not necessarily mean that the Guard can do nothing to help resolve this case. It only means that the Guard may not legally make a citizens’ arrest. The Guard could, for example, assist the victim, who actually saw the theft, make her own citizens’ arrest. In such a case, the Guard could “do all the work” in making the arrest, but as an agent of the victim.)

The arrestor need not see every single act constituting an offense to meet the requirement that the offense have occurred in his or her presence. The requirement is met if the arrestor sees “enough” the offense to be sure it really occurred.

For example: A security Guard in a factory hears a scream and sees a man running through the building with a woman’s purse. A female employee is running after him screaming that he just stole it. The offense (theft), if it actually occurred, happened “in the presence” of the security Guard, because the Guard saw the theft in the “escape” stage.

Duties of a security Guard/private person in arresting - Inform the person who s/he is arresting of the reason for such arrest, unless s/he encounters physical resistance, flight, or other factors rendering such procedure impractical (CPL 140.35)

Time of arrest: A security Guard/private person may effect an arrest at any hour of the day or night. (CPL §140.35)

Use of Force: To effect an arrest, a security Guard/private person may use such physical force as is justifiable pursuant to PL §35.30 [4].

A private person acting on his own account may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he reasonably believes to have committed an offense and who in fact committed such offense; and he may use deadly physical force for such purpose when he reasonably believes such to be necessary to:

- (a) Defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

- (b) Affect the arrest of a person who has committed murder manslaughter in the first degree, robbery, forcible rape or forcible sodomy and who is in immediate flight there from.

OTHER RULES FOR CITIZENS' ARRESTS

The law prescribes additional requirements for citizens' arrests, which apply whether a citizens' arrest is based on an offense which actually occurred in the presence of the arrestor or on probable cause in a shoplifting case.

Criminal Procedure Law § 140.30(2) govern where citizens' arrests may be made:

Such an arrest for a felony, may be made anywhere in the state. If the arrest is for an offense other than a felony, it may be made only in the county in which such offense was committed.

Criminal Procedure Law §140.35(1) governs when citizens' arrests may be made:

A person may arrest another person for an offense pursuant to section 140.30 at any hour of any day or night.

Criminal Procedure Law §140.35 (2) and (3) govern how citizens' arrests may be made:

Such person [the citizen making the arrest] must inform the person whom he is arresting of the reason for such arrest unless he encounters physical resistance, flight or other factors rendering such procedure impractical.

In order to affect such an arrest, such person [the citizen making the arrest] may use such physical force as is justifiable pursuant to subdivision four of section 35.30 of the penal law.

Penal Law section 35.30(4) governs the extent to which use of force is legally permitted in making a citizens' arrest:

A private person acting on his own account may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he reasonably believes to have committed an offense and who in fact has committed such offense; and he may use deadly physical force for such purpose when he reasonably believes such to be necessary to:

- (a) Defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
- (b) Affect the arrest of a person who has committed murder manslaughter in the first degree, robbery, forcible rape or forcible sodomy and who is in immediate flight there from.

"Physical force" includes any and all physical actions directed against another person, from pushing to shooting. "Deadly physical force" is specifically defined by statute, as "physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury." **Penal Law 10.00(11).** "Serious physical injury" is also specifically defined, to

include any injury “which creates a substantial risk of death, or which caused death or serious and protracted disfigurement, protracted impairment of the function of any bodily organ.” **Penal Law 10.00(10).**

Under every circumstance, the use of deadly force is restricted to situations involving immediate and extreme personal danger. There are no circumstances in which deadly force is permitted in response to threats or damage to property only.

The use of deadly force to make an arrest is further restricted to only the most serious and dangerous crimes and must have been committed by the person against whom the deadly force is used. Thus, a private security Guard contemplating the use of deadly force to make an arrest must be sure that what has been observed was actually such an offense, and this will almost always be difficult given the requirements of immediacy of time and place. In addition, private people are not permitted to use deadly force to arrest perpetrators, even for the most serious crimes, except at or near the scene of the crime, and at the time the crime has in fact been committed.

PROCEDURE AFTER ARREST

Criminal Procedure Law 140.40(1) governs the procedure after a citizens’ arrest:

A person making an arrest pursuant to section 140.30 must without unnecessary delay deliver or attempt to deliver the person arrested to the custody of an appropriate police Guard as defined in subdivision five. For such purpose, he may solicit the aid of any police Guard and the latter if he is not himself an appropriate police Guard; must assist in delivering the arrested person to an appropriate police Guard. If the arrest is for a felony, the appropriate police Guard must, upon receiving custody of the arrested person, perform all recording, fingerprinting and other preliminary police duties required in the particular case.

In any case, the appropriate police Guard upon receiving custody of the arrested person, except as otherwise provided in subdivisions two and three, must bring him, on behalf of the arresting person, before an appropriate local criminal court as defined in subdivision five, and the arresting person must without unnecessary delay file an appropriate accusatory instrument with such court.

The subsections referred to in CPL 140.40(1) concern what the police Guard must do after receiving custody of the arrested person from the arresting person.

Simply stated, when a security Guard makes a citizens’ arrest, s/he must call the police promptly, and turn over the arrested person to the police without delay. While the law permits citizens’ arrests, the public policy of this State is that the public authorities must become involved in such cases as soon as possible.

FACTORS SUPPORTING AN ARREST

1. Any physical evidence seized
2. Any confession
3. Fingerprints and photographs
4. Identification of the defendant
5. Personal observations of the security

6. Information from police sources
7. Information received from other than police sources

Before relying upon information from other persons, a security Guard must know and be able to show:

1. The reliability of the person giving the information; and
2. The person's basis for knowledge, (i.e. how does the person know about the information provided to the security Guard.)

Citizens' arrests are an unusually high risk aspect of security work. Citizens' arrests are never "routine," and must be reserved for extraordinary (and most often emergency) situations.

To make any citizens' arrest (except for shoplifting, discussed below), a private person (including a security Guard) must not only reasonably believe that a criminal offense has occurred, but must also be right.

The offense must have in fact been committed, and by the person arrested.

Thus, the "good faith" or "reasonable belief" of a security Guard is not enough to justify a citizens' arrest. The legal determinations of whether an offense was actually committed, and committed by the person arrested, may be determined after the fact, in judicial proceedings outside of the control of the person making the arrest. The risks are significant. Not only does a private person risk criminal prosecution, s/he may also be held civilly liable for money damages relating to false arrest, and for any injuries caused.

SHOPLIFTING AND "PROBABLE CAUSE."

The one exception to the rule that a citizens' arrest is legally authorized only if the offense occurred in the presence of the arrestor is for shoplifting cases. A special statute allows shoplifting suspects to be arrested on "probable cause," whether or not the theft actually occurred. This statute also means that in shoplifting cases a citizens' arrest is authorized even if the theft did not occur in the presence of the arrestor.

New York State General Business Law 218

This statute authorizes a merchant (or a security Guard employed for the purpose by the merchant) to briefly detain a person reasonably believed to be stealing merchandise offered for sale by the store, to investigate the suspicion.

This is a narrow exception to the general rule that a citizens' arrest is legally permitted only when an offense has actually occurred in the presence of the arrestor. It applies only in shoplifting cases—when a person is reasonably suspected of stealing merchandise offered for sale by a store.

This statute does not apply to investigation of other potential crimes against a merchant or at a merchant's premises (e.g., internal employee theft), or to the investigation of offenses which may have been committed at establishments other than retail merchants'.

In addition, the authority granted by **GBL §218** applies only to security Guards employed to investigate shoplifting, and only when the investigation occurs at or near the premises of the employer and involves suspected shoplifting from the employer.

This statute is full of “gray areas” for which there are no easy answers.

Example: A security Guard hired by a mall to patrol the mall’s premises, including the individual shops in the mall, entitled to rely on this statute to make investigatory detentions of suspected shoplifters at particular stores?

Probably not, since the statute requires that the arrestor be employed by the mercantile establishment itself. However, an arrangement could perhaps be made between the mall owner and the individual stores making “mall security” personnel “agents” of the store owners.

PROBABLE CAUSE

Criminal Procedure Law - §70.10(2):

“Reasonable cause to believe that a person has committed an offense” exists when evidence or information which appears reliable discloses facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment and experience that it is reasonably likely that such offense was committed and that such person committed it. Except as otherwise provided in this chapter such apparently reliable evidence may include or consist of hearsay.

Evidence or information. There is no limitation on the type of information which may be considered. Technical rules of evidence do not apply.

Evidence

Evidence is information which will be accepted in court.

Appears reliable

Whatever information is available “counts” so long as it “appears reliable.” Evaluating the reliability of information received is a common occurrence which people engage in every day. The statute requires no special skills for security Guard to perform this function. Although clearly a Guard will become more proficient at it with practice, the statute merely requires application of “common sense” to information before acting on it. Note that the information need not actually prove to have been “reliable.” It must only “appear” so (at the time). Thus, so long as a security Guard’s evaluation of the reliability of information was reasonable at the time the statutory requirement is met.

Discloses facts or circumstances

The “key word” here is “circumstances.” Probable cause may be based on circumstantial evidence. The situation itself, as a whole, is what matters, not a technical enumeration of “facts.”

“Circumstantial evidence”

Is a fancy legal phrase which describes a certain type of information — information from which a conclusion about a fact is drawn.

“Direct evidence”

Direct Evidence is a legal phrase which describes another type of information — information received directly by the senses.

For example, if you see human footprints in fresh snow it is reasonable to conclude that a person has just walked there, even if you did not actually see the person. The information you received “directly” through your senses (footprints in the snow) leads logically to the “fact” you concluded (that a person had walked there). Concluding that a person walked there from seeing the footprints is an example of the use of circumstantial evidence. If you had actually seen the person walking there, that would be use of direct evidence. Note that the conclusion is exactly the same in either case — a person walked there. Circumstantial evidence is neither better nor worse, or more reliable or less reliable, than direct evidence. These phrases merely describe types of information. The evaluation of (apparent) reliability of information depends on the quality of the information, not its type.

Collectively of such weight or persuasiveness

The key word here is “collectively.” As in “real life,” no one particular fact or circumstance typically will be sufficient to “prove” anything. We evaluate information and act on it based on the entire situation. Any particular piece of information may, standing by itself, be insufficient to support a reasonable belief of wrongdoing. However, even a piece of information which by itself is wholly unsuspicious may, when combined with other information, take on a new meaning, and contribute to probable cause.

For example, the fact that someone has a new, expensive car is not suspicious in and of itself. However, if you also know that the person has unemployed for a long period and has no other resources, the situation as a whole now becomes somewhat suspicious. Where did the individual get the money for the car?

Reasonably likely

This phrase describes how much information is legally sufficient for probable cause. There is probable cause when it is more likely than not that a particular event occurred or a particular person committed an act — a 51% “bet” is sufficient, but no less than a 51% probability is enough.

One way to explain this is as follows: Suppose the question is whether or not a particular assertion is true or false, and that the rules of the game require that you must bet everything you own on one of these options. Based on the information you have, which way would you bet? Most often, the choice of which bet to make will be based on information sufficient to establish probable cause. (If you don’t have enough information to make an intelligent bet, you don’t have probable cause.)

Offense committed by a particular person

The last two elements of probable cause are important because they show that probable cause is always a two-part determination. You must have probable cause to believe both that an offense was committed (shoplifting) and also to identify the likely shoplifter. Probable cause for only one of these elements is insufficient.

For example. A security Guard notices that an item is missing from the shelf in a retail store. S/he inquires and learns that no one has bought such an item or removed it from stock since the last time the Guard saw it on the shelf. The Guard has probable cause to believe that the item has been stolen, but has not probable cause to identify the likely shoplifter.

For example: A security Guard observes a person acting suspiciously in a store, wearing a big overcoat in the summer, looking around furtively, walking away quickly when the security

Guard approaches, etc. The Guard may have probable cause to suspect this individual, but has no probable cause to believe that anything has been stolen.

SEARCH AND SEIZURE

The law of search and seizure is broad and imprecisely defined. It includes “classic” operations such as entry onto premises to find contraband or evidence. However, an arrest is a seizure, use of force can be, and interrogations and surveillance involve search and seizure questions as well. This outline focuses primarily on classic search and seizure issues, but touches on search and seizure law as it applies to several other aspects of security operations.

Search

A search is any action designed or likely to locate a person or property. (If you are looking for it, it is probably a search).

Seizure

A seizure is any action which significantly interferes with the freedom of movement of a person or property.

An arrest or detention of an individual is a seizure. “Arrest,” “detention,” “custody,” “stop,” “impound,” etc. are synonyms for seizure. A seizure generally implies the imposition of control over a person or property against the wishes of the person seized or the person in control of the property seized. (But see “consent,” below.)

To be permissible by law, a search or seizure must be justifiable under some recognized legal authority. It is up to the searcher or seizer to justify his or her actions. The authority to search or seize is never presumed. You must have a legally acceptable reason to conduct a search or seizure.

The legal authority to search or seize depends on the status of the actor and the circumstances of the incident.

“Fourth Amendment” (constitutional) search and seizure law applies to state action. If you are acting on behalf of the government, in a “security” or “law enforcement” capacity, you are almost certainly governed by Fourth Amendment law. If your actions are purely for private purposes, you are probably not governed by Fourth Amendment law.

If you work for a governmental agency, your “on duty” actions are state action. Your “off duty” actions may or may not be state action, depending on circumstances.

Merely because you work for a public employer does not confer police or peace Guard status. Unless you are specifically designated as a police or peace Guard as defined by statute, you may not lawfully exercise the peculiar authority granted by statute to such Guards (e.g., the authority to get warrants and make arrests on probable cause).

Do not confuse state action with police/peace Guard status. The former depends on who you work for. The latter depends on who you are. In New York, “police Guard” and “peace Guard” status is statutorily defined. CPL Article Two. In several respects, “peace Guards” are granted legal authority similar to that of “police Guards.” However in some circumstances the authority of “peace Guards” is less clear, and in some circumstances “peace Guards” may have no more or less authority than purely private security agents.

If you hold “police” or “peace” Guard status, your “on duty” actions are state action. Your “off duty” actions may or may not be state action, depending on whether your actions fulfill a purely private or public purpose.

If you work for a private employer, your “on duty” actions are probably not state action so long as they are taken strictly on behalf of the private employer’s interests. Private actions taken to serve a government purpose may be state action.

The potential legal consequences of an illegal, state action search or seizure include “suppression” of evidence (per the “exclusionary rule”), and civil liability for common-law “tort” and constitutional civil rights violations. Potential criminal consequences also exist.

The exclusionary rule does not generally apply to purely private searches and seizures.

For either public or private searches and seizures, the essential analysis for the legality of action is: Was the actor where s/he had a right to be, and was s/he doing what s/he had a right to do?

The legality of action is measured at the precise time and place it was taken, not before or after.

A private security agent has a right to be anywhere a “regular citizen” has a right to be. You also have a right to be in places where regular citizen cannot, if your employer (or the law) has legitimately granted you authority to be there. Your authority cannot exceed that which your employer (or the law) can legitimately delegate. You act solely under the authority of your employer; you are the employer’s agent. If the employer can do it, s/he can generally delegate that authority to you. If the employer can’t do it, s/he has no authority to permit you to do it. You have the right to do anything a regular citizen has a right to do, plus anything your employer has legitimately granted you authority to do — no more and no less.

As a general rule, specific legal authority is required before someone may lawfully intrude into an area in which another person has an “objectively reasonable expectation of privacy.” (This phrase is borrowed from constitutional law, which applies only to state action. However, it is a good “rule of thumb” for private security operations, as well.)

People have an objectively reasonable expectation of privacy in their persons. Thus, a person may not “stop” or search another person without specific legal authority (such as information sufficient to warrant an arrest).

People have an objectively reasonable expectation of privacy in their homes, offices, cars, briefcases, etc. Thus, a person may not enter, search through or take possession of such “places” without specific legal authority.

What people expose to public view is not private. If you are where you have a right to be, it is not a “search” to observe your surroundings. However, merely because you legitimately “see” something does not necessarily give you the authority to take any further action.

Example: Guard in public area observes contraband through open window of private residence. No authority to enter private residence.

Example: Guard in public area observes contraband in public area. Guard may seize contraband then and there.

PUBLIC SEARCHES AND SEIZURES

This section on Public Searches and Seizures contains a brief outline of search and seizure law as it applies to public police and peace Guards. The legal rules for private security Guards are somewhat different, and are specifically addressed below. This section is designed to provide private security Guards with background legal information to assist them in understanding their private authority in the search and seizure area.

Public authority for searches and seizures is based either on a warrant issued on “probable cause” or an “exception to the warrant requirement.” (Warrants may only be obtained by public Guards acting under their public authority. Private individuals are not authorized to obtain warrants.)

Exceptions to the warrant requirement, for public Guards, include:

Search incident to arrest. After a legitimate custodial arrest of an individual, a public Guard may search the arrestee and items within the “grabbable” area. The right to search incident to an arrest flows from the fact of arrest; no additional justification is needed.

Consent

An individual may consent to a search of his/her person or property legitimately under his/her control (or to the seizure of property similarly). Consent must be voluntary, and may be withdrawn, limited or modified at any time for any reason or for no reason.

Inventory

Property which comes legitimately into the possession of a public Guard may be “searched” for the purpose of identifying it and recording what it is. Since the Guard is responsible for the property, s/he has a right to know what it is.

Abandoned property

If you throw it away, you no longer have an objectively reasonable expectation of privacy in it. If you “really” abandoned property (i.e., threw it away permanently), and if the property is where a public Guard legitimately has a right to be, the Guard may seize it and search it.

Exigent circumstances

“Exigent” means pressing and urgent. Public Guards are allowed to conduct warrant-less searches and seizures in response to circumstances which are pressing and urgent and require immediate action. Examples include emergencies, likely and imminent destruction of evidence (supported by specific reasons to believe this), and “hot pursuit.” The authority to conduct warrant-less searches and seizures in response to exigent circumstances is limited to the circumstances creating the exigency. When the pressing and urgent circumstances have ceased to be pressing and urgent, and when immediate action is no longer required, this justification ceases to exist. In addition, the “scope” of the action authorized by exigent circumstances is limited to those actions legitimately necessary to respond to the exigency.

Example: Firefighters may enter a house without a warrant in response to a fire alarm or other good reason to believe there is a fire inside. A fire is an emergency requiring immediate attention.

Example: A police Guard may enter a house without a warrant in response to screams coming from within. Inside, the Guard may investigate the cause of the screaming, and do whatever is necessary (and otherwise legally authorized) to restore the peace and assure the safety of the residents. Once these objectives have been accomplished, an emergency no longer exists and the “exigent circumstances” justification will not authorize further searching or seizing.

Probable cause

Information or evidence which supports an inference that it is more likely than not that an offense has been committed and that a particular individual committed it, or that particular property is evidence or contraband and that it is located in a particular place. Probable cause does not justify a warrant-less search or seizure, unless then is additional and independent legal justification for dispensing with the general requirement for a warrant

For searches and seizures relating to property, such additional justification will often be some exigent circumstance.

Police Guards and peace Guards (acting within the scope of their duties as peace Guards) may seize (arrest) people in public places without a warrant on probable cause. (Private agents may not, except for shoplifting.) See, **NYS Criminal Procedure Law, Article 140.**

Police Guards never need a warrant to search an automobile (on the public highways). The inherent mobility of automobiles creates the necessary exigent circumstances. Therefore, if a police Guard has probable cause to believe there is evidence or contraband in an automobile (on the public highways), s/he may search it without a warrant. (If the Guard does not have such probable cause, s/he could not get a warrant anyway.)

Merely because a person is arrested while in an automobile is not justification to search it. In such a case, the “grabbable area” (typically the interior passenger compartment) may be searched incident to arrest. Also, the interior passenger area may be searched on “reasonable suspicion” (see below) that it contains evidence or contraband related to the offense for which the operator has been arrested.

Police Guards may stop an automobile (on the public highway) only on a reasonable but minimal suspicion that the vehicle or its passengers have been involved in a violation of law (or pursuant to carefully structured “roadblock” operations). Such a “routine” stop provides no authority to search the vehicle or its occupants. At such a stop, the Guard may require the operator and/or the passengers to exit the vehicle as reasonably perceived as necessary to assure safety. A Guard may also look into the vehicle from outside it, and may shine a light into the vehicle from outside it.

Plain view

A public Guard who is where s/he has a legitimate right to be may observe his or her surroundings, and may seize evidence or contraband then and there if the evidence or contraband is also where the public Guard has a right to be. The legality of actions is measured at the precise time and place they are taken. Thus, a public Guard who is legitimately in a place under one of the above exceptions to the warrant requirement may seize evidence or contraband in “plain view” therein, even if it is unrelated to the authority for the public Guard to be at the location in the first place.

Example: A public police Guard enters a residence in response to a request for police services to contain a domestic fight. (This entrance is authorized by consent, or in response to an emergency.) While there, and while doing what s/he was invited there to do, s/he observes contraband in a part of the premises to which the Guard legitimately has access as part of the attempt to deal with the domestic dispute. The contraband may be seized then and there.

Temporary detentions (of people). Police Guards (but not peace Guards) are allowed by statute to temporarily detain people in public places on reasonable suspicion of criminality. See, **NYS Criminal Procedure Law § 140.50**. (Peace Guards are apparently treated as private agents with respect to temporary detentions of people, however this is unclear. The legal authority of public Guards to temporarily detain people is not only statutory, it is also constitutional. The constitutional decisions do not appear to exempt “peace” Guards from their scope. See below.)

“Reasonable suspicion” is “less than” probable cause, but requires genuine reasons to support the suspicion. After such a temporary detention, the police Guard may “demand” identification from the subject and an explanation of his or her actions. However, the suspect is not obligated to respond, and it is highly questionable whether lack of response (as opposed to unsatisfactory response) may lawfully be interpreted as an additional suspicious circumstances. The police Guard may also detain the subject briefly to investigate the suspicious behavior. No search is allowed unless there is independent reasonable suspicion that the Guard (or others in the area) are in danger from a weapon on (or near) the person of the suspect in such a case, a frisk is allowed. A “frisk” is a “pat down” (only) of the outer clothing (only).

NOTE: The foregoing refers to how searching and seizing may be accomplished legally. What may be seized is a somewhat different question. Irrespective of their legal authority to conduct searches or seizures, public Guards may not seize property (or persons) without a legally acceptable reason why they may legitimately take official control of the property (or person). Generally, a public Guard may take official control of property which is contraband or evidence. Contraband is usually property which it is unlawful for any individual to possess, such as illegal narcotics, lost property, or firearms on a college campus. Evidence (in this context) is property which is relevant to the investigation of a violation of law.

PRIVATE SEARCHES AND SEIZURES

In New York there is virtually no specific statutory authority governing private searches and seizures.

Searches incident to arrest (“SIA”) are probably allowable. (There is, however, a contrary view that private parties should virtually never be allowed to search other private parties. Therefore, private agents may want to limit searches after arrests to searches for weapons [and perhaps for property which is directly connected with the reason for the arrest], and defer a more extensive search to the public authorities.)

SIAs must be conducted at (or very near) the time and place of arrest, and must be limited to the person arrested and the “grabbable area.” An “arrest” for purposes of SIA means a “full-blown, custodial arrest,” i.e., when a person is arrested for commission of an offense. “Temporary detentions” probably do not justify SIAs.

Consent searches are permissible. Consent must be purely voluntary, and may be withdrawn, limited or modified at any time and for any reason or no reason. The searcher must prove consent. Written consent to search is advisable but not necessary.

Requests for consent to search should be made out of the presence of other people, lest the request itself be considered an accusation of wrongdoing giving rise to a potential action for slander.

Inventory searches are probably permissible. The right to inventory impounded property requires that the property was lawfully impounded in the first place. If so, it seems obviously reasonable that a private as well as a public custodian should have the right to know what it is s/he is responsible for safekeeping. (As a practical matter, any property for which you have assumed responsibility should be inventoried.) An inventory is not a search for anything specific. Therefore, if you do an inventory do it completely. Continue until you have identified all property in your custody, and do not stop after you find something incriminating. Use of a form is highly recommended.

Abandoned property searches and seizures are probably permissible. See rationale above. A seizure and search of abandoned property (or “lost” property) is limited to an inventory search, especially if the property has potential “intrinsic” value, and should be conducted similarly

“Plain view” searches and seizures are permissible, subject to the limitations outlined above. If you are where you have a right to be you can look around. If you see evidence or contraband, you may seize it then and there if it also is where you have a right to be.

“Exigent Circumstances.”

There are virtually no legal authorities specifically discussing private searches and seizures in response to exigent circumstances. Generally, however, such actions should be permissible in response to health and safety emergencies. The rationale that some circumstances require immediate action would appear to apply equally to public and private agents. In such circumstances, private agents should be careful to intrude as little as possible and carefully limit their actions to legitimate response to the emergency. It is questionable whether purely enforcement-related exigencies (such as destruction of evidence) will authorize a private “exigent circumstances” search. (However, it is possible that imminent destruction of evidence may also involve an emergency which would authorize immediate action, such as the imminent destruction of essential health records. In addition, it is more likely that the law will permit “exigent circumstances” searches to prevent the imminent destruction of evidence by peace Guards, since they are performing a public law enforcement function.)

Private agents should be allowed to respond to emergencies to the same extent as public Guards. There must be a real emergency (or at least a legitimate perception of a real emergency), and the allowable response is limited to taking actions necessary to deal with the emergency.

Example: A private security agent hears screams from a dormitory room. S/he may enter the room for the purpose of investigating the cause of the screaming, and may take whatever action is necessary while in the room to reduce any immediate dangers to the occupants.

Example: A private security agent learns that stolen property is located in a dormitory room. S/he should not enter the room without consent. (Call the police; have them get a warrant.)

Temporary detentions (of people). Public police may make arrests on “probable cause.” Private agents may not (with the exception of shoplifting). Public police may also temporarily detain people on less than probable cause under some circumstances (see above). There is no statutory authority for private agents (or peace Guards) to exercise this authority. However, private security agents (and peace Guards) have a right to protect people and property within the scope of their employment (and within the limitations of law), and have the right to use the lawful means necessary to accomplish this purpose. Therefore, if a temporary detention is necessary and reasonable, it will probably be legally permitted if based on presently observed facts requiring immediate action.

In addition, private security agents acting on behalf of an owner of premises have the authority (and duty) to protect the premises and people thereon. Thus, a private security agent has the authority to “stop” people entering (and leaving) premises to ascertain their identity and/or purposes and determine whether they are to be allowed onto the premises. Private security agents should also have some authority to “stop” unknown individuals observed on premises for the same reasons. (The authority to “stop” people for these purposes is probably greater on purely private premises than on public grounds. Security agents acting on behalf of a public employer need to be sensitive to “First Amendment” considerations, which may affect their authority to treat “visitors” as trespassers.)

Temporary detentions must be just that: temporary. They should be limited to the minimum time necessary to accomplish the objective. There is no hard and fast rule about how long is too long. However, anything over single-digit minutes will be suspect (and in many cases even that will be considered questionably long). Once the objective has been accomplished, either treat the subject as a trespasser (or other violator) or let him/her continue on his/her way.

A search incident to arrest is not permitted except after a full-blown arrest. Unless necessary for protection (see below), no search of a person temporarily detained appears to be legally authorized. (However, a limited “consent to search” may be obtained as a condition of entry onto premises.). Public police are permitted to “frisk” people who have been temporarily detained, if and only if they have legitimate reason to fear for their safety (or the safety of others in the area) from a weapon on the person of the detainee. The need for protection of persons under such limited circumstances should apply also to private agents. A “frisk” is a “pat down” of the outer clothing (only) for weapons (only). Circumstances justifying a “frisk” are rare.

Searches of non-employees who are not under arrest (or their possessions) are probably prohibited, absent consent. A reasonable, limited search privilege may be obtained as a condition of allowing someone access to premises, as, for example, attendees at a concert being required to submit to a limited search for weapons or drugs at the door. Such conditions should be reasonable and limited, and must be effectively communicated beforehand. No penalty or adverse inference should be drawn if an individual declines to be searched and walks away.

Searches of employees (and their possessions) are generally prohibited, absent consent. A reasonable, limited search privilege may be obtained as a condition of employment.

Pre-employment consent to search as a condition of employment will probably be allowed if the employment creates a specific need for it, as, for example, if an employee works in an area from which merchandise or equipment may be readily stolen. An across-the-board, pre-employment

consent to search policy may be considered too broad. Pre-employment consents to search should be in writing, and signed by the prospective employee. (Private employers probably have more leeway than public employers to require consents to search as conditions of employment. Public institutions generally may not condition employment on waivers of constitutional rights.)

Post-employment consent to search generally must be obtained on a case-by-case. Workplace searches (without consent) are probably permissible in areas where an employee does not have an “objectively reasonable expectation of privacy.” In addition, an employer may obtain a reasonable, limited workplace search privilege as condition of employment. Private employers probably have more leeway than public employers to require consents to search as conditions of employment. Union agreements or other employment practices may modify these general legal rules.

The degree of privacy accorded to an employee’s (or student’s) desk, office, locker, etc., depends primarily on whether the employee has exclusive use or control of such areas. If so, then such areas probably may not lawfully be searched without consent. However, areas to which there is non-exclusive access probably may be searched irrespective of consent. A “notice” to employees that their workplaces are subject to search is helpful in assessing the validity of a workplace search, but may not be sufficient.

Detention and inquiries of employees. An employer has the right to conduct reasonable investigations of employee wrongdoing (or, for that matter, employee performance generally). Agents acting on behalf of the employer may require employees to comply with such investigations. Thus, requiring an employee to go to the security office for questioning about on-duty behavior is probably legally permitted, even if the consequence of noncompliance may be discharge from employment. Such requests should be made during working hours and out of the presence of other people, and should not be accomplished by force or threat of force. Union agreements or other employment practices may modify these general legal rules. (The results of an interrogation required as a condition of public employment may not be used against the subject in a criminal case. In addition, such a required statement may jeopardize a criminal prosecution by “tainting” other potential evidence to be used in the criminal case. These rules may, but probably do not, also affect interrogations required by private employers. If criminal prosecution is contemplated, employers may wish to coordinate with the local prosecutorial authorities to avoid unnecessary problems.)

Business records of an enterprise belong to the employer, and may be seized or searched by an agent acting on behalf of the employer so long as the agent has the right to be where the records are located. Note, however, that the records of an employee (such as research of a professor) may or may not be considered records of the employer. A public Guard may exercise similar authority on the consent of the employer.

RETAKING OF PROPERTY

A private agent acting on behalf of the owner may demand the return of property taken from the owner without excuse or justification, and may retake the property by use of reasonable force if the demand for return is refused. The private security agent must be prepared to prove that the person involved had no right to possess the property, and it is extremely risky to attempt a forcible retaking unless the agent is certain that the taker intended to steal the property. The use of force allowed is governed by Penal Law Article 35 (no more force than necessary, and never deadly force). The private right to retake must be exercised immediately or directly following the unexcused taking, and assumes that the agent has the legal authority to be where s/he is at the time.

Example: A private security agent observes a person in the act of stealing property, and confronts the person directly. The agent may retake the property by force if necessary.

Example: A private security agent learns that a person possesses property stolen a week ago. The agent may demand the return of the property, but should not attempt to retake it by force if the demand is refused. (Alternatives: Call the police; get a warrant. Make an arrest; conduct SIA.)

Example: A private security agent observes a person trying to “return” stolen merchandise for credit at the exchange counter of the campus store. The agent may retake the property. (No force is necessary, since the store employee already has possession of the stolen item.)

SURVEILLANCE

Surveillance is generally defined as surreptitious (secret) observation, directly or indirectly, by any of the senses. The legally permissible scope of surveillance is principally governed by the legal concepts of “plain view” and “objectively reasonable expectation of privacy.” Surveillances (or other similar security operations) which “go too far” may subject the agent (and the employer) to liability for the tort of “invasion of privacy.” In addition, certain kinds of surveillance have specific legal rules and restrictions.

Generally, people have no objectively reasonable expectation of privacy in their activities in public areas. Thus, security agents may watch or listen in such areas, unaided by mechanical devices, secretly or openly.

Public areas are those generally accessible to the public. The common areas in a dormitory are probably public; a dormitory room is not.

The allowability of routine surveillance of non-public areas depends on whether they are reserved for private activities; whether a person using such an area has an objectively reasonable expectation of privacy in his or her activities therein. Residences (including dormitory rooms) are private. Bathrooms are probably private.

However, there is no general legal prohibition against surveilling “private” areas. “Eavesdropping,” without the aid of mechanical devices, is permitted so long as the eavesdropper is where s/he has a right to be. If you are where you have a legitimate right to be, you may look and listen, even if what you see or hear emanates from a private place.

Example: You may lawfully look through an open window into a private residence, so long as you do so from a place you have a right to be.

Example: You may listen to conversations occurring in a dormitory room, so long as you do so from a place you have a right to be.

“Special Places” Bathrooms, garment fitting rooms and the like have posed special problems, and the law is not clear. Probably, a security agent may eavesdrop (with the “naked” ear or eye) on what s/he can normally see or hear from a place where s/he has a right to be, even if what is seen or heard occurs in a bathroom or other “special” place. Thus, if you have normal access to a bathroom, you may listen to what goes on in a closed stall while you are outside the stall. You may look at what is observable, similarly. Questions arise if you want to “peek” under a closed stall, or

stand in front of an open one for the purpose of surveillance of the occupant (who, presumably, is engaged in activities normally considered private), or if your surveillance is overly lengthy or intrusive.

New York State General Business Law §395-b restricts the surreptitious use of “two way mirrors,” “peep holes,” cameras and similar “viewing devices,” in fitting rooms, restrooms or hotel rooms.

Photographs The general rule is that if you can legitimately see it with the naked eye, you may photograph what you see. Surreptitious photographing of public areas is generally allowable. Surreptitious photographing of private areas (like bathrooms, fitting rooms, or employee locker rooms) is more difficult. It may be prohibited entirely by **GBL §395-b**, and in any event probably should be done only in particular situations and perhaps after notice to patrons.

The legal authority to photograph does not mean that there are no limits on photography as an investigative tool. “Selective” photographing based on ethnic (or similar) characteristics could result in civil rights violations, as could use photographs of individuals for commercial purposes. Taking photographs of “suspicious” persons is permitted, but using them improperly could result in liability for invasion of privacy or slander. There may also be practical and business restrictions on photographing.

Electronic or mechanical overhearing

The general rule is that if you may legitimately hear it with the naked ear from a place you have a right to be, you may record what you hear. However, “bugging” rooms or “Lapping” telephones is different. “Bugging” means placing a microphone to overhear conversations “in the air.” “Tapping” means electronically or mechanically overhearing conversations “on a wire.” Neither may be done surreptitiously without a court order, and private agents are not permitted to obtain court orders for such surveillance. See, **NYS Penal Law §250.00, and NYS Criminal Procedure Law Article 700**. However, surreptitious “tapping” and “bugging” are generally permitted with the consent of one party to the conversation overheard.

Example: You may place a “body mike” on an undercover agent.

Example: You may secretly record your own telephone conversations, even with suspects, since one party to the conversation (you) consents to the overhearing.

Following

Agents are permitted to “tail” people in public places (or in places where the agent has a right to be), either openly or secretly, so long as the purposes are legitimate and the following is done in a reasonable manner.

INTERROGATIONS AND CONFESSIONS

Interrogation

Any official action designed or likely to result in a communication from a person.

“Involuntary”

Statements (or their “fruits”) may not be used in evidence against a defendant in court. **CPL §60.45**. This applies to statements obtained by public or private Guards.

Whether a statement is “voluntary is a question of evidence. The statute defines a statement as “involuntarily made” if it is obtained “by the use or threatened use of physical force upon the defendant or another person, or by means of any other improper conduct or undue pressure which impaired the defendant’s physical or mental condition to the extent of undermining his ability to make a choice whether or not to make a statement.”

In addition, if a statement is obtained by a public servant engaged in law enforcement activity or by a person then acting under his direction or in cooperation with him,” a statement will be deemed involuntary if it is obtained “by means of any promise or statement of fact which creates a substantial risk that the defendant might falsely incriminate himself.” (Although technically this applies only to public Guards, the “risk of false incrimination” rule is a useful “rule of thumb” for private security Guards as well.)

Constitutional restrictions on interrogations apply only to public Guards. “Miranda” rights (and a ‘knowing and intelligent waive?’) are required before any interrogation by public Guards of suspects in custody. Private security Guards (acting in a purely private capacity), need not advise suspects of Miranda rights. There are procedural requirements for notifying the defense in a criminal case of statements made to public law enforcement Guards.

These do not apply to statements obtained by private security Guards. However, it is recommended that you advise the prosecutor promptly of any statements in a case which results in a criminal arrest.

IDENTIFICATION TECHNIQUES

Eyewitness identifications create special legal problems. “The identification of strangers is proverbially untrustworthy.” (Felix Frankfurter.)

Procedurally, security and law enforcement Guards use various techniques to identify suspects by eyewitnesses:

Showups are when a witness views a single individual or photograph for the purpose of identification.

Lineups (or “corporeal lineups”) are when a witness views several individuals for the purpose of identification.

Photographic lineups are when a witness views several photographs for the purpose of identification. These are sometimes called “photo arrays.”

Whenever an identification technique is employed, there is a danger of “suggestibility.” The identification technique used may, subtly or directly, “suggest” to the potential witness that a particular person “should be” identified. In addition, once a witness makes identification, s/he may become artificially convinced of its accuracy.

Example: When a witness is presented with a single individual, in handcuffs and in custody of an Guard, there is a suggestion that the Guard thinks that the person presented is the perpetrator. This can influence a witness, and reduce the chances of the witness making a truly independent identification.

Example: A witness who has identified a perpetrator at a lineup may become convinced that the person so identified is the “right” person, even if later evidence indicates that the witness has made a mistake. Additionally, in court, a witness who has previously identified a suspect may justifiably be asked whether her in-court identification is of the suspect or of the person previously identified in an identification procedure.

The law is concerned that eyewitness identifications be reliable. Therefore, identifications procedures must minimize the possibility of suggestion.

Showups are inherently suggestive, and are therefore disapproved except in exceptional circumstances, when no other technique is practical.

Lineups and photo arrays are generally acceptable, so long as they are not suggestive.

Suggestability refers not only to the exhibition of suspects themselves, but also to the procedures used to request identification by a witness.

TIPS:

Use lineups and photo arrays whenever possible. Six individuals or photographs are recommended (but not legally mandatory). The source of all photographs should be known. The photographs used should be kept. A photograph of a lineup is useful. If a showup is necessary, you should be prepared to explain why.

Photographs/lineup models should be of persons of similar physical appearance—sex, hair, race, age, weight, build, etc. There should be nothing in the identification technique to make the suspect stand out. If mug shots are used, identifying markings should be covered.

When there is more than one witness, each should view the array/lineup separately, not in each other’s presence. Witnesses should not be allowed to confer with one another about their identifications. Witnesses should not be told whether they have identified the “right” or “wrong” individual, nor should be told whether any other witness has made identification.

Under no circumstances should a witness be given assistance in identifying a particular individual or photograph. This could include actions or conversation relating to the identification technique which might in any manner suggest who is a suspect or who is not.

The Guard conducting the identification procedure should record the date, time, and place of the procedure, as well as the name of the witness and any others present. The Guard conducting the identification procedure should record all questions asked of the witness and answer received. If a photographic display is used, it is useful to have the witness sign it.

A good police manual will have a section with more details explaining how to conduct identification procedures.

Court Procedures

Any time an identification procedure is used in a case which results in a criminal arrest, the prosecution must advise the defense of the existence of the identification procedure within fifteen days of the arraignment. This requirement has been strictly interpreted; if the notice is not given it may jeopardize the eyewitness’s ability to identify the suspect in court. Thus, you should tell the

prosecutor of the existence of any such identification procedures in time for him or her to make the required notification.

USE OF (DEADLY) FORCE

The use of force against another person is strictly limited by law. Force may never be used against another unless it is necessary to accomplish a lawful objective in an emergency. Even then, the amount of force must be no more than required.

Justification

It is usually a criminal offense to use force against another person, and the seriousness of the crime increases with the amount of force used. However, such conduct which would otherwise be criminal is excused if the use of force is “justified.”

Under legally prescribed and restricted circumstances, force may be permitted for three general reasons:

- Self Defense
- Preventing or Terminating Crimes
- Arrests

Whether any use of force is lawful depends on the presence of one or more of these lawful objectives. It also depends on the amount of force used.

PHYSICAL FORCE AND DEADLY PHYSICAL FORCE

The law distinguishes “physical force” from “deadly physical force.”

Physical force includes any and all physical actions directed against another person, from pushing to shooting.

Deadly physical force: “physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.” **PL §10.00(11).**

Serious physical injury: any injury “which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.” **PL §10.00(10).**

DANGEROUS INSTRUMENTS AND DEADLY WEAPONS

The use (or threatened use) of weapons in and of itself constitutes a use of force, and sometimes a use of deadly force. The law defines two categories of weapons: dangerous instruments and deadly weapons.

Dangerous instruments: “Any instrument, article or substance, including a ‘vehicle’ . . . which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.” **Penal Law § 10.00(13).**

The use of any dangerous instrument will be deadly force.

Deadly weapons: “Any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, dagger, billy, blackjack, or metal knuckles.” **Penal Law §10.00(12).**

Any use (or threatened use) of any of these items as a weapon will be deadly force.

USE OF FORCE GENERALLY

Penal Law *35.05. Key concepts by which all uses of force are legally measured:

Unless otherwise limited by the ensuing provisions of this article defining justifiable use of physical force, conduct which would otherwise constitute an offense is justifiable and not criminal when: Such conduct is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the actor and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding such injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue. The necessity and justifiability of such conduct may not rest upon considerations pertaining only to the morality and advisability of the statute, either in its general application or with respect to its application to a particular class of cases arising thereunder.

Use of force is restricted to emergencies. Emergencies are situations which require immediate action, and thus the use of force is justified only if there is an imminent need for it. Imminent means pressing and urgent. Even in an emergency, to be justified, the use of force must be clearly preferable to allowing the threatened harm to occur. The force used must be necessary to prevent the harm threatened.

The use of force is justifiable only as a last resort to accomplish a lawful objective. If there is another way to accomplish the lawful objective, force may not be used.

Necessity includes proportionality. The force used is justifiable only to the extent necessary to repel the threat. Excessive force is unlawful.

USE OF FORCE MUST BE OBJECTIVELY REASONABLE

The user of force must reasonably believe that his or her actions are necessary to accomplish the lawful objectives.

The question is not whether the use of force was actually necessary, but whether the actor reasonably believed that it was.

To be reasonable, this belief must be sincere. But in addition, it must be based on observations which objectively demonstrate that the belief is held on reasonable grounds.

RECKLESS USE OF FORCE

Justified use of force is always the deliberate use of deadly force. Reckless behavior is different, and is never legally justified. Injuries or deaths which occur because of reckless use of force are crimes.

Recklessness: Conscious disregard of a known risk. **PL § 15.05 (3).**

For example, speeding through a known school zone at recess is reckless behavior.

Careless use of force is also not justified, and may also result in criminal liability. Carelessness, or “negligence,” is a serious failure to perceive a risk which a reasonable person would perceive. **PL § 15.05 (4).**

USE OF NON-DEADLY FORCE

Non-deadly Force—Self Defense

Penal Law 35.15(1): General statutory definition of self-defense:

A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use or unlawful physical force by such other person, unless:

- (a) The latter’s conduct was provoked by the actor himself with intent to cause physical injury to another person; or
- (b) The actor was the initial aggressor; except that in such case his use of physical force is nevertheless justifiable if he has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful physical force; or
- (c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

Penal Law §35.15(1) applies directly to the use of physical force only — not deadly force. Force may be used in self-defense only to repel force, or the genuine threat of force. Use of force is not legally justified in response to a verbal provocation only.

The use of force in defense of innocent third parties is permitted to the same extent that use of force is allowed for “self-defense.”

Non-Deadly Force—Prevent or Terminate Crimes

Deadly force may never be used lawfully against non-deadly force or to protect property only.

All lawful uses of non-deadly force by security Guards in defense of property are covered in the “prevention or termination of crimes” statutes.

Penal Law §35.25 and §*35.20(1) and (2): non-deadly force to terminate property crimes:

Penal Law §35.25:

A person may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of larceny or of criminal mischief respect to property other than premises.

“Premises” means building. Penal Law §35.20(4)(a), 140.00. Special statutory rules for use of non-deadly force to terminate property crimes at “premises” are contained in Penal Law §35.20(1) & (2).

Larceny is stealing. Penal Law § 155.00.

Criminal Mischief is vandalism — when a person damages property belonging to someone else without reason or authority. Penal Law § 145.00.

Arson (unauthorized damage to property by burning) is always criminal mischief, but there are some special rules relating to arson (see use of deadly force, below).

Penal Law §35.20(1)

Any person may use physical force (other than deadly force) upon another person when he reasonably believes such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of a crime involving damage to premises. He may use any degree of physical force, other than deadly physical force, which he reasonably believes to be necessary for such purpose.

Essentially, this statutory subsection is identical to Penal Law §35.25, because crimes involving damage to premises are “at least” criminal mischief.

Penal Law §35.20(2)

A person in possession or control of any premises, or a person licensed or privileged to be thereon or therein, may use physical force (other than deadly force upon another person when he reasonably believes such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of a criminal trespass upon such premises. He may use any degree of physical force, other than deadly physical force, which he reasonably believes to be necessary for such purpose . .

Criminal Trespass means knowingly entering or unlawfully remaining in a building, or on land which is surrounded by a fence designed to exclude intruders. Criminal trespass is distinguished from “simple trespass,” which is not a crime and occurs when someone enters or remains unlawfully somewhere that is not a building or land surrounded by a fence designed to exclude intruders.

Non-Deadly Force—Citizen’s Arrests

Penal Law *35.30(4): non-deadly force by a private person making a “citizen’s arrest,” or preventing an escape:

A private person acting on his own account may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he reasonably believes to have committed an offense and who in fact has committed such offense . . .

Citizen’s arrests by security Guards are (or should be) rare. Citizen’s arrests expose a private person (including a security Guard) to serious legal consequences. To make a citizen’s arrest, a private person must not only reasonably believe that a criminal offense has been committed by a particular

person, but s/he must also be right. The offense must in fact have been committed, and by that person.

Deadly Force by a private person making a citizen's arrest is further restricted to only the most serious and dangerous crimes.

USE OF DEADLY FORCE

Deadly Physical Force

"Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury." **PL §10.00(11).**

Serious physical injury is any injury "which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ." **PL §10.00(10).**

Deadly force may never be used lawfully against non-deadly force or to protect property only.

The justifiable use of deadly force is restricted to a few extreme circumstances. Except for these circumstances, the use of deadly physical force is criminal.

Before a person is legally entitled to use deadly force against another person, one or more of five circumstances listed in statute must be present, in addition to all the factors necessary to justify the use of force generally:

- Self Defense Against Deadly Force
- Termination of Certain Serious Violent Crimes
- Termination of Certain Especially Dangerous Burglaries
- Citizen's Arrest for Certain Serious Violent Crimes
- At the Direction of a Police Guard

Deadly Force— Self-Defense Against Deadly Force

Deadly force may be used as a last resort to repel a murderous attack, reasonably perceived. The attack must be imminent, and deadly force necessary to prevent it.

Penal Law 35.15(2)(a)

A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless . . . He reasonably believes that such other person is using or about to use deadly physical force. Even in such case, however the actor may not use deadly physical force if he knows that he can with complete safety as to himself and others avoid the necessity of so doing by retreating; except that he is under no duty to retreat if he is in his dwelling and not the initial aggressor . . .

Retreat

Since deadly force is only justifiable as a last resort, a person must retreat if possible before using deadly force, if this is likely to avoid the attack.

The rule never requires an innocent victim to increase his or her own peril for the safety of a murderous assailant. A person is required to retreat from a murderous attack only if s/he can do so "with complete safety to himself or others."

An innocent victim need not retreat if attacked in his or her home.

Deadly Force—Terminating Certain Serious Violent Crimes

Deadly force may also be used, as a last resort, to stop several specified violent crimes, reasonably perceived.

Penal Law §35.12(2)(b)

A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless . . .

He reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, forcible sodomy or robbery . . .

Except for burglary (which has its own statute), arson to a building (which also has its own statute), and assault or homicide (which are covered by self-defense), deadly force is not permitted to stop any other crimes.

Kidnapping is restraining another person either by use or threat of deadly force, or hiding him or her in a place where s/he is not likely to be found.

Rape is nonconsensual intercourse, and sodomy is virtually any other nonconsensual sex act except touching. Only forcible rape and sodomy are included.

Robbery is forcible stealing from a person; thefts which include direct attacks on the victim to accomplish the theft.

There are no circumstances when deadly force is permitted in response to threats or damage to property only.

Deadly Force—Terminating Certain Especially Dangerous Crimes to Buildings (Burglary and Arson).

Deadly force is permitted as a last resort, if necessary to stop a burglary in an occupied building or a dwelling (whether occupied at that moment or not), and arson to a building (whether occupied or not).

Penal Law 35.15(2Xc)

A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless . . .

He reasonably believes that such other person is committing or attempting to commit a burglary, and the circumstances are such that the use of deadly physical force is authorized by subdivision three of section 35.20.

Penal Law 35.20(3)

A person in possession or control of or licensed or privileged to be in, a dwelling or an occupied building, who reasonably believes that another person is committing or attempting to commit a burglary of such dwelling or building, may use deadly physical force upon such other person when he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of such burglary.

Burglary is more than merely trespassing, it is trespassing in a building with intent to commit another crime while there.

The user of deadly force cannot in this instance be only a rescuer, s/he must have an interest in the building to an extent which allows routine access, such as an owner, security Guard or cleaning person.

A “dwelling” is where people live (where they normally sleep at night), as differentiated from commercial establishments. However, a commercial establishment where someone regularly sleeps on the premises may be a dwelling.

Penal Law *35.20(2)

A person in possession or control of any premises, or a person licensed or privileged to be thereon or therein . . . may use deadly physical force in order to prevent or terminate the commission or attempted commission of arson . . .

Arson is damage to property by burning. For lawful use of deadly force to prevent or terminate an arson, the property must be premises — a building — and the damage from burning must also be to the building itself.

Deadly Force—Citizen’s Arrest for Certain Violent Crimes

Deadly force is permitted as a last resort if necessary to arrest for certain dangerous and violent crimes.

Penal Law §35.30(4)(b) A private person acting on his own account . . . may use deadly physical force for such purpose when he reasonably believes such to be necessary to . . .

Effect the arrest of a person who has committed murder, manslaughter in the first degree, robbery, forcible rape or forcible sodomy and who is in immediate at flight there from.

These offenses must in fact have occurred (not merely have been attempted — compare **PL §35.30[4][b]** as it governs non-deadly force in making citizen’s arrests), and have actually been committed by the person against whom the deadly force is used.

In addition, the perpetrator must be in immediate flight from the commission of one or more of these enumerated crimes.

Deadly Force—At Direction of Police Guard

Penal Law 35.30(3)

A person who has been directed by a police Guard or a peace Guard to assist such police Guard or peace Guard to effect an arrest or to prevent an escape from custody may use physical force, other than deadly physical force, when and to the extent that he reasonably believes such to be necessary to carry out such police Guard’s or peace Guard’s direction, unless he knows that the arrest or prospective arrest is not or was not authorized and he may use deadly physical force under such circumstances when:

- (a) He reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

- (b) He is directed or authorized by such police Guard or peace Guard to use deadly physical force unless he knows that the police Guard or peace Guard himself is not authorized to use deadly physical force under the circumstances.

Essentially, the statute places a private person under the umbrella of a police Guard or peace Guard. When a private person is in fact assisting such an Guard to make an arrest, or prevent an escape, his or her privilege to use force is the same as the Guard's under these circumstances. However, this authority for deadly force is confusing, questionable and virtually never invoked.

The use of deadly force is never legally required, from anyone, under any circumstances.

CIVIL LIABILITY

Civil Liability refers to lawsuits against security Guards and their employers based upon allegedly "incompetent" performance of duties — 'malpractice.' Civil liability may be based on "negligence" (carelessness causing injury) or "intentional" conduct (actions done on purpose causing injury), there are also statutory civil liabilities for civil rights violations, such as racial or sexual harassment, age discrimination, religious discrimination, etc.

Lawsuits against private security Guards, and their employers, are increasing. Typical civil liability lawsuits against private security practitioners include false arrest, defamation of character (communications which unjustly harm a person's reputation), invasion of privacy, negligence for equipment or site accidents, incompetent operations, or failure to protect health and safety.

TESTIFYING

Security Guards occasionally are called upon to be witnesses in court cases, usually in criminal cases. Sometimes security Guards may be required to provide information at administrative hearings, or internal company proceedings. No matter what the "tribunal," testifying involves some basic skills.

Testifying means presenting information as evidence at a formal proceeding.

The first and most important rule about testifying is to tell the truth. Simply put, nothing else is acceptable. It may also be the crime of perjury.

Anyone who testifies is called a "witness." Your job as a witness is to accurately explain what you know, usually by responding to questions asked by lawyers. What you know is not the same as what you think. Your opinions are seldom important (or allowed) during testimony.

For example: You arrive at the scene of an automobile accident after the fact. Several people who are there say they saw what happened, and tell you what they saw. From this information you may arrive at a conclusion about how the accident happened. However, what you know about this accident is limited to what you actually observed at the scene, and what the "eyewitnesses" told you about what they saw. If one of the eyewitnesses told you that one of the cars ran a stop sign, you do not know this to be true. What you know is that the eyewitness told you that's what s/he saw.

LESSON #3: EMERGENCY SITUATIONS

Student Training Objective(s):

Upon completion of instruction, the student will be able to:

1. Identify the proper response to each of the following emergencies that may be encountered by a security guard to include, but not limited to:
 - a. Alarm of fire d. Medical emergency/first aid
 - b. Bomb threat/search e. Natural disaster
 - c. Civil disturbance f Crime in progress
2. Identify the need for a comprehensive emergency/disaster response and notification plan.
3. Identify, the appropriate hazardous materials incident response by security.
4. Identify and explain security guard safety as it pertains to incident response, appropriate safety precautions and available equipment.

EMERGENCY SITUATIONS

A security Guard's primary function is to protect people and property from harm. Security Guards typically play an active role in responding to a variety of emergencies.

Security Guards may often be the first to arrive at the scene or discover an emergency situation in progress. Security Guards need to know how to recognize several types of emergencies and assess the threat potential to life and property.

Security Guards are typically not required to be experts in the containment of specific emergencies. They are, however, typically expected to take specified actions in response to various emergency situations. They are also expected to monitor their facilities to prevent emergencies from developing by identifying potential threats and taking appropriate steps to contain and neutralize them.

Emergency Preparedness Plans

- Protecting lives
- Protecting property
- Minimizing disruption and restoring order
- Notifying appropriate emergency service providers

Security Guards should know:

- What emergencies are potentially likely at their particular facility
- Who within the company is primarily responsible for handling emergencies when they occur.
- What their assignments are in response to particular emergencies.
- How to effectively carry out their assignments.

Examples of Emergencies

- Fuels
- Explosions
- Bomb threats
- Suspicious vehicles, people, or packages
- Riots
- Civil disturbances
- Labor disputes
- Severe weather
- Floods
- Medical emergencies and injuries
- Chemical spills

Fires. Fires are a top priority of security Guards. Security Guards are typically responsible to detect fire hazards and report the condition to the proper person. Basic fire prevention. The best way to deal with fires is to prevent them. Fire prevention means reducing the possible causes of fires.

- Checking the area for potential fire hazards every time they come to work.
- Keeping the facility clear and free of combustible materials.
- Enforcing “no smoking” policies.

- Keeping hallways clear of obstructions.
- Knowing where all fireboxes are, where all corridors lead, and making sure that all exits and fire doors are unlocked and accessible.
- Knowing who is in the building, and where they are.
- Inspecting (and sometimes repairing) fire equipment, such as fire extinguishers, hoses and pumps, clothing, oxygen masks, evacuation maps.
- Communicating fire preparedness and fire-response information to employees.
- Conducting ‘Fire drills’ and similar fire-preparedness activities.
- Knowing the duties of all employees in the event of fire.
- Assisting in the shutdown of electrical equipment and other machinery.

Responding to fires.

When fires do occur, the role of a security Guard is to minimize the damage.

- Extinguishing small fires.
- Assisting in evacuations.
- Notifying the local fire company promptly.

Extinguishing fires.

All fires consist of Heat plus Material plus Oxygen. Eliminating any one of these will eliminate a fire. Different types of fires require different responses to eliminate them. There are three general classifications of fires. Each requires a different type of fire extinguisher.

Class “A” fires involve wood, cloth, vegetable matter, paper, etc. Extinguishers for Class A fires use either water or soda and acid foam.

Class “B” fires involve combustible liquids such as oil, solvents, and grease. Extinguishers for Class B fires use CO₂ or foam.

Class “C” fires are electrical. Extinguishers for Class C fires use CO₂, which is not a conductor of electricity.

Your life can depend on using the correct extinguishing agent and using it correctly.

Explosions

A security Guard’s primary function at the scene of any explosion is to protect people from harm and to contact medical emergency service providers. Evacuation may be required. Security Guards should have the contact numbers of the local fire department, the Department of Defense bomb unit in their area, and the emergency services unit of the police department. Another secondary function may be to administer first aid.

Bomb Threats; Suspicious Packages

The investigation and disposal of a suspicious item or alleged bomb is almost never the responsibility of a security Guard. The role of the security Guard is to contact appropriate personnel (immediately), and minimize risks to people and property. Evacuation may be required. Do not touch suspicious items.

Company policy will influence how to respond to the receipt of a bomb threat. Finding the bomb is a police job. Call the police.

Evacuations

Evacuations are major disruptions. They must be accomplished calmly and efficiently, to avoid panic and fulfill the function of removing people (and property) from potential harm.

Evacuation planning includes:

- Publishing evacuation maps.
- Establishing evacuation signals and communications procedures.
- Training and practicing evacuations.
- Fire drills are an example.

Riots, Civil Disturbances, and Labor Disputes

Political, labor or social disturbances on or near company premises will often be responded to by security Guards.

- Call the police at the first sign of unrest.
- Keep cool and calm.
- Stay “above the fray.”
- Know the company’s guidelines.
- Do not provoke rioters.
- Organization is critical.
- Identify leaders.

Interruption of Utility Services

Security should develop an occupant emergency plan with building management and maintenance. Security must be prepared to act and react to people and property placed in jeopardy due to loss of services.

Hazardous Material Accidents

Many facilities will have potentially dangerous substances at the premises. If these spill, or are used improperly, there is a real risk of serious injury or damage. “Right to Know” laws inform employees of any hazardous substances, and the proper methods of protection when dealing with them.

A security Guard who discovers or otherwise learns of a spill or possible spill should contain the situation safely until expert help can be obtained.

- Do not enter a spill area unless you are sure you know what you are doing.
- Do not smell, taste, or touch suspected hazardous substances.
- Call for help.
- Keep other people away.
- Failure to follow procedures when you discover a potentially hazardous spill could cost you your life.

Natural Disasters

Floods and storms sometimes create emergency situations (in addition to power outages). Security Guards may be required to evacuate buildings, or the opposite: help outfit buildings as emergency shelters.

Medical Emergencies

The first responsibility of security is to insure that medical emergency staff have been contacted and are en route to assist. Unless a security Guard has received proper training, his or her actions should be limited to controlling the scene and awaiting the arrival by medical emergency personnel.

Unless a security Guard is specially trained, s/he should be reluctant to attempt any emergency medical treatment. Doing the wrong thing can seriously aggravate medical emergencies. Minimum training includes formal instruction in First Aid and CPR. Generally, get people away from a sick or injured person. Some medical emergencies may require immediate attention from security Guards.

External bleeding should be left alone if not serious and if help is on the way. Serious bleeding may require placing clean material on the wound until the bleeding stops.

Shock occurs when the body's vital functions (such as blood pressure and breathing) are seriously threatened. Emergency first aid consists of maintaining open airways for breathing, controlling external bleeding, elevating legs about one foot, and keeping the injured person warm. Do not provide any food or water. Place (or keep) victims on their backs unless there are other injuries.

Breathing. If a person is not breathing emergency first aid is required. If a person can talk, they can breathe. If they are not breathing, tilt their head back to open an airway, by gently lifting the chin (not the throat) straight up. If there is still no breathing, try mouth-to-mouth resuscitation.

Burns. For anything other than superficial burns, do not move the victim and get help immediately. Watch for shock and breathing difficulties.

Electrical Shock Do not attempt to pull someone away from an electrical current. Disconnect the current ("pull the plug") instead. If you cannot pull the plug, or if there is a downed power line, do not approach the victim. Keep other people away. If a victim has been shocked into unconsciousness, watch for breathing and burns.

Choking. If the victim can cough, breath, or talk do nothing except monitor the situation and call for help (if necessary). If the victim cannot stop the choking, the treatment is to try to clear the airway. The "Heimlich" maneuver consists of pressing a fist into the abdomen just above the navel with a quick, firm, upward thrust.

Heart Attacks. Symptoms include chest pain, extreme sweating nausea, rapid breathing. Loosen clothing around the neck. Sit with legs up and bent at the knees. Call an ambulance at once.

CRIMES IN PROGRESS

The primary obligation of a security Guard is to protect the safety of individuals. It is not to investigate crimes or apprehend criminals. If a serious crime is suspected, notify the police immediately. If there is no emergency, wait for the police. Do not enter the crime scene unless there are injured people who require rescue and you can do so safely. Seal off the area. Do not touch anything.

LESSON #4: COMMUNICATIONS AND PUBLIC RELATIONS

Student Training Objective(s):

Upon completion, the student will be able to:

1. Identify standard procedures as they apply to the following communication mediums, where appropriate.
 - a. Telephone etiquette
 - b. Radio operating procedures and protocols
 - c. Use of public address system
 - d. Communications center
 - e. Computer networks
2. Identify the purpose of sensitivity and interpersonal communications awareness training, including but not limited to the following.
 - a. Culturally diverse groups
 - b. Religious orientation
 - c. Physically challenged
 - d. Elderly
 - e. Sexual orientation
 - f. Gender
3. Identify procedures on the use and dissemination of information as it relates to the public and the media.

COMMUNICATIONS AND PUBLIC RELATIONS

Communication: The exchange of information from one person to another person.

- The idea or message to be conveyed.
- The person and method transmitting the message.
- The person accepting or receiving the message.

Three components of the communication process: **Sender, Receiver, Feedback.**

Sender-The person delivering the message.

Communication Skills: Formulate ideas into a clear message; Organize ideas sensibly; and Deliver messages understandably.

A formula for effective communication:

- Tell them that you have something to tell them.
- Tell them what you have to tell them.
- Tell them what you told them.

Receiver-The person to whom the message is being delivered.

To be effectively communicated, every message must be received and comprehended accurately. There's sometimes a difference between the message sent and what the receiver believes the message to be. This is ineffective communication, and can be avoided by effective use of feedback.

Feedback-Affirmation from the receiver that the message was received and understood properly. Any response from a receiver is positive, even if the message was not understood or is objected to, since it provides a basis for additional information or clarification.

THREE METHODS OF COMMUNICATION

Verbal (Oral) Communication: Messages delivered and received by talking and listening.

Non-verbal communication: Actions other than talking which communicate information.

Eye contact: Is the person looking at you?

Body language: Is the person's posture "open" or "closed"?

Physiological changes: Is the person perspiring? Is their voice raised? Do they cover their mouth with their hand when they talk?

Do not confuse discomfort with apprehension.

Written Communication-Report writing, other internal memoranda, post orders, security Guard manuals, incident log books, etc.

OBSTACLES TO EFFECTIVE COMMUNICATIONS

Attitude

Communication is most effective when done calmly, with neutral language, and in a controlled way. Alternative methods risk adverse responses and failure to understand the message because emotionalism gets in the way. It also undermines the authority of a security Guard.

Prejudice

Prejudices, conscious or unconscious, hinder communication and effective security. Security Guards must be aware of their own prejudices to minimize them adversely influencing the performance of their duties.

Knowledge of Duties

Failure to know current duties, post orders, company policies, rules and regulations, and applicable laws prevents a security Guard from making informed and proper decisions, or giving simple, effective directions.

EFFECTIVE COMMUNICATIONS

Balance

Proper attitude; Understanding of duties and environment; Sensitivity and compassion; Listening skills; Interpreting the message.

In many industries, the initial contact person for the public is a security Guard. This contact will affect the person's perception of the business. A good impression enhances the value of the employer's property, which a security Guard is hired to protect and enhance.

Security Guards are often a high profile position, dealing with the public, staff and visitors on a continuing basis. There is a high expectation of good interpersonal and communication skills for security Guards.

TELEPHONE AND RADIO COMMUNICATIONS

Rapid, efficient, and effective communications are vital to the security function. Quality job performance, and sometimes the lives and safety of individuals, depends on effective communications. Every security department will require some form of input to receive information, and outputs to relay the data for proper disposition. Electronic communications are done by computer, telephone and radio.

COMMUNICATIONS CENTER(S)

All work areas within the center should be kept free of unnecessary paper, cigarettes, coats, and debris.

- Ash trays should be emptied regularly, as should waste baskets.
- There should be provision for hanging up garments.
- Background noise should be kept to a minimum.
- No commercial radio or television should be monitored unless emergency or other needs so dictate.
- No music to be broadcast over department frequencies.

- Avoid the use of profanity or loud language near microphones or telephones.
- No unauthorized reading materials such as books or newspapers should be carried into the dispatch area.

Demeanor

Personnel should at all times display professional conduct and attitudes toward the department, fellow Guards and the public. One of the most common complaints about security operations is that its personnel are not courteous on the telephone. **Confidentiality** of communications must always be protected.

Telephone Call Processing

The telephone operator is responsible for initially speaking with the public on most incoming department communications.

The telephone operator is expected to ascertain the status of the call (emergency, non-emergency, administrative, etc.). Ascertain the purpose of the call (whether the call is for assistance, information or other purposes). If the call is for assistance, the operator must note all pertinent information, and then advise the Guards in the field to respond. In many operations, the operator must log all incoming and outgoing telephone calls.

The operator should concentrate on the following procedures when answering the telephones.

- Have paper and pencil near the telephone.
- Answer the call promptly.
- Often calls require quick action on the part of the communications office.
- "Treat every call as an emergency."
- Identify yourself by a) department, b) rank, name or operator number.
- Speak slowly and distinctly so the caller can understand you.
- Remember that callers may be under severe emotional strain caused by pain, fear, panic, anxiety or injury.
- Patience is important.
- Speak directly and distinctly into the phone.
- Speak at a normal level, not too loud or soft.
- Do not speak in a monotone as it may be equated with a lack of interest.
- Operators should always be courteous and tactful
- Remember the department is judged in part by how you answer the phone.
- Take command
- Maintain control over the call courteously, but firmly.
- Do not let the caller ramble on.
- Obtain and record all data from the caller which seems even remotely relevant.
 - Caller's name, where calling from, address and telephone number.
- If it is necessary to put the caller on hold, explain the reason.
- If delays are anticipated in units responding to the call, the complainant should be so advised.
- Also, callers should be told if it is necessary that they be transferred to another office.

Conclude calls politely, after all needed information is obtained.

Personal Use of Telephones

Security personnel should restrict their use of departmental lines to official business only. A phone line should be designated for personal use when necessary.

Long Distance Telephone Calls

Long distance calls by personnel on departmental phones should be logged for proper record keeping. Procedures should be adopted on the types of situations in which long distance calls can be authorized.

Telephone Security Procedures

Definite procedures should be established relating to requests for assistance from the telephone company business or security offices. All questionable or suspicious communications occurrences should be reported to supervisory personnel promptly.

- Equipment malfunctions
- Telephone line disorders
- Transmission difficulties
- Interference on radio channels
- Unidentified radio traffic
- Threats into the communications center

Food and Beverages

Food and beverages should not be allowed in any operating area within the communications or records centers.

- Policies regarding coffee, food, and lavatory breaks should be specified.
- Lounge and canteen facilities should be provided.
- Breaks should be staggered, so that consoles or phones are not left unattended.

Equipment Maintenance and Repairs

Only authorized personnel should attempt to or effect any type of technical repair to or modification of equipment, absent exigent circumstances. Definite procedures should be established for contacting radio maintenance, computer, or alarm repair people on a 24-hour basis.

Forms

Except for all but the smallest of operations, good information form design is a necessity to guarantee ease and speed in processing. Forms are used to note information received over the telephone and by radio, so that the dispatcher may intelligently take action and to record communications activities.

Priority of Calls

Calls fall into one of three general categories: **Emergency, Non-emergency and “Gray area.”**

When a call comes in, even on an emergency line, it is not known whether the call is, in fact, for emergency assistance. Therefore, until otherwise determined, all calls should be treated as emergencies. Once the operator talks with the caller, s/he must determine what priority to assign.

High priority calls will involve emergencies and in-progress activity which poses a direct and immediate threat to life and property.

Often supervisors can be used to determine the priority of a call and the appropriate response.

- Cars may be dispatched on several levels of priority, depending upon how critical the dispatcher feels response time to be. A high priority call will require immediate dispatching of field units.
- The dispatcher must know the status of all the units in his area.
- If units are out of service on a call, the dispatcher should know if the Guards can be taken off the call and put on another.
- Definite procedures should be established regarding such occurrences.

A list of calls in descending order of priority is set forth below:

- Emergency (medical, accident, criminal)
- Crime in-progress
- Accident, personal injury, property damage
- Wanted person
- Missing person
- Routine criminal reports
- Attempt to locate
- Cancellations of events
- Routine administrative or other traffic

Follow-up Checks

On certain designated types of calls, the dispatcher should routinely check on the status of Guards to insure their safety.

- Ten minutes may be considered a reasonable period before checking on units, in most cases.
- Cover (back up) units should be dispatched as a matter of course when no response is received after a certain period.

RADIO COMMUNICATIONS

Logging

The FCC requires all radio traffic to be logged. Logs must indicate the date, station call, and signature of operator from sign-on to sign-off, all transmission, and station identification. Logs should be changed at 24 hour intervals.

- Recording equipment must be constantly maintained to insure proper performance.
- Responsibility must be assigned for changing and storing tapes.
- Equipment must be secured against any tampering, theft, and alteration.
- All radio channels should be recorded on one tape, together with a time track.
- All calls dispatched should be followed by the time.
- Each channel should be identified every half hour.

Vehicle Assignments

Dispatchers should be familiar with different classes and types vehicles, and the calls appropriate to each.

- Motorcycle
- Solo automobile

- Two person automobile
- Bicycle patrol
- Special vehicles

Calls should generally be assigned to the appropriate district car or unit. The dispatcher is usually responsible for determining who gets a call. If the proper district car is not in service, and the call is of a priority nature, usually the next closest district will be sent.

- Before issuing an assignment, the unit chosen should be called and response obtained.
- If there is detailed information to copy, the unit should be alerted and then called back when it is prepared to copy.
- This will prevent waste of air time from having to repeat missed information.

Air Codes

Some departments use “air codes” to identify particular activities. The use of air codes can:

- Reduce the time needed to communicate format messages.
- Require and promote universally (within departments) understood single meanings to certain codes.
- Promote brevity in messages.
- Increase message reliability, especially in situations where messages must be repeated or relayed between originator and final recipient.
- Messages are easily recognized, comprehended, and understood.
- Greater communication can occur using less air time.
- Inflection does not change meaning of messages.
- There is increased assurance that the message will be understood in poor signal coverage areas.

A typical series of air codes is called the “ten code” system.

When spelling messages on the radio (or telephone), it is sometimes useful to use “code words” to reduce the chance of the recipient misunderstanding a letter. Typical code words might be the following:

A-Adam	B-Bravo	C-Charles	D-David	E-Edward	F-Frank	G-George
H-Henry	I-Ida	J-John	K-King	L-Lincoln	M-Mary	N-Nora
O-Ocean	P-Paul	Q-Queen	R-Robert	S-Sam	T-Tom	U-Union
V-Victor	W-William	X-X-ray	Y-Young	Z-Zebra		

Organization at Console

Proper work organization allows for efficient and expeditious handling of field units for field assignment. The following, when practical, can help avoid confusion and pitfalls:

- Before taking over the radio, question the operator you are about to relieve as to conditions in the field.
- Check the daily bulletin before making relief.
- You may have occasion to make reference to it, or may alert a field unit he who is involved with a suspect listed in the daily bulletin.
- Organize the work areas so that it suits your ability to work comfortably and efficiently.

- Check status board against patrol, traffic, and special squads.
- Identify which units are two-person cars.
- Note any changes in detail, such as switching units in districts, changes in pool car numbers after detail is received, etc.
- Arrange your waiting assignments in order of beats, time received, and/or priority of assignments.
- Keep work areas clean. Remove any superfluous, non-relevant matter.

Status of Units

To deploy personnel effectively, dispatchers must be constantly alert to the status of units under their control. The dispatcher must stay advised about:

- Whether units are in service or out of service
- What units are available for which types of call
- What units are available for back up or cover
- What units are subject to call for priority needs
- The status of units responding to calls
- Rechecking units periodically
- What types of units are in the field (bicycles, automobiles, etc.)
- Which units are “on break,” and when used by different departments there will be a different method for keeping track of units.
- Log sheets
- Status boards
- Automatic vehicle location
- Etc.

Command Notification

Dispatch personnel should be clearly apprised of the situations which require command notification. Staff should also know the proper command Guard to contact, how, and where. Typically, command should be notified immediately of the following occurrences:

- Guard in trouble
- Fire
- Major crime in progress
- Situations requiring concerted action cutting across district boundaries
- Communication center overload
- Equipment malfunction
- Interference on communications channels or links
- Serious personal injury accident
- Any death, shooting, stabbing
- Any major disturbance
- Severe weather warning
- Guard involved in motor vehicle or other type of accident

DISPATCH PROCEDURES

Acknowledging Calls

Dispatchers and field personnel should acknowledge all calls quickly. Even when the dispatcher is handling more than one radio channel or there is a great deal of telephone traffic, the calling party

should at least be given a standby. If the dispatcher does not come back on the air within 30 seconds, the call should be repeated. If the call is urgent, then the field unit should so preface the transmission (e.g., “car 104, urgent”). Field Guards should acknowledge both receipt of the initial call, and receipt of the dispatched information.

For example, the unit should acknowledge receipt of the initial call: (Dispatch): “Car 104”. (Car): “201, go ahead.”

After the call is given to the unit, the unit should respond with “clear” or whatever sign off language is prescribed by the department. In no event should the unit signify receipt by clicking the microphone. Field units failing to respond after three calls should be put on a special cue, to be called again. In addition, if no explanation from the unit is obtained, or the unit cannot be contacted, command should be notified.

Attend to Duty

Dispatchers must cover the console at all times. Communications consoles should never be left unattended. A field Guard may only get one brief chance to call for help. If a dispatcher must temporarily leave the position, s/he should so notify the units relying on the dispatcher for communications, or preferably, have another dispatcher handle the calls temporarily.

Calling Unresponsive Units

When attempting to contact a field unit which does not immediately respond, a dispatcher should call the unit two or three times.

- If no response is received, check the assignment cards to determine if the unit has been given a call to handle.
- If not, the last time the radio had contact with the unit should be ascertained.
- If the Guard was last assigned to a hazardous call, it may be prudent to send cover or backup.
- In the alternative, the dispatcher may wait a period of time and recall the unit.
- If a response is still not received, notify command and send backup.

Channels

Radio signals travel on channels (or frequencies). To communicate, both the sender and receiver must be tuned to the same channel. Radio transmissions are typically “one way” only. You cannot usually talk and hear at the same time. Dispatchers must know which units are using which channels.

- Further, the dispatcher should be advised when a field unit is switching to another frequency.
- If, for any reason, cars must be switched to another channel (i.e. for stuck mike, or equipment breakdown) the instruction to switch over should be aired several times, unless field units have been previously been apprised of the fact.

Channel Status

The dispatcher must be constantly aware of the status of channels available for use.

- Is the channel clear, or in use? Is the base station of the channel operational?
- Is any interference being received?
- Is the channel being used for special operations during the shift?

- Will any special codes be employed?

Courtesy and Demeanor

A dispatcher must not only be concerned with what information is communicated to field personnel, but how the information is conveyed.

- The person behind the microphone must remain neutral, impartial and unemotional
- The dispatcher is the voice of security, and should so act.
- There is no place for comedy, personal conflict, or reprimanding over radio channels.
- Dispatchers should speak in third person, avoiding the use of "I."
- Familiarity over the air is not recommended, thus the use of car numbers and rank is preferable to first names.
- Dispatchers must never act like prima donnas; they are not indispensable.
- Patience must be practiced.
- Thought before speech must be the rule.
- The dispatcher must act and sound authoritative and confident.
- Their voice must convey their alertness and readiness to serve.
- Courtesy to fellow dispatchers and field units is essential.
- Words such as "thank you," "please," "you are welcome," etc., are polite phrases, but their use is unnecessary and may take up valuable air time.

Late Night Check-Ins

In many departments, after midnight, units and foot patrols are required to check in every half hour by identification and location.

This practice serves three major functions: security of the Guard, administration and command control, and provides a psychological boost to field personnel.

This last reason is very important, for an Guard may be patrolling a very quiet area, and hence, not come into contact with anyone for long periods of time. If the radio is also quiet, s/he can become very bored, lonely, and fatigued. Occasional radio traffic partially fills the void.

Messages and Formats

Message transmission formats must be outlined and followed by all, to insure uniformity, accuracy, and efficiency in processing.

When dispatchers are trained to use the same format and obtain the same information for each class of call, they will tend to perform more effectively under stress. When formulating usage broadcasts relevant questions which should be asked include:

- Will the message be clear to the recipient?
- Has all data been included which was given or requested?
- Has the proper format been observed?
- Can this message be acted upon from the information given?

If messages are to be relayed, relay exactly as given, while conforming to departmental procedures.

Pursuits

The moment a unit comes on the air with a pursuit call, all other traffic should be cleared from the channel.

- The unit's location, direction of travel, and speed should be ascertained.
- A description of the fleeing vehicle, license number, number of occupants, should be aired.
- Dispatch should ascertain and broadcast what the vehicle is being pursued for.
- Frequent locations should be given.
- The dispatcher must remain calm and unemotional.
- If possible, the license number of the run car should be ascertained for stolen.
- Often, the local police should be notified of the incident in progress.

Special Alerts

The use of special tone alerts will immediately catch the attention of field units for special broadcasts. Solid tones or siren type signals may be used to denote urgent situations, such as fire, ambulance runs, or other emergency situations, etc. Procedures should be developed to govern when alerts should be used.

PORTABLE RADIOS (HAND HELD)

Basic Operating Procedures

Check that the radio has a fully charged battery and report any physical damage or electronic malfunctions.

- Turn on.
- Set squelch and volume, and monitor.
- Rotate the volume control clockwise about one-half turn.
- Rotate the squelch control to maximum counter-clockwise position.
- If your radio has a "PL" (Private Line by Motorola), "CG" (Channel Guard by General Electric) or "QC" (Quiet Channel by R.C.A.) switch, place the switch in the off position.
- Some units may have "automatic" squelch control.

With the antenna fully extended, listen for a broadcast and set the volume to a comfortable listening level.

When the channel is clear, slowly rotate the squelch control clockwise until the noise just stops.

- This is the "threshold setting."
- DO NOT turn the control further. Excessive squelch reduces the sensitivity of the radio and may prevent reception.

Hold the radio at face level with the antenna fully extended in a vertical position and with the microphone grille about two inches from your mouth. Wait until channel is clear, then press the push-to-talk switch (usually located on the side of the radio), and speak slowly and clearly across the grille area.

- Use ordinary, proper English
- Avoid unprofessional "CB" terms, such as "come back," or "10-4" or "Good buddy."
- Keep your message as brief as possible.

- Be business-like and neutral in your language.
- Avoid slang, vulgarity, sarcasm, profanity, personal remarks.
- When finished transmitting, release the push-to-talk switch to receive.
- When the communication is concluded, sign off.
- The unit initiating the communication is usually the first to sign off.
- Do not sign off using phrases such as “over and out,” or “roger and out.”

Radio transmissions are not secure. Radios should not be used to communicate confidential information.

Care of Portable Radios

You are responsible for equipment issued to you.

Check that the battery is fully charged. This may be done “automatically” on some units, with a “beep” tone indicating that the radio’s battery is charged and working.

- Be sure carrying case and other accessories are in good condition.
- Report any physical defects or electronic malfunctions at once.
- Keep radios away from water, chemicals, etc. that could damage or short out the radio.
- Do not use the radio as anything other than a communication device.
- A radio is not a hammer, or a weapon.
- Never let an unauthorized person handle the radio.
- Do not let another security Guard “borrow” your radio. If another employee requires communications, do it for them.
- Handle the radio with care, as it may save your life or someone else’s one day.

LESSON # 5: ACCESS CONTROL

Student Training Objective(s):

Upon completion, the student will be able to:

1. Explain the concept of controlling access to an employer's property by environmental design. Cite specific types and methods utilized by the security guard industry.
2. Identify the components of a security survey and provide an assessment of positive and negative types of access control and security measures.
3. Identify acceptable forms of identification and access control notification procedures to include, but not limited to the following.
 - a. Vendors/deliveries
 - b. Visitors
 - c. Employees
 - d. Government agencies
4. Identify the benefits of controlled access points and the importance of daily monitored electronic or manual login procedures.

ACCESS CONTROL

Access control involves controlling and monitoring people (and property) entering and leaving premises. The security function in access control includes minimizing unauthorized access to premises. In addition, security is expected to know who (and what) is in premises with authorization, to enable proper response in the event of an emergency or in the event that someone at the facility must be located promptly.

TYPES OF ACCESS CONTROL

The two main types of access control are physical barriers, and direct screening of people.

Physical Barriers

Barriers can be either natural (environmental) or structural (fabricated). Barriers define boundaries, limit (prevent or delay) access control traffic flow.

“Perimeter security:” A “fence” (natural or fabricated) surrounding the outside of the building.

Physical perimeter security is designed to protect large areas and buildings (or building complexes). The idea is to surround the area with a barrier while still assuring that the buildings themselves remain exposed and visible.

Security Guards may patrol perimeter barriers, looking for breaks or intrusions, and deterring unauthorized access through presence. The “second line” of perimeter security is the **building or structure itself**, which usually consists of six sides: Roof, floor, four walls. The **roof** is typically the most vulnerable point of unusual entry on a building. **Windows** are also a point of potential entry to which security Guards must pay special attention.

Window reinforcements include bars and grates, tempered glass, laminated glass, reinforced glass, and plastic (or plastic coated) glass. Windows may also be alarmed with foil, vibrator or breakage alarms.

Doors require special security attention, since they are the obvious and most common point of entry into buildings. Door construction influences security. Some doors are stronger than others. Fire codes often require that doors open outward. Doors may also be alarmed or employ other mechanical or electronic access control devices.

Locks. Doors may also be secured by locks. There are two main types of locks: mechanical, and electronic. Mechanical locks consist of a bolt or latch; tumblers; and the key (or other unlocking device).

Master keying is when one key (or set of keys) will open more than one lock. To avoid compromising security, master keys must be kept strictly accounted for.

Key control is a vital part of access security, and can include inventories of all keys for all locks, and logs of who has been issued which keys.

Lock bolts and latches: Spring-loaded latches “throw” the bolt by spring power. These are of minimal security use.

Deadbolts are better. The force of the key (or thumb turn) is what powers the bolt. Fire codes must be consulted to determine whether deadbolts are permitted in specific applications.

Electronic locks use electronic signals to deliver electrical energy to open a mechanical lock or latch release. Many card-key systems are electronic. Key control considerations apply equally to electronic locks.

Security lighting. Lighted areas deter unauthorized conduct, and are easier to patrol. How much lighting and what kind of lighting are appropriate depend on several variables. The size of the object to be illuminated. Larger objects require less light, and larger objects reflect more light. The color of the object to be illuminated. Light colors reflect more light than dark colors. The texture of the object to be illuminated. Smooth-surfaced objects reflect more light than coarse-textured objects. The number of objects to be illuminated. More light is required if there are many objects to be illuminated. Security lighting may be continuous, specific, or selected.

Continuous lighting is when a series of overlapping floodlights illuminate an entire area.

Specific lighting is when a floodlight illuminates a particular spot, as for example a floodlight above a door.

Controlled lighting is used when “full” illumination is neither necessary nor desirable.

DIRECT ACCESS CONTROL AND IDENTIFICATION

Private security Guards are often required to directly screen applicants for entrance to facilities. Security Guards are often posted at entry points (doors and gates), with standing post orders. They identify people wishing to enter, and approve or deny access.

Visual recognition: Know who is authorize to enter the facility, and when.

“Personal knowledge” — simply looking at people and recognizing them— is the **least reliable** source of access control recognition.

Written documentation: Employee photo badges, building visitor permits, vendor identification cards, work orders, and delivery manifests. Security Guards are expected to examine these items closely for tampering or alterations, and to make sure they are current.

Questioning documentation:

- Require additional identification;
- Contact supervisor, obtain verification or authorization;
- Contact outside employer to verify identity of non-employee.

Third Party Authorization

“Checking with someone else” before permitting access.

Security Escort

Some employers may have a policy that requires all (or some) visitors to be escorted while in the facility.

Logging-in

“Signing-in” visitors. Log-in procedures provide:

- Accountability of staff and visitors.
- In the event of an emergency, security is aware of all occupied work areas.
- Compliance with employer and security guidelines.
- Discourages unauthorized personnel.
- Encourages security/employee interaction.

Electronic Access Control (Alarms)

Electronic access and control equipment can protect and cover a larger area than a security Guard. Alarm systems typically are set up to receive or report signals in four different ways:

Local alarm. Signals an “alert” at a specific place (e.g., point of entry) only.

Proprietary termination: Internal alarm only.

Direct termination. Connected directly with appropriate responding authorities, such as the police.

Central station. Alarm signals are automatically routed to a monitoring station which in turn investigates the signal and contacts the police or other authorities to respond as appropriate.

Threat Potential: Identification and assessment of possible risks and hazards, to determine the level of access control necessary. Differing threat potentials imply different levels of security.

Determining threat potentials:

- Demographics
- Type of industry
- Occupants’ function
- Available resources

Types of Threats

Sabotage: Treachery and subversive tactics to damage or disable equipment or property.

Espionage: Surveillance, infiltration, and spying, for the purpose of stealing secret materials.

Terrorism: Acts which cause apprehension, panic and fear.

Generally, sabotage, espionage, and terrorism are thought of in global and political terms. However, these are common threats as well to many “local” businesses or government institutions. In each case, they disrupt normal operations, reduce efficiency, and may result in other security risks.

LESSON # 6: ETHICS AND CONDUCT

Student Training Objective(s):

Upon completion, the student will be able to either orally or in writing:

1. Define and identify the elements of the Security Guard Code of Ethics.
2. Identify five unethical practices that a security guard may encounter at a work location and describe how adhering to a strict Code of Ethics affects unethical practices.
3. Identify two benefits to a security guard and a security guard employer that will be realized by adopting and following a Code of Ethics.
4. Identify the elements of an employer's rules and regulations which govern the professional conduct of a security guard.
5. Explain the importance of a security guard's fitness for duty as it relates to all of the following.
 - a. Alertness c. Mental & physical preparedness
 - b. Unimpaired by drugs/alcohol d. Appearance & demeanor

ETHICS AND CONDUCT

Ethics and professionalism go hand in hand. Security Guards are entrusted with the safety of lives and property. They are often a company's first line ambassadors to the public, and are responsible for enforcing safety and integrity rules in the work place. The job requires the highest levels of integrity, honor, and discretion—ethics.

It is the essence of a security Guard's position that conduct be at the highest levels of professionalism and integrity. This is simply expected of security Guards; anything else is unacceptable.

Simply stated if you can't trust the people who are responsible for protecting lives and property to act ethically, who can you trust?

THE SECURITY GUARD CODE OF ETHICS

New York State has adopted a code of ethics for security Guards.

The code of ethics formalizes the idea—and rule—that there are measurable standards of conduct expected from everyone who holds a security Guard position.

Code of Ethics defined

The code of ethics is a statement that incorporates moral and ethical principles and philosophies. It is a measure of a person's activities against a standard of behavior. By outlining basic rules of expected conduct, the code of ethics communicates these rules to all security Guards. The manner in which personnel of a business conduct their activities has a direct effect on whether a business succeeds or falls.

Security Guards are entrusted to protect persons and property from harm, and so by definition must possess a high degree of integrity and ethical standards.

Ethical behavior is therefore a direct job function of security Guards.

- A published and public code of ethics increases the effectiveness and role of the security Guard.
- The code of ethics will help the security industry attract a better caliber of Guard.
- The code of ethics will help create a professional environment in which to work, reducing turnover rates and increasing effectiveness.
- The code of ethics will enhance the way law enforcement agencies and the general public view private security.
- The code of ethics will help protect people's rights and reduce abuses of authority.

CODE OF ETHICS FOR SECURITY GUARDS

In my capacity as a security Guard hired to prevent, report and deter crime, I pledge:

1. To protect life and property; prevent and reduce crime committed against my employer/client's business, or other organizations and institutions to which I am assigned; abide by the Constitution of the United States.

2. To carry out my duties with honesty and integrity and to maintain the highest moral principles.
3. To faithfully, diligently and dependably discharge my duties, and to uphold the laws, policies and procedures that protect the rights of others.
4. To discharge my duties truthfully, accurately and prudently without interference of personal feelings, prejudices, animosities or friendships to influence my judgments.
5. To report any violation of law or rule or regulation immediately to my supervisors.
6. To respect and protect information considered confidential and privileged by my employer or client, except where their interests are contrary to law or this Code of Ethics.
7. To cooperate with all recognized and responsible law enforcement agencies within their jurisdiction.
8. To accept no compensation, commission, gratuity, or other advantage without the knowledge and consent of my employer.
9. To conduct myself professionally at all times, and to perform my duties in a manner that reflects credit upon me, my employer and the security profession.
10. To continually improve my performance by seeking training and educational opportunities that better prepare me to carry out my security duties.

SELECTED ETHICAL VIOLATIONS

Failure to Report Violations

Reporting ethical violations is an essential part of a security Guard's job. Watching for and reporting ethical violations is part of protecting people and property. Unethical behavior is a threat to the well being of people and property. Reporting ethical violations is doing the job for which a security Guard has been hired. Failing to report ethical violations compromises the entire security function. Companies should have carefully developed protocols for reporting suspected ethical violations. People have to trust the process, and the process must work. Discretion is a must.

Violating Confidentiality

What you see at work stays at work. Information is valuable property. Protecting property is a duty of a security Guard. Keeping confidences comes with the job.

Dishonesty

There is no excuse for dishonesty of any sort by a security Guard. Theft of property. There is never a legitimate reason for theft. No excuse will be accepted. "Unauthorized borrowing" is the same as stealing. Theft of services is theft. Theft of time is stealing. Sleeping on duty is theft. Leave abuse is stealing. Falsification is unethical and dishonest. Making false entries in the business records of a company is a crime. Falsely reporting that you made inspections when you did not is unethical. Falsely reporting on some records is theft.

Destruction or Misuse of Property

There is never a legitimate excuse for damaging or misusing property or equipment belonging to another.

Impersonation

Do not represent yourself as other than a security Guard. Impersonation is unethical, and almost always counter productive. Security Guards need to be immediately and precisely identifiable as security guards. People need ready access to security Guards, and must be aware of their presence. The idea that pretending to be a law enforcement Guard is helpful is an illusion. It is not true.

Malpractice

Abuse of authority and incompetence are each definite violation of ethics. Abuse of authority is deliberate wrongdoing. Incompetence is wrongdoing due to lack of skill. There is nothing that compromises security faster than bad security.

Whether deliberate or incompetent, improper security operations compromise security, and can endanger the very people and property a security Guard is hired to protect.

Favoritism

Security Guards are part of but yet slightly apart from their co-workers. Security Guards must avoid even the perception of subjectivity or favoritism.

Alcohol and drugs

The use of alcohol or drugs while on duty is absolutely prohibited. Security Guards are expected to be fully alert at all times when on duty. On-duty alcohol or drug use compromises safety, reduces response time, inhibits professional judgments, and compromises security.

Bribes

A security Guard may only serve one “master.” No security Guard may accept anything of value from anyone other than the employer for performing security services. Accepting bribes is a firing offense. Always and without exception.

Gambling

Gambling at work violates accepted ethical standards for security Guards.

Borrowing Money

Borrowing money from, or lending money to, co-workers and employees is frowned upon. A debt creates at least a perception of undue influence, which can compromise a security Guard even if the perception is not true.

Harassment, Sexual and Otherwise

People come to work to work. The law prohibits activities which makes working more difficult for illegitimate reasons, such as race, religion or sex. Conduct which is offensive to someone because of their race, religion, or sex has no place at work. It is not job-related, and people simply do not have to put up with it. Harassment, including sexual harassment, is a violation of civil rights laws. Harassment reduces productivity, and creates liabilities for employers. It is also hurtful to its victims, and against the law. Its reduction is therefore part of a security Guard’s duty to protect people and property.

Sexual Harassment

Sexual Harassment is legally defined as any unwelcome sexual conduct or contact. Note that sexual harassment (like all harassment) is measured primarily by the effect of conduct on the victim. The “intent” of the actor is not important, it does not matter much that the person thought the conduct was “harmless.” Sexually harassing conduct can be open, such as coercing sex with a promise of promotion, or “grabbing” at employees. It can also be more subtle, such as jokes and verbal conduct, or too persistently trying to date someone who has said “no.”

Even routine **dating** between co-workers is often discouraged. It can easily create conflicts of interest, and there have been many cases in which this has resulted in compromises of security.

LESSON # 7: REPORT WRITING

Student Training Objective(s):

Upon completion, the student will be able to:

1. Identify the six questions that must be answered by a security guard when completing report forms and logs.

Who, What, When, Where, Why and How?

2. Identify the grammatical components of a well written report to include, but not limited to the following.
 - a. Proper use of pronouns e. Punctuation
 - b. Past tense f. Clarity and readability
 - c. Chronological order g. Conciseness
 - d. Spelling h. Objectivity
3. Explain the need to draft and write a report for an intended reader devoid of law enforcement slang, technical terminology and acronyms.

REPORT WRITING

A report is any official, permanent record of specific security activity.

FUNCTIONS OF REPORTS

Records security activity

- Criminal
- Non-criminal
- Public service
- Assist other personnel
- Inventory control
- Access control
- Activity logs
- Communication logs
- Etc.

Identifies essential elements of the security activity

Administrative

- Coordinate security activities
- Continue investigation
- Evaluate Guard's performance
- Planning tool
- Computer analysis
 - Crime trends
 - Modus operandi file

CATEGORIES OF REPORTS

Crime Report

- Persons
- Property

Non-criminal

- Health and safety
- Inventory control
- Access control
- Communication logs

Administrative

- Departmental
- Activity logs

WHO USES REPORTS

Other security personnel

- Follow-up investigation
- Supervisors

- Law enforcement agencies
- Other agencies

Criminal justice requestors

- Prosecutors
- Defense attorneys
- Judges
- Jurors
- Defendants
- Probation
- Parole
- Victim's assistance
- Division of Criminal Justice Services
- Federal Bureau of Investigation

Non-criminal agencies

- Insurance companies
- Private investigators
- Complainant

Other governmental agencies

Administrative

- Employee evaluation
- Planning and research

STEPS IN REPORT WRITING

Gather the facts

- Field
- Observations
- Record checks
- Information from other Guards, laboratory, etc.

Organize the facts

Outline

Plan the report

Write the report on correct form

CONTENTS AND SEQUENCE

Selection of correct form

Administrative data: Case number, date, offense, victim, etc.

Body: Facts, Who can testify to which elements of offense

Disposition of matter and case status

Signature of Guard

CHARACTERISTICS

Accurate

- Never speculate or guess
- If exact time of occurrence is not known, approximate as precisely as possible.

Complete

- Who victim(s), complainant(s), witness(es), suspect(s)
- What (full description of occurrence)
- When (dates and times)
- Where (location of events)
- Why (motives)
- How (methods)

Concise, Legible, Chronological

- Correct
- Review
- Evaluate
- Edit

Clear

- Distinguishes victim, complainant, witnesses, suspects
- Use subtitles generously

Objective perspective

Written in Standard English

- Avoid:
 - Police/Security jargon
 - “Legalese”
 - Non-standard abbreviations

Timely

LESSON # 8: FIELD NOTE TAKING

Student Training Objective(s):

Upon completion, the student will be able to:

1. Define field notes and identify its importance in preparing an accurate report.
2. Identify the six questions that must be answered by a security guard when completing report forms and logs.

Who, What, When, Where, Why and How?

3. Understand and explain the importance of :
 - Incriminating statements, remarks and admissions
 - Rules infractions, disregard of company policies
 - Accident Scene preservation
 - Crime Scene preservation
 - Evidence preservation
 - Timely preparation

FIELD NOTE-TAKING

DEFINITION OF FIELD NOTES

Brief written statement of facts made at or near time the information was obtained.

PURPOSE OF

- Aid to memory
- Aid in preparation of formal report
- Aid in interview and interrogation process
- Aid in accurate testimony

RECORDING INFORMATION

Identifying the situation

Incriminating statements, remarks and admissions:

- Should always be recorded
- Important to record exact language

Rules infractions, disregard of company policies:

- When and Where Observed
- Persons Involved

Accident Scene:

- Accurate Measurements
- Items of Evidence

Crime Scene:

- Accurate Measurements
- Boundaries
- Items of Evidence

Evidence:

- Exact Location
- Condition

Physical descriptions

Services rendered

Names of other personnel involved

CONSIDERATION IN NOTETAKING

Timely

Clear, concise, complete, and consistent

- Facts not recalled may later be essential

Chronological listing of events

Proper disposition (filing) of

Legal aspects

- Court review of possible

Notebook

- Size
- Loose-leaf vs. bound
- Forms

Written in pen

- Strike through and initial corrections

Type of incidents

- Serious complaints/offenses
- Unusual circumstances
- Circumstances involving potential liability

Note taking

Who: Victim(s); Witness(s)
What: Full description of occurrence
When: Dates and times
Where: Location of events
Why: Motives; Explanations
How: Methods

PRACTICES TO AVOID (PITFALLS)

Non-professional information

- Unrelated phone numbers
- Doodling
- Personal reminders

No separation of

- e.g., combining different events on the same page
-

LESSON # 9: OBSERVATION AND PATROL

Student Training Objective(s):

Upon completion of instruction, the student will be able to:

1. Identify the proper methods of observation when patrolling the property which security guards are assigned to protect by:
 - Checking the condition and status of patrol vehicle, if applicable.
 - Identifying procedures to patrol locations which are potentially hazardous.
 - Identifying proper procedures to patrol on foot or by vehicle.
 - Identifying incidents or potential problems related to patrol of parking lots.
 - Identifying signs of illegal entry to buildings or grounds.
 - Identifying factors indicating suspicious persons or vehicles.
 - Identifying procedures to interview a suspicious person.
 - Identifying circumstances typically requiring back-up assistance.
 - Identifying procedures to advise employer of potentially hazardous conditions.
 - Identifying procedures to assist elderly or disable persons with mobility problems.
 - Identifying procedures to escort money, valuables or people to provide security.
-

OVERVIEW OF PATROL FUNCTION

The security patrol Guard

- Essence of security function
- Direct impact on employer and employee satisfaction.
- Represents security department
- Actions have far reaching consequences

Basic objectives

- Protecting people and property
- Crime prevention
- Criminal apprehension
- Order maintenance
- Loss prevention

Knowledge necessary for basic patrol

- Geographic area
- Persons in area
- Previous criminal activity in area
- Vulnerable areas
- Hazardous areas
- Physical facilities
- Observation techniques

Types of Patrol

- Motorized
- Foot
- One person vs. two people
 - Safety

- Impact on techniques
- High visibility
- Low visibility
- Proactive vs. reactive

OBSERVATION TECHNIQUES

Five senses: Sight Hearing Taste Smell Touch

Observation requires

- Attention to detail
- Perception of what is observed
- Reporting what is observed
- Fallibility of senses
- Momentary lapse in attention
- Defects of sensory equipment
- Interpretation of sensory data
- Faulty memory - delayed reporting time
- Reaction time
- Association with past experience
- Comprehending what you see

Observation reporting cannot:

- Be in a hurry
- Be prejudiced
- Be careless
- Exaggerate
- Be emotional
- Be absent minded
- Techniques used to develop powers of observation
- Practice observing
- Individuals
- Groups
- Places
- Things
- Write down what you see and practice being accurate, clear and concise

PATROL TASKS FOR SECURITY GUARDS

- Identify the need to check condition and status of patrol vehicle, if applicable.
- Identify procedures to patrol locations which are potentially hazardous.
- Identify proper procedures to patrol on foot or by vehicle.
- Identify incidents or potential problems related to patrol of parking lots.
- Identify signs of illegal entry to buildings or grounds.
- Identify factors indicating suspicious persons or vehicles.
- Identify procedures to interview a suspicious person.
- Identify circumstances typically requiring back-up assistance.
- Identify procedures to advise employer of potentially hazardous conditions.
- Identify procedures to assist elderly or disable persons with mobility problems.

- Identify procedures to escort money, valuables or people to provide security.
- Identify proper procedures to respond to incidents:
 - Animal control
 - Begging (Solicitations on employer's property)
 - Business or peddler violation
 - Citizen locked out of vehicle or building
 - Disorderly public conduct
 - Downed wires
 - False fire alarm
 - Fireworks violations
 - Found property
 - Illegal burning
 - Invalid or elderly person needing assistance
 - Littering
 - Loitering
 - Missing person
 - Obscene or harassing phone call
 - Perimeter control at fire
 - Prowling
 - Repossession dispute
 - Ruptured water or gas line
 - Trespassing

PROFILING BEAT CHARACTERISTICS

- Population characteristics (demographics)
- Geographic concerns
- Roadways
- Pathways
- Impediments to travel
- Location of emergency facilities

Crime hazards

- Burglary prone facilities
- Robbery prone establishments
- Areas for auto theft
- Areas prone to petty theft or vandalism
- Narcotics activity
- Problem businesses and persons in area

Community habits

- Traffic patterns
- Special events
- Potential crime victims
- Elderly and young
- Unprotected females in hazardous areas

PREPARATION FOR PATROL

- Personal equipment
- Uniform
- Weapon or weapons
- Flashlight
- Radio - Portable
- Forms
- Gathering information for patrol
- Daily incident log
- Bulleting board
- Pre-shift briefing reports
- Patrol vehicle
- Mechanical status
- Lights - operating and emergency
- Siren (if equipped)
- Brakes
- Tires
- Horn
- Fuel - oil
- Damage inspection
- Auxiliary equipment (vehicle)
- Shotgun (if equipped)
- First-aid equipment
- Hares
- Fire extinguisher
- Blanket
- Rope
- Vehicle entry tools (if authorized)
- Reporting deficiencies or discoveries
- Before starting patrol
- Immediate supervisor

PATROL PROCEDURES

- Check patrol area once at start of patrol
- Aggressive patrol definition
- Interview suspicious people
- Stopping suspicious vehicles
- Check abandoned vehicles
- Check building security - commercial and residential
- Look for street hazards
- Check public places
- Identify problem spots
- Check certain areas at problem times
- “Systematically unsystematic” patrol
- Meals and coffee at different times and places
- No fixed route of travel

- Backtracking area patrolled
- Need for detailed knowledge of streets and business locations
- Avoid constant use of thoroughfares
- Patrol emphasis upon high risk areas by location and time
- Potential problems within parks, school grounds, parking lots merit frequent checking
- Mugging
- Vehicle burglary
- Vehicle theft
- Abandoned vehicles
- Crimes against children
- Narcotics activity
- Property checks
- Concealed and quiet approach
- Area to be checked
- Doors
- Windows
- Roof-sky lights
- Properties with alarm systems should not be ignored
- Indications of breaking and entering
- Lights off that usually are not
- Broken glass, particularly over latches
- Ladders against building
- Vehicles parking on residential street adjoining businesses
- Noise
- Concentration upon rear/obscured entrances
- Establishing field contacts
- Talking to various people
- Custodians
- Delivery persons - vendors
- Listening to people
- Avoid interrupting
- Allow them to give opinions
- Show interest
- Explain how the employee can help (i.e., crime prevention)
- Differences in purpose of conspicuous versus inconspicuous patrol
- Conspicuous - high visibility, create the illusion of an omnipresence
- Inconspicuous - detection/apprehension

HANDLING SELECTED SERVICE CALLS

Activity around abandoned building

- Ask neighbors for information
- Check property to detect signs of problem
- If problem exists or building is a hazard:
- Attempt to contact owner
- Notify building inspector/maintenance

Begging

- Normal procedure is to advise to desist
- Arrest may be necessary per employer policy

Business or peddler violation

- Inform complainant of employer policy
- Determine if civil or criminal
- Refer to legal assistance if civil
- Respond in terms of statute or ordinance if criminal

Check on welfare of citizens

- Become familiar with addresses of invalids or elderly citizens on beat
- During patrol check above addresses for signs of inactivity
- Newspapers on porch
- Lawn needs cutting
- Check with neighbors regarding invalids and/or elderly citizens
- Ring bell or rap on door of citizen in question
- If no answer, contact relatives, friends and/or neighbors to ascertain if forced entry into residence in question is necessary
- As last resort, enter residence in accord with department policy

Lock out of vehicle

- Check department policy
- May be able to use “slim jim” or other device (if authorized)
- If entry is not possible, assist in contacting locksmith
- Children or animals in vehicle in hot or cold weather may require immediate forced entry

Locked out of building

- Verify that citizen should have access to property
- Attempt to assist if entry is possible
- If entry is not possible, offer to help them to a phone to contact locksmith, etc.

Service complaints

- Inform complainant in courteous manner that complaints about service do not fall within the scope of the Guard’s duties
- Direct complainant to appropriate party

Disorderly public conduct

- Identify elements of disorderly conduct
- Take arrest action if necessary

Downed wires

- Keep citizens at distance
- Notify fire department of situation
- Take precautions necessary if wires are across vehicle
- Notify agency, business, or company whose lines are down
- Notify department supervisor

False fire alarms

- Respond per department policy
- Observe for suspicious persons in area
- Establish contact with fire department personnel

Found property

- Take possession
- Inform citizen of policy concerning found property
- Notify law enforcement authority

Invalid or elderly person needing assistance

- Assist them if possible
- Be alert for circumstances indicating need to notify relatives, friends or social service agencies

Landlord / tenant dispute (within scope of employment)

- Mediate if possible
- Inform parties of civil nature of issue
- Refer to appropriate agency, counsel or court

Littering

- Elements of littering
- Respond in terms of rules and regulations and local ordinances if appropriate

Loitering

- Use caution, loitering may signal criminal activity

Lost child

- Verify that child is lost and not with relative or friends, or hiding in the home
- Notify law enforcement authorities
- Interview parents, relatives, friends or neighbors regarding child's location
- Search for child
- Expand search in terms of department policy

Missing person

- Verify person is actually missing
- Notify law enforcement authorities
- Attempt to locate by:
 - Interviewing relatives, friends, and associates
 - Through law enforcement put out radio broadcast or teletype
- Expand investigation in terms of department policy

Obscene or harassing phone call

- Elements of law pertaining to obscene or harassing phone calls
- Determine need to refer victim to telephone company
- Advise law enforcement authority
- Advise victim of recommended responses
- Determine need to investigate further

Perimeter control at fire

- Follow direction of emergency personnel
- Do not block fire department access
- Keep spectators at distance

Prowling

- Elements of criminal trespass to property

Ascertain:

- If prowler is still at scene
- If so, exact location
- Activity of prowler
- Description of prowler Description of prowlers vehicle
- Need two security Guards at scene
- Normally does not merit emergency response
- Identify self to complainant before checking premises
- Check premises (contact law enforcement)
- Reassure complainant of the fact that they are safe

Ruptured water or gas line

- Notify appropriate utility
- Stand by if any danger is present
- Keep spectators at distance
- No smoking in vicinity of gas leak

Trespassing

- Determine if elements of offense are present
- Ascertain identity of trespassers
- Advise trespassers to leave unless unusual circumstances dictate arrest
- Advising property owners or agents of potentially hazardous condition
- Identify owner of property by inquiring at location in question, neighbors, or through local law enforcement agency

Assisting elderly or disabled persons with mobility problems

- Treat with dignity, avoid being condescending
- Assist as necessary

Procedures to escort money, valuables, or people to provide security

- Check department policy (post orders)
- Use codes to conceal nature of call
- Need for precautions
- Avoid contact with money or valuables
- Avoid establishing routine

RESPONDING TO CRIMES IN PROGRESS

Security Guards must be know the most direct and safest routes to locations have knowledge of people having a legitimate purpose for being in a given area and they know the normal hours of operation for departments and offices.

Whether responding to a location on foot or mobile unit the responding Guard(s) while approaching shall follow a set of guidelines developed with Guard safety in mind:

- Observe the parking areas in the immediate area for all vehicles parked or moving about
- Pause for a moment to listen and look for signs of suspicious or dangerous activity
- Use concealment to minimize detection
- Notify the dispatcher of your location and of the circumstances that you initially observe
- If backup is anticipated, make the request prior to becoming involved in a situation
- When responding to a building that has been entered by force, always wait for backup and notify police before entering.
- Guards should stay together and know each others location

Illuminate the area as much as possible to avoid shadows and aid in discovery of intruders. Immediately assess the area and any people that you may encounter. People may be employees, visitors, or unauthorized.

SELECTED FACTORS INDICATING SUSPICIOUS VEHICLES AND PEOPLE

- Check for unusual activity
- Prior knowledge
- Involvement in street transactions
- Out of place for time and area
- Undue attention to security
- Compare identity of vehicles and/or people to wanted alerts
- Verify identification (as legally permitted)
- Driver's license
- State or local I.D. card
- Vehicle registration
- Local telephone verification
- Factors indicating suspicious occupants of a vehicle
- Person does not fit vehicle
- Vehicle in improper condition
- Vehicle and/or people do not fit area
- Erratic driving
- Unusual activity
- Canvassing
- Parked in residential street next to business
- Burglars' tools
- Vehicle and/or persons fit description of wanted alert

CHECKING SUSPICIOUS VEHICLES

Determine whether vehicle should be followed

- Follow at safe distance (follow department policy)
- Watch for other vehicles, may be more than one involved
- Contact law enforcement authorities and advise of situation

Vehicles containing suspicious people

- Check for illegal activity
- Attempt to verify suspicion through contact with law enforcement

Interviewing suspicious people

- Request assistance if necessary
- Approach cautiously
- Proper vehicle positions
- Proper Guard positions
- Approach depends on direction of travel
- Body positioning while talking
- Look for body language

Interview suspect

- Advise person of reason for interview
- Ask reason for being in area
- Request identification
- Verify identification
- Check person against wanted alert or known criminal list
- When satisfied, terminate interview
- If clear – thank them for cooperation
- Make note of incident and interview with all necessary information

Circumstances typically requiring backup

- Business alarms
- Possible forced entry
- Possible crime in progress
- Field stops of known dangerous or hostile persons
- Situations which deteriorate
- When outnumbered
- Locations - typically hostile
- Never play hero