

POWER TO ARREST TRAINING MANUAL

DEPARTMENT OF CONSUMER AFFAIRS
Bureau of Security and Investigative Services



POWER TO ARREST TRAINING MANUAL
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STATE OF CALIFORNIA

POWER TO ARREST TRAINING MANUAL

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**INSTRUCTOR - EMPLOYER INTRODUCTION AND TRAINING
REQUIREMENTS**

(Listed below are sections in the California Business and Professions Code that pertain to the Powers to Arrest Manual)

Private Patrol Operator and Security Guards:

Business and Professions Code Section 7582.1(a) defines a private patrol operator and Section 7582.1(e) defines a security guard, as follows:

§7582.1(a) A private patrol operator, or operator of a private patrol service, within the meaning of this chapter is a person, other than an armored contract carrier, who, for any consideration whatsoever: Agrees to furnish, or furnishes, a watchman, guard, patrolperson, or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind; or performs the service of a watchman, guard, patrolperson, or other person, for any of these purposes.

§7582.1(e) A security guard or security officer, within the meaning of this chapter, is an **employee of a private patrol operator, or an employee of a lawful business or public agency** who is not exempted pursuant to Section 7582.2, who performs the functions as described in subdivision (a) on or about the premises owned or controlled by the customer of the private patrol operator or by the guard's employer or in the company of persons being protected.

Proprietary Private Security Officer:

Business and Professions Code Section 7574.01(e) defines a proprietary private security employer and Section 7574.01(f) defines a proprietary private security officer, as follows:

§7574.01(e) "Proprietary private security employer" means a person who has one or more employees who provide security services for the employer and only for the employer. A person who employs proprietary private security officers pursuant to this chapter at more than one location shall be considered a single employer.

§7574.01 (f) "Proprietary private security officer" means an unarmed individual who is employed exclusively by any one employer whose primary duty is to provide security services for his or her employer, whose services are not contracted to any other entity

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or person, and who is not exempt pursuant to Section 7582.2, and who meets both of the following criteria:

- (1) Is required to wear a distinctive uniform clearly identifying the individual as a security officer.
- (2) Is likely to interact with the public while performing his or her duties.

TRAINING REQUIREMENTS

Security Guard with Firearm (G with FQ) Training

§7583.5.(a) Every licensee and any person employed and compensated by a licensee, other lawful business or public agency as a security guard or patrolperson, and who in the course of that employment or business carries a firearm, shall complete a course of training in the exercise of the powers to arrest and a course of training in the carrying and use of firearms. This subdivision shall not apply to armored vehicle guards hired prior to January 1, 1977. Armored vehicle guards hired on or after January 1, 1977, shall complete a course of training in the carrying and use of firearms, but shall not be required to complete a course of training in the exercise of the powers to arrest. The course of training in the carrying and use of firearms shall not be required of any employee who is not required or permitted by a licensee to carry or use firearms. The course in the carrying and use of firearms and the course of training in the exercise of the powers to arrest shall meet the standards which shall be prescribed by the Department of Consumer Affairs. The department shall encourage restraint and caution in the use of firearms.

(b) No uniformed employee of a licensee shall carry or use any firearm unless the employee has in his or her possession a valid firearm qualification card.

Security Guard (G) Training

§7583.6. (a) A person entering the employ of a licensee to perform the functions of a security guard or a security patrolperson shall complete a course in the exercise of the power to arrest prior to being assigned to a duty location.

(b) Except for a registrant who has completed the course of training required by Section 7583.45, a person registered pursuant to this chapter shall complete not less than 32 hours of training in security officer skills within six months from the date the registration card is issued. Sixteen of the 32 hours shall be completed within 30 days from the date the registration card is issued.

(c) A course provider shall issue a certificate to a security guard upon satisfactory completion of a required course, conducted in accordance with the department's requirements. A private patrol operator may provide training programs and courses in

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addition to the training required in this section. A registrant who is unable to provide his or her employing licensee the certificate of satisfactory completion required by this subdivision shall complete 16 hours of the training required by subdivision (b) within 30 days of the date of his employment and shall complete the 16 remaining hours within six months of his or her employment date.

(d) The department shall develop and approve by regulation a standard course and curriculum for the skills training required by subdivision (b) to promote and protect the safety of persons and the security of property. For this purpose, the department shall consult with consumers, labor organizations representing private security officers, private patrol operators, educators, and subject matter experts.

(e) The course of training required by subdivision (b) may be administered, tested, and certified by any licensee, or by any organization or school approved by the department. The department may approve any person or school to teach the course.

(f) (1) On and after January 1, 2005, a licensee shall annually provide each employee registered pursuant to this chapter with eight hours of specifically dedicated review or practice of security officer skills prescribed in either course required in Section 7583.6 or 7583.7.

(2) A licensee shall maintain at the principal place of business or branch office a record verifying completion of the review or practice training for a period of not less than two years. The records shall be available for inspection by the bureau upon request.

(g) This section does not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has successfully completed a course of study in the exercise of the power to arrest approved by the Commission on Peace Officer Standards and Training. This section does not apply to armored vehicle guards.

(h) This section shall become operative on July 1, 2004.

§7583.7. (a) The course of training in the exercise of the power to arrest may be administered, tested, and certified by any licensee or by any organization or school approved by the department. The department may approve any person or school to teach the course in the exercise of the power to arrest. The course of training shall be approximately eight hours in length and shall cover the following topics:

- (1) Responsibilities and ethics in citizen arrest.
- (2) Relationship between a security guard and a peace officer in making an arrest.
- (3) Limitations on security guard power to arrest.
- (4) Restrictions on searches and seizures.
- (5) Criminal and civil liabilities.
 - (A) Personal liability.
 - (B) Employer liability.
- (6) Trespass law.
- (7) Ethics and communications.
- (8) Emergency situation response, including response to medical emergencies.

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(9) Security officer safety.

(10) Any other topic deemed appropriate by the bureau.

(b) The majority of the course shall be taught by means of verbal instruction. This instruction may include the use of a video presentation.

(c) The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest. The department shall encourage additional training and may provide a training guide recommending additional courses to be taken by security personnel.

(d) Private patrol operators shall provide a copy of the guidebook described in subdivision (c) to each person that they currently employ as a security guard and to each individual that they intend to hire as a security guard. The private patrol operator shall provide the guidebook to each person he or she intends to hire as a security guard a reasonable time prior to the time the person begins the course in the exercise of the power to arrest.

(e) The bureau may inspect, supervise, or view the administration of the test at any time and without any prior notification. Any impropriety in the administration of the course or the test shall constitute grounds for disciplinary action.

(f) This section shall become operative on July 1, 2004.

Proprietary Private Security Officer (PPSO) Training

7574.18. (a) Except for a person who has completed the course of training required by Section 7583.45, a person registered and hired as a proprietary private security officer shall complete training in security officer skills within six months from the date upon which registration is issued, or within six months of his or her employment with a proprietary private security employer.

(b) (1) Except as provided in paragraph (2), a course provider shall issue a certificate to a proprietary private security officer upon satisfactory completion of a required course, conducted in accordance with the department's requirements.

(2) If a proprietary private security employer administers a course of training pursuant to this section, that proprietary private security employer shall issue a certificate to a proprietary private security officer for the completion of training in security officer skills that each proprietary private security officer is required to complete, as determined by the department, such as, but not limited to, power-to-arrest training. However, the employer shall not be required to provide a certificate for training courses provided pursuant to a curriculum adopted by the department that are specific to that employer's business and where the subject of training is not specifically required by the department.

(c) An employer of a proprietary private security officer may provide training programs and courses in addition to the training required in this section.

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(d) The department shall develop and establish by regulation a standard course and curriculum, which shall include a minimum number of hours of instruction, for the skills training required by subdivision (a) to promote and protect the safety of persons and the security of property. For this purpose, the regulations adopted by the department pursuant to Section 7574.5, as added by Chapter 721 of the Statutes of 2007, are continued in existence, and shall be amended by the department as necessary.

(e) The course of training required by subdivision (a) may be administered, tested, and certified by any proprietary private security employer, organization, or school approved by the department. The department may approve any proprietary private security employer, organization, or school to teach the course.

(f) (1) A proprietary private security employer shall annually provide each employee registered pursuant to this chapter with specifically dedicated review or practice of security officer skills prescribed in the training required in this section. The bureau shall adopt and approve by regulation the minimum number of hours required for annual review.

(2) A proprietary private security employer shall maintain at the principal place of business or branch office a record verifying completion of the review or practice training for a period of not less than two years. The records shall be available for inspection by the department upon request.

(g) This section does not apply to a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who has successfully completed a course of study in the exercise of the power to arrest approved by the Commission on Peace Officer Standards and Training. This section does not apply to armored vehicle guards.

Private Investigator (PI) Training

§7542. Every licensee and qualified manager who in the course of his or her employment or business carries a deadly weapon shall complete a course of training in the exercise of the powers to arrest as specified in Section 7583.7 and a course of training in the carrying and use of firearms as specified in Article 4 (commencing with Section 7583) of Chapter 11.5. No licensee or qualified manager shall carry or use a firearm unless he or she has met the requirements of Sections 7583.23, 7583.28, and 7583.29 and has in his or her possession a valid firearms qualification card as provided in Section 7583.30. A licensee or qualified manager who possesses a valid firearms qualification card shall comply with and be subject to the provisions of Sections 7583.31, 7583.32, and 7583.37.

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Alarm Company Responder (ACE) Training

§7598.1. Every person entering the employ of a licensee, performing the function of an alarm agent who responds to alarm systems shall complete a course in the exercise of the powers to arrest, prior to being assigned to a duty location responding to an alarm system. Evidence of completion shall consist of certification by the licensee or instructor that the exercise of the powers to arrest course has been taught, the date the course was taught, and certification by the employee that the instruction was received. Evidence of completion of the powers to arrest shall be maintained in the licensee's employee records and made available to the bureau upon request. A qualified manager is not required to register under this article.

§7598.2. The course of training in the exercise of the power to arrest may be administered, tested, and certified by any licensee. The department may approve any person or school to teach the course in the exercise of the power to arrest. The course of training shall be approximately two hours in length and cover the following topics:

- (a) Responsibilities and ethics in citizen arrest.
- (b) Relationship with the public police in arrest.
- (c) Limitations on security guard power to arrest.
- (d) Restrictions on searches and seizures.
- (e) Criminal and civil liabilities.
 - (1) Personal liability.
 - (2) Employer liability.

The department shall make available a guide book as a standard for teaching the course in the exercise of the power to arrest. The department shall encourage additional training and may provide a training guide recommending additional courses.

§7598.3. No employee of a licensee performing the function of an alarm agent who responds to alarm systems shall be issued a firearms qualification card until proper certification by the instructor that the exercise of the power to arrest course has been taught and the employee's certification that the instruction was received has been delivered to the department.

Training Syllabus

To view the training syllabus for security guards ([California Code of Regulations Title 16, Div. 7, §643](#)) and proprietary private security officers ([California Code of Regulations Title 16, Div. 7, §645](#)), please visit the Bureau of Security and Investigative Services website (www.bsis.ca.gov).

EXAM INFORMATION

An applicant must receive a score of 100 percent on the examination in order to successfully complete the course [Title 16, California Code of Regulations (CCR) Section 628]. Trainees who fail the final examination the first time may restudy their weak areas and try again. If the trainee has difficulty understanding the material as presented in the booklet, the instructor will be expected to offer guidance. This does not mean that you are to provide the answer key along with the booklet, but rather to assist the applicant to understand the questions.

If you are an employer administering the examination, keep in mind that you may be held responsible for your employee's conduct while on duty; therefore, it is in your interest to ensure that they are properly trained. If you are a Bureau-approved instructor, you may be held liable for the conduct of those to whom you have provided instruction; therefore, it is in your interest to train the students properly.

These booklets are intended for reuse. Please be sure to caution applicants to refrain from writing in the booklets. You are responsible for making any additional copies.

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STEPS TO ADMINISTERING POWER TO ARREST

Allow each person as much time as needed to finish the examination. Before beginning the examination, determine whether anyone would benefit from having the examination questions read aloud.

1. Explain the reason for “*Power to Arrest*” and that the final score of 100 percent is required before you can sign the security guard registration application. Explain that this is an open-book examination, and that answers may be corrected before being submitted for grading. The course is intended to be a learning experience as well as a guide to understanding.
2. Supply each applicant with a pencil and scratch paper as well as a *Power to Arrest* answer sheet. A quiet place should be provided for the examination.
3. *Have trainees read through to Question #65.* They should read the study material and answer the questions by writing on the scratch paper provided. You may answer any questions that may arise. If you are an employer, you may wish to inform the applicants of your own company policies at this point. Discuss answers.
4. Review the most important points in the text:
 - A security guard/proprietary private security officer is *NOT* a peace officer.
 - A security guard/proprietary private security officer’s primary responsibility should be to protect the property or persons he or she is assigned to protect.
 - The main role of a security guard/proprietary private security officer should be *PREVENTION*.
 - If prevention is not possible, the role of a security guard/proprietary private security officer should be to *OBSERVE and REPORT*.
 - In reporting activity, a *FACT* is an event that actually occurs. A *CONCLUSION* is a belief one reaches as a result of the existence of certain facts.
 - A security guard/proprietary private security officer is an agent of the property owner and can question people on the owner’s property.
 - A security guard/private security officer may prevent someone from entering

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private property by standing in his way.

- A security guard/proprietary private security officer should not touch an employee's belongings when inspecting them.
- A security guard/proprietary private security officer's power to arrest is the same as any other private person's.
- *CRIMINAL LIABILITY* refers to criminal penalties that can be imposed for a wrongful act. For example, carrying a loaded weapon concealed in your jacket is a violation of the Penal Code; the criminal penalty for the offense is a fine or jail sentence or both.
- *CIVIL LIABILITY* refers to penalties arising from lawsuits that private persons bring against each other.
- A security guard's registration card does not allow the security guard to carry a weapon; the security guard must also have a valid exposed firearm permit and/or a baton certificate. It is *ILLEGAL* to carry a firearm without a firearm permit and a valid security guard registration. It is *ILLEGAL* to carry a baton without a baton permit and a valid security guard registration.
- A proprietary private security officer's registration card does not allow the proprietary private security officer to carry a weapon.
- A firearm permit and/or a baton permit **cannot** be issued a PPSO registrant.
- Negligence and law violations by a security guard/proprietary private security officer may cause the employer and the client to be held *CIVILLY* responsible.
- A security guard/proprietary private security officer *IS NOT OBLIGATED* by law to make an arrest. When he/she does make an arrest, it is called an arrest by a private person or citizen's arrest (Penal Code §837).
- A misdemeanor is generally a crime for which the offender can be fined and/or sentenced to county jail for a period not to exceed one year. In order for a security guard/proprietary private security officer to make a proper misdemeanor arrest, it is necessary that the security guard/private security officer actually sees or witnesses the misdemeanor offense committed or attempted in his presence.

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- A felony is generally a crime for which the offender can be sentenced to state prison for a period exceeding one year or in the case of a capital offense, executed. In order for a security guard/proprietary private security officer to make a proper felony arrest, a felony must have been committed, and the security guard/proprietary private security officer must have *REASONABLE CAUSE* to believe the person being arrested committed the offense.
- An arrested person is called a *SUSPECT* until the court finds him/her innocent or guilty.
- A security guard/proprietary private security officer making a citizen's arrest must tell the suspect of the *INTENTION* to arrest, the *CAUSE* for the arrest, and the security guard/proprietary private security officer's *AUTHORITY* to make a citizen's arrest. (Penal Code §841)
- *REASONABLE FORCE* in an arrest situation is a degree of force reasonably needed to detain an individual and to protect oneself. (People v. Garcia, (1969) 78 Cal.Rptr. 775)
- If a suspect does not feel free to walk away because of a security guard/proprietary private security officer's statements and actions, he may claim to have been under arrest.
- A security guard/proprietary private security officer should never touch a suspect except when they are protecting a citizen, protecting their employers property, in self defense, or when necessary to use reasonable force in effecting an arrest.
- Upon arrest, A security guard/proprietary private security officer may search for *WEAPONS ONLY* and may search only when they have cause to believe that the arrested person is armed. This decision is at the discretion of the security guard/proprietary private security officer's employer.
- A suspect *MAY NOT* be legally searched for weapons until he is actually arrested. (Penal Code §846) This decision is at the discretion of the security guard/proprietary private security officer's employer.
- If contraband or stolen items are discovered while searching for weapons, those items should be left on the suspect, unless there is a likelihood the suspect will dispose of them. When the suspect is turned over to the peace officer, he should be notified of the discovered items. The decision regarding this statement would be at the direction of the employer. The employer may

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prohibit certain items from entering their business or function.

- If a private citizen has made a lawful arrest, the peace officer by law *MAY* take custody of the suspect.
 - The person/security guard/proprietary private security officer who makes an arrest will be recorded as the arresting party.
5. Administer the final exam. Have trainees write their answers on the “*Power to Arrest*” answer sheet. If they fail the first time, have them review the material again and correct the answers they missed.
 6. Have each security guard/proprietary private security officer fill out an application for registration for employment as a security guard/proprietary private security officer or alarm agent. Sign on the “*instructor’s signature*” line.

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THE RESPONSIBILITIES OF THE SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER AND EMPLOYER

As a registered security guard/proprietary private security officer, you have certain responsibilities to the Bureau of Security and Investigative Services and your employer. In order to prevent possible denial or revocation of your registration card, it is important that you are aware of the following:

1. Security guard/proprietary private security officers must meet several requirements before they begin work. These requirements include submitting your application by mail or online (only guards can apply online at this time) with the required fees to the Bureau.
2. Submitting your fingerprints to the Department of Justice via Live Scan immediately and include a copy of the completed live scan form with the application and fees to the Bureau.
3. Livescan fingerprint are sometimes rejected by the Department of Justice and/or the Federal Bureau of Investigation (FBI) for being illegible. If the fingerprints are rejected, you will receive a reject letter from the Bureau and you will be instructed to have your fingerprints redone.
4. While on duty you are required to possess a valid security guard/proprietary private security officer registration or a screen-printout of the Bureau's approval from the Bureau's Web site at www.bsis.ca.gov, along with a valid California photo identification.
5. A proprietary private security officer may not carry a firearm or a baton.
6. A security guard, private patrol operator, private investigator or alarm agent responder who carries a gun or a baton must have a valid exposed firearm permit and/or a valid baton certificate.
7. If you move or change your address, you must notify the Bureau within 30 days, or you may be issued an administrative fine.
8. If your employer or any instructor encourages you to violate any of the above requirements, you may report him/her to the Bureau in writing.

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AT THE END OF EACH SECTION OF THIS MANUAL, you will be asked several questions to assist you in reviewing how well you UNDERSTOOD and REMEMBER what you read. You will need:

- An ANSWER SHEET for the final examination,
- PAPER for answering the review questions, and
- A PEN or PENCIL.

Please get this ready. Then go on to the next page for your first review.

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PART A.

THE ROLE AND RESPONSIBILITIES OF THE SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER AND EMPLOYER

It is important to remember:

As a security guard/proprietary private security officer, you are *NOT* a peace officer!!!

How are security guard/proprietary private security officers *DIFFERENT* from peace officers?

Security guard/proprietary private security officers *do not* have:

- The same job duties as peace officers;
- The same training; or
- The same powers as peace officers, according to the law.

What happens when a security guard/proprietary private security officer *PRETENDS* to be a peace officer?

Any security guard/proprietary private security officer who *pretends* or even implies (lets others think) that he is a peace officer is *committing a crime*. A person who is found guilty of impersonating a peace officer could be punished by a *fine* and or *county jail* sentence and his registration may be denied or revoked.

What are a security guard/proprietary private security officer's *ROLES AND RESPONSIBILITIES*?

A security guard/proprietary private security officer's role should be to *PROTECT* people and property for his employer.

A security guard/proprietary private security officer's responsibility *BEFORE* an incident/offense has occurred should be *PREVENTION*.

A security guard/proprietary private security officer's responsibility *DURING* or *AFTER* an incident/offense has occurred should be to *OBSERVE* and *REPORT*.

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How should security guard/proprietary private security officers PERFORM their job?

The major responsibility of a security guard/proprietary private security officer is should be prevention *BEFORE* an incident/offense occurs. Thus, a security guard/proprietary private security officer should be *highly visible*. By being seen, the security guard/proprietary private security officer may discourage anyone who might be considering theft, damage, or personal injury. A security guard/proprietary private security officer's job focus should be *PREVENTION*. To do the job well, the security guard/proprietary private security officer *MUST*:

- **Be alert**
- **Listen**
- **Watch**

The decision on how the security guard/proprietary private security officer should react to any given situation is at the discretion of the security guard/proprietary private security officer's employer.

What is a sign that a security guard/proprietary private security officer is doing a good job?

The absence of incidents or offenses (crimes) is one sign that a security guard/proprietary private security officer is doing a good job.

What should a security guard/proprietary private security officer do if an incident or offense occurs?

If an incident/offense occurs, a security guard/proprietary private security officer should not immediately intervene. Instead, the security guard/proprietary private security officer should:

- **Stay *calm***
- **Observe and *remember* events**
- **Report to the police/or the security guard/proprietary private security officer's supervisor (follow the employer policy).**

The above direction is a suggestion and is at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private persons (citizen's) arrest.

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EXAM REVIEW NO. 1

NOW, on another sheet of paper, answer the following questions:

- Q.1 THE *PRIMARY ROLE* OF A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER SHOULD BE TO:
- A. Enforce the law.
 - B. Protect people and property.
 - C. Act like a peace officer.
 - D. Arrest law breakers.
- Q.2 A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER'S ROLE IS THE SAME AS THAT OF A PEACE OFFICER.
- A. True
 - B. False
- Q.3 WHAT SHOULD THE RESPONSIBILITY OF A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER BE *BEFORE AN INCIDENT/OFFENSE HAS OCCURRED?*
- A. Detain and punish.
 - B. Stay out of sight.
 - C. Prevent.
 - D. Search and seize.
- Q.4 IT IS *AGAINST THE LAW* FOR A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER TO:
- A. Arrest someone.
 - B. Protect property.
 - C. Observe and report.
 - D. Make someone think he is a peace officer.

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1. AREAS OF RESPONSIBILITY

WHAT IS A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER'S JOB?

A security guard/proprietary private security officer is assigned to protect specific people and property. This may include detecting some of the same offenses that would cause a peace officer to act, such as a fight or burglary. But it would not include other offenses such as motor vehicle traffic violations or prostitution. This decision is at the discretion of the security guard's, PPSO's, PI's or ACE's employer.

For example, if you were on duty at a plant gate and you observed two teenagers having an auto race down a public road, you would not try to arrest them. You may decide to report it to the police if a telephone is nearby. But you were hired to protect the plant -not to arrest speeders.

(In fact, you should be *suspicious* of any activity that may draw you away from your post. It could be a *plan* to draw your attention away from your duties.)

WHAT IS A PEACE OFFICER'S JOB?

Peace officers are law enforcement officers such as Sheriffs and their Deputies, Constables, Marshals, members of city police forces and other officers whose duty is to enforce the law and preserve the public peace. If a law is violated, peace officers are required to pursue and apprehend the person responsible. This is not required of a security guard/proprietary private security officer/private investigator/alarm agent responder!

REMEMBER, a peace officer's responsibilities are different from a security guard/proprietary private security officer's responsibilities.

- *SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICERS* only protect *specific people and property* as directed by their employers.
- *POLICE (PEACE OFFICERS)* protect all people and all property and enforce laws.

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WHAT OTHER DUTIES COULD A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER HAVE?

A security guard/proprietary private security officer may be responsible for maintaining certain *company rules* established by his/her employer. These could include:

- Requiring employees to show their *badges* when entering the property;
- Inspecting *lunch pails* as employees leave the plant; or
- Monitoring *safety standards* and reporting hazards, blocked exits, fire safety, slippery floors, etc.

A security guard/proprietary private security officer's supervisor or employer most likely offer instructions on helping employees observe company rules and policies.

EXAM REVIEW NO. 2

NOW, on another sheet of paper, answer the following questions:

Q.5 YOU ARE STANDING SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER INSIDE A DEPARTMENT STORE AND YOU OBSERVE TWO MEN COMING OUT OF A BAR ACROSS THE STREET. THEY START TO FIGHT. YOU SHOULD:

- A. Go over and try to break up the fight.
- B. Call the police if you can remain at your post.

Q.6 YOU ARE HIRED BY A BAR/RESTAURANT AS A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER. AN ANGRY CUSTOMER REFUSES TO PAY HIS CHECK. YOUR JOB IS TO:

- A. Arrest him/her and everyone in his party.
- B. Keep the peace and follow restaurant policy.

COMMENT: Notice the difference between situations in Questions 5 and 6. In Question 5, the fight does not relate to your responsibility at the department store. In Question 6, the customer is on your employer's premises. This dispute relates to your responsibility to protect your employer's property because a fight could damage or destroy property.

POWER TO ARREST TRAINING MANUAL

2. PREVENTION IS THE KEY

The security guard/proprietary private security officer's primary role should be to protect persons and prevent damage or destruction to property. **PREVENTION** is the key word.

For example, if you spotted some people trying to climb a fence to enter private property, you should shout at them or turn on the lights. Do anything lawful that would *discourage* their trespassing, don't wait until they cross the fence so you can arrest them.

Another typical situation might be, a person intends to steal from a store, but suddenly sees a uniformed security guard/proprietary private security officer on patrol. The person leaves the store without stealing anything. The security guard/proprietary private security officer, simply by being in uniform, has *prevented* a crime.

3. OBSERVE AND REPORT

If you can't prevent an incident, the proper action should be to *observe and report*. You should:

- *Observe carefully* and
- *Report immediately* to the local law enforcement and/or your supervisor.

SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER'S ROLE

<u>INCIDENT</u>	<u>SECURITY ROLE</u>
<i>BEFORE</i> the incident:	<i>PREVENTION</i>
<i>DURING OR AFTER</i> the incident:	<i>OBSERVE AND REPORT and Notify law enforcement</i>

The above direction is a suggestion and is at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private persons (citizen's) arrest.

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4. GET HELP

If a serious offense, such as *robbery, burglary, or assault with a deadly weapon*, has been committed, *you will need help* to apprehend the suspect.

CALL THE POLICE IMMEDIATELY. Even police who are trained to make forcible arrests are encouraged to call for help in dangerous situations.

Examples:

- #1: You are patrolling the grounds of a factory at 2:00 a.m. and see two armed adults entering the stock room. What should you do? *(You should call the police, then observe and report.)*
- #2: While you are guarding a sporting goods store, a man runs out of the store. Ten seconds later, the owner runs to you and says there has been a robbery. What should you do? *(Have the owner call the police, then observe and report.)*
- #3: You are patrolling a store parking lot. A shopper loads Christmas gifts into a station wagon parked in the lot and goes back to do more shopping. The windows of the wagon are open, and three boys are gathered around the station wagon looking in. What should you do? *(You should try to prevent a possible theft by making your presence known.)*
- #4: You are on security guard/proprietary private security officer in a jewelry store. An employee showing diamond rings to a customer is called to the telephone. The customer is left alone with the display box of diamond rings. What should you do? *(You should try to discourage a theft by making your presence known.)*

The above direction is a suggestion and is at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private persons (citizen's) arrest.

POWER TO ARREST TRAINING MANUAL

PART B.

RELATIONS WITH LOCAL PEACE OFFICERS OR LAW ENFORCEMENT

Your job is made easier if you have a *good working relationship* with the local peace officers.

- *NEVER play “cop.”* You don’t have the training for it and you don’t have the *legal* authority to do the same things a peace officer can do. Also, playing “cop” may antagonize the local law enforcement and hurt your company’s working relations with them. Impersonating a peace officer is a felony.
- *DON’T MISLEAD PEOPLE.* Because of your uniform, badge, hat or other gear, some people may think you are a peace officer. *DON’T* do anything to encourage this false idea. Whenever the opportunity arises, make it a point to let them know that you are *NOT* a peace officer, but a security guard/proprietary private security officer.
- *DURING AN EMERGENCY,* you may not interfere with peace officers who may be on the scene even if they are on the private property of your employer or client. You must cooperate to the extent possible with these peace officers or you may be subject to arrest. Penal Code section 150 addresses aid to a peace officer, the person must be at least 18 years of age and be physically fit. If a peace officer’s life is endangered citizens must render aid to the peace officer (Posse Comitatus).

REMEMBER:

Your roles are different! A peace officer is charged with the enforcement of laws in a city or county. A security guard/proprietary private security officer is responsible for protecting only the specific people or property he is hired to protect.

The above direction is a suggestion and is at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private persons (citizen’s) arrest.

*** Note:** *Posse Comitatus, literally means “power of the country”.*

POWER TO ARREST TRAINING MANUAL

EXAM REVIEW NO.3

NOW, on another sheet of paper, answer the following questions:

Q.7 A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER'S LAWFUL AUTHORITY IS THE SAME AS THAT OF A PEACE OFFICER.

A. Yes

B. No

Q.8 DURING AN EMERGENCY ON THE EMPLOYER'S PROPERTY, A PEACE OFFICER INSTRUCTS A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER TO STAND OUT OF THE WAY BEHIND A POLICE LINE, THE SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER MUST:

A. Refuse, as the security guard/proprietary private security officer's duties are different from those of the peace officer.

B. Cooperate and follow the lawful orders of the peace officer.

C. Apprehend the persons violating the law on the employer's or client's property since the security guard/proprietary private security officer's duty is to protect the property and person of the employer or client.

POWER TO ARREST TRAINING MANUAL

PART C

OBSERVATION AND REPORT WRITING

STOP! LOOK! LISTEN! In a sense, *security guard/proprietary private security officers are paid observers*. As a security guard/proprietary private security officer your role should be *PREVENTION*. When an offense has been committed, your responsibility should be to *OBSERVE* and *REPORT*. You may be required to:

- Report to the police
- Write a report for your employer
- Testify as to what you saw, heard, and did

The above direction is a suggestion and at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private persons (citizen's) arrest.

FACT vs. CONCLUSION. You will need to know the difference between a fact and conclusion.

- A **FACT** is what has actually happened, or is known to be true.
- A **CONCLUSION** is a judgement or opinion formed as a result of the facts.

Peace officers and your employer are interested only in the FACTS. With proper facts, they can reach their own conclusions. For example:

FACT: As I came around the corner, I saw two men kneeling at the door. One was holding a crowbar. The door had markings around the lock.

CONCLUSION: The men are burglars.

POWER TO ARREST TRAINING MANUAL

Facts	Conclusion
➤ A man was walking inside of a fenced area, looking at the loading dock.	➤ A man was wandering around looking for something to steal
➤ A young man was weaving back and forth and almost fell down twice in the two minutes I observed him.	➤ He was drunk and couldn't even walk right.
➤ A Woman got into the car and tried to start it.	➤ She tried to steal the car.
➤ A girl picked up the necklace, examined it, placed in her purse, and walked directly to the north exit.	➤ After she stole the necklace, she tried to get away by the north exit.

PRACTICE MAKES PERFECT! It will take practice to become a good *OBSERVER* and to be able to *REPORT* facts instead of conclusions.

When you write a report, remember to include these six facts:

1. Who
2. What
3. Where
4. When
5. How
6. Names of witnesses

POWER TO ARREST TRAINING MANUAL

EXAM REVIEW NO. 4

NOW, on another sheet of paper, answer the following questions:

Q.9 IN ORDER TO MAINTAIN A GOOD WORKING RELATIONSHIP WITH THE LOCAL LAW ENFORCEMENT, YOU SHOULD:

- A. Never play "cop."
- B. Cooperate with local law enforcement.
- C. Both A and B.

Q. 10 WRITE AN "F" IF IT IS A FACT OR A "C" IF IT IS A CONCLUSION.

- A. He intended to kill her.
- B. She was trying to steal the ring from the jewelry counter.
- C. He ran to the fence.
- D. He opened the window and entered.

Q. 11 WHAT SIX POINTS SHOULD BE INCLUDED IN A REPORT?

DO NOT WRITE IN THIS BOOK - USE ANOTHER PIECE OF PAPER.

POWER TO ARREST TRAINING MANUAL

PART D

AUTHORITY TO QUESTION AND BASIS FOR MAKING DECISIONS

A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER'S AUTHORITY TO QUESTION PEOPLE

A security guard/proprietary private security officer is an agent of the owner of the private property and, in this role, can exercise the owner's right to ask people on the (owner's) property what they are doing there, who they are, etc. If they refuse to answer the questions or if their answers are not satisfactory, the security guard/proprietary private security officer may ask them to leave. If they do not leave, the security guard/proprietary private security officer may arrest (citizen's arrest) them for *trespassing*, and should call local law enforcement without unreasonable delay.

When on property and *not* employed as a security guard/proprietary private security officer, your authority is no greater than any other person's. On the other hand, your authority to question people is greater on property where you are *on duty as a security guard/proprietary private security officer*.

WHAT ARE THE PROPERTY OWNER'S RIGHTS?

The owner of the property has the right to establish certain rules on his property that may not be a part of the Penal Code. For instance, if an employee shows up for work drunk, he may be violating a company rule. The client may want the employee sent home or may intend to fire the employee. How this situation is handled is between the employer and the employee, and has nothing to do with the police or public law. ***A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER MUST KNOW WHAT THE EMPLOYER'S POLICY STATES.***

Trying to enforce company policy could, however, result in a violation of public law, by you or by the employee.

For example, if the employee is asked to leave and refuses, he may be arrested for violating the public law against trespassing. On the other hand, if the security guard/proprietary private security officer uses unnecessary force in removing the employee from the premises, the security guard/proprietary private security officer may be arrested for committing assault and/or battery.

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HOW SHOULD YOU HANDLE VIOLATIONS?

As a security guard/proprietary private security officer, acting as a representative of the owner on the owner's private property, you can physically prevent a person from entering an *area* - *but only as a last resort!* Be sure to check with your employer regarding the way to handle a violation of *company rules*, as well as how to handle violation' of certain *laws*.

EXAM REVIEW NO. 5

NOW, on another sheet of paper, answer the following questions:

- Q. 12 ON PRIVATE PROPERTY OWNED BY YOUR EMPLOYER, YOUR AUTHORITY TO QUESTION IS:
- A. No more than any private person's.
 - B. The same as the owner of the property and greater than that of other private parties.
 - C. The same as peace officer's.
- Q. 13 EMPLOYEES ARE TOLD THEY MAY NOT ENTER THE FACTORY WITHOUT THEIR IDENTIFICATION BADGES. ONE EMPLOYEE SHOWS UP WITHOUT HIS BADGE AND TRIES TO ENTER. HE IS VIOLATING:
- A. A company rule.
 - B. A public law.
 - C. Both a company rule and a public law.
- Q. 14 IF YOU ASKED THE EMPLOYEE REFERRED TO IN QUESTION #13 TO LEAVE AND HE REFUSES, HE IS VIOLATING A PUBLIC LAW.
- A. Yes
 - B. No

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A BASIS FOR MAKING DECISIONS:

The very nature of security work requires security personnel to be constantly aware of their surroundings, the law, and the mission of private security in today's society.

Three factors to consider when making timely and reasonable decisions are:

FACTS:

- Consider the *FACTS* involved in the incident. The facts of any incident will be learned by answering the following questions:

WHO? WHAT? WHEN? WHERE? HOW? and possibly WHY?

LAW:

- Consider the *LAWS* that may apply to the incident. Has a city, county, state, or federal *law* been violated?

POLICY:

- Consider any *POLICY* that may apply to the incident. What is the *POLICY* of your employer regarding this incident?

POWER TO ARREST TRAINING MANUAL

PART E.

INSPECTIONS

WHAT IS AN INSPECTION?

As a security guard/proprietary private security officer, your employer may enlist your assistance in conducting inspections of employees. This is not a search. Always make sure the employer has notified the employees first. Such inspections are often conducted at the end of the work day by looking into employees' cars, lunch pails, purses, or tote bags to make sure unauthorized items are not being take off the premises.

WHAT IS AN INSPECTION?

An inspection is always conducted *with the employees' cooperation*.

For example, when you want to look inside a lunch pail, purse, or tote bag, ask the employee to open it up for you to look inside. If you can't see the contents because something is in the way, ask the employee to remove the obstruction. If the employee tries to hand the item to you, politely refuse. **NEVER TOUCH THE EMPLOYEE OR HANDLE THE EMPLOYEE'S PROPERTY.**

WHAT IS AN INSPECTION?

Understand company policy. Generally, if an employee does not cooperate, you should record:

- Date, time, and location
- Name
- Physical description
- Badge ID number
- License number of any vehicles involved
- *Then* make a full report, *in writing* to your employer

The above direction is a suggestion and is at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private persons (citizen's) arrest.

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EXAM REVIEW NO. 6

NOW, on another sheet of paper, answer the following questions:

- Q. 15 YOUR EMPLOYER ASKS YOU TO INSPECT THE PERSONAL BELONGINGS OF EMPLOYEES LEAVING THE PLANT. HE HAS ANNOUNCED THIS POLICY TO ALL EMPLOYEES. WHAT IS IMPORTANT TO REMEMBER ABOUT INSPECTIONS?
- A. Never inspect without cooperation from the employee.
 - B. Never touch the employee.
 - C. Never touch the employee's belongings.
 - D. All the rules above.
- Q. 16 AN EMPLOYEE WHO IS LEAVING WORK WALKS UP TO YOU AND HANDS YOU HIS LUNCH PAIL FOR INSPECTION. WHAT SHOULD YOU DO?
- A. Accept it and open it to look inside.
 - B. Decline to take it and instead ask the employee to open it so you can inspect the contents.
 - C. Take it but have the employee open it.
- Q. 17 YOU ARE WALKING THROUGH THE PARKING LOT AND OBSERVE COMPANY EQUIPMENT IN THE BACK SEAT OF A CAR THROUGH A CLOSED BUT UNOBSTRUCTED WINDOW OF THE VEHICLE. YOU MAY:
- A. Look closely through the window (without entering the vehicle) at the equipment, and make notes which identify the equipment, the make and model of the vehicle and its license number as well as the vehicle's location in the parking lot, and render this report to your employer or client.
 - B. Enter the vehicle to determine if the equipment is stolen and if so take it to your employer or client.

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PART F.

THE SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER'S LEGAL RESPONSIBILITIES AND LIABILITIES

Actions based on poor judgement can lead to legal problems for both you and your employer. You must, by law, *avoid certain actions*. Legal responsibilities and liabilities that affect you are presented in this section.

CRIMINAL LIABILITIES

WHO HAS THE POWER TO ARREST?

The authority to arrest is given to *all private persons*. A security guard/proprietary private security officer has the same power to arrest as any other private person. However, because the security officer wears a uniform and badge, this can lead to misunderstanding and abuse.

WHAT IS AN ARREST?

An arrest is a form of lawful control by one person over the actions or movements of another. An arrest is taking a person into custody *IN A CASE* and *IN THE MANNER* authorized by law. An arrest may be made by a peace officer or a private person (citizen's arrest).

WHAT IS CRIMINAL LIABILITY?

Crimes are generally defined in penal statutes of a state, or the ordinances of local cities or counties. All persons are expected to obey these laws. Anyone who violates a criminal law is subject to a fine, and/or a term in jail, or prison, depending on the type of crime. The potential for punishment as a result of violating a criminal law is called *CRIMINAL LIABILITY*. Some acts by security guard/proprietary private security officers for which criminal liability is possible include:

➤ **INTIMIDATION:**

Threatening physical harm or otherwise frightening people when they do not cooperate or confess to a crime.

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➤ **EXCESSIVE PHYSICAL FORCE:**

Where an arrest is made, the law allows only the use of physical force, which is reasonable or necessary to restrain the suspect if he/she is resisting, in order to make the arrest. Where more force is used than that which the law allows, the arresting party is said to be using “excessive force” and may be held criminally as well as civilly liable. An example of excessive force is the discharge of a firearm in shooting a suspect in order to protect personal property. By law, deadly force is allowed only to protect lives.

➤ **USE OF UNAUTHORIZED DEADLY WEAPONS:**

Becoming registered as a security guard DOES NOT entitle a security guard to carry a weapon. Some weapons such as knives with blades longer than 2 inches or switch-blade knives, brass knuckles, nunchakus, or sawed-off shotguns cannot be carried by security guards. Security guards cannot carry a gun and/or a baton unless they have the additional exposed firearm permit and/or baton certificate. If they carry the gun concealed they must also have a concealed weapons permit issued by their local law enforcement agency.

Proprietary private security officers are unarmed and cannot carry a gun or a baton. Proprietary private security officers cannot carry any deadly weapons. Proprietary private security officer cannot carry weapons such as switchblade knives or knife’s with blades over 2 inches in length, brass knuckles, nunchakus, batons, or guns as they are considered deadly weapons.

➤ **UNLAWFUL USE OF DEFENSIVE WEAPONS:**

Security guards cannot carry handguns and batons unless authorized by the Bureau. Security guards are allowed to carry an exposed firearm and/or baton only after the security guard completes the Bureau recognized training and the appropriate permits are issued.

➤ **FALSE ARREST:**

MISDEMEANOR ARREST - a private person making a misdemeanor arrest may be found criminally liable for a false arrest if the arrest is made and the arresting party did not actually observe the suspect commit the misdemeanor in his/her presence.

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FELONY ARREST - a private person making a felony arrest may be found criminally liable for a false arrest if the arrest is made or caused to be made by others and the arresting party does not have reasonable cause to believe that the person arrested committed the felony.

EVERYONE HAS CIVIL LIABILITY

The legal term “*PARTY*” can be a person, company, or organization.

When one party believes it has been injured, damaged, or wronged by another party, it may make a lawful claim for damages.

The claim or “*LAWSUIT*” is presented to a civil court where both parties may explain their positions to a judge or jury.

A court judge may decide whether or not one party in a lawsuit has damaged another.

If damages are due, the court will decide, after a trial, how much money must be paid by one party to another.

The responsibility for the things we do, or fail to do, with the possibility of being sued by another is called “*CIVIL LIABILITY*.”

WHY IS YOUR EMPLOYER ALSO RESPONSIBLE FOR YOUR ACTIONS?

As a security guard/proprietary private security officer, you are a representative of your employer. Therefore, any negligence or wrongful acts committed by you may also cause your employer to be held responsible. Suits may be brought against you (the security guard/proprietary private security officer) and/or your employer.

FOR EXAMPLE:

A security guard/proprietary private security officer makes a false arrest. The person arrested may file a civil suit for damages against the security guard/proprietary private security officer, his employer, and all of those believed to be responsible.

Even if the civil suit against you (the security guard/proprietary private security officer) or your employer fails, the action may be costly for you and your employer to defend.

POWER TO ARREST TRAINING MANUAL

WHEN SHOULD A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER ARREST?

A security guard/proprietary private security officer who is expected to make arrests should receive explicit instructions and training on how to do so. Training should make clear the *circumstances* under which an arrest can be made and the *procedure* for making it, so as to minimize civil liability.

As a security guard/proprietary private security officer, you should work primarily in a preventive role. Use *good judgement* and *exercise caution* when faced with an arrest situation.

Every person must be accountable for his/her actions. Acts of a security guard or proprietary private security officer in an arrest situation are easy to defend when good judgement and good faith have been used. A security guard/proprietary private security officer must not be afraid to act in an arrest situation, but must use restraint and good judgment.

EXAM REVIEW NO. 7

NOW, on another sheet of paper, answer the following questions:

- Q. 18 TELLING A SUSPECT "YOU'D BETTER START TALKING OR YOU'LL BE SORRY," IS AN EXAMPLE OF:
- A. Intimidation
 - B. Excessive physical force
- Q. 19 NO OTHER PERMIT IS REQUIRED TO CARRY A GUN IF YOU HAVE A SECURITY GUARD REGISTRATION, ALARM RESPONDERS REGISTRATION, PRIVATE INVESTIGATOR LICENSE OR PRIVATE PATROL OPERATOR LICENSE.
- A. True
 - B. False

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- Q. 20 WHAT TYPE OF LIABILITY REFERS TO THE RIGHT A PARTY HAS TO INITIATE A LAWSUIT?
- A. Criminal liability
 - B. Civil liability
- Q. 21 IF A SECURITY GUARD IS CHARGED WITH MAKING A FALSE ARREST, WHAT TYPE OF LIABILITY IS INCURRED?
- A. Criminal liability
 - B. Civil liability

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PART G.

FACTORS TO CONSIDER BEFORE MAKING AN ARREST

ARE SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICERS REQUIRED TO MAKE ARRESTS?

At no time are you, as a security guard/proprietary private security officer, obligated to make an arrest. You may be at the scene when a violation occurs, but you do not have to make an arrest.

WHAT ARE YOUR PRIMARY RESPONSIBILITIES?

Your first responsibility should be *prevention*. After a crime has been committed, your responsibility should be to *observe and report*.

The purpose of this training is not to encourage you to make more arrests (citizen arrests), but to teach you the law concerning arrests, so you will know what you can and cannot do under the law.

The above direction is a suggestion and is at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private persons (citizen's) arrest.

WHAT FACTORS SHOULD YOU CONSIDER?

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

1. **PHYSICAL SIZE.** Is the suspect bigger or stronger than you are? In better physical condition?
2. **WEAPONS.** Is the suspect armed? Could he/she be carrying a concealed weapon?
3. **ESCAPE.** If you do not make an arrest at this moment, will the suspect get away? Not just leave the scene - but get away completely? If you get a good description and call the police *WITHOUT DELAY*, the police may be able to make the arrest.

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4. *TYPE OF OFFENSE.* Is the offense major or minor? You should be more concerned with major offenses. A person setting fire on a loading dock is a more likely candidate for arrest than kids climbing a fence to steal apples from your employer's orchards.

5. *RELATION TO YOUR JOB.* Does the offense relate to property or persons you were hired to protect? As a good citizen, you want to uphold the law, but your first duty is to your employer. After all, your employer is paying you!

EXAM REVIEW NO. 8

NOW, on another sheet of paper, answer the following questions:

- Q. 22 WHILE YOU ARE ON DUTY AT A SHOPPING CENTER, YOU SEE A 12-YEAR OLD JABBING AN ICE PICK INTO A PATRON'S CAR TIRES. YOU SHOULD *FIRST*:
- A. Pick the 12-year old up and throw him/her out of the parking lot.
 - B. Get a good description and call the police.
 - C. Run at the 12-year old and yell so the child will run away.
 - D. Approach him/her and tell them to stop.
- Q. 23 A MAN IS SMASHING TABLES AND CHAIRS AT A BAR YOU ARE SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICERING. HE IS ABOUT 6' 8" AND WEIGHS 280 LBS. YOU SHOULD:
- A. Consider your safety and the safety of others.
 - B. Request patrons of the bar to clear the area.
 - C. Call the police for assistance.
 - D. Take all of the measures above.
- Q. 24 YOU ARE SECURITY GUARD/PROPRIETARY PRIVATE SECURITY WORKING IN A JEWELRY STORE AT CLOSING TIME. THE LAST PATRON HAS LEFT AND YOUR EMPLOYER IS ABOUT TO LOCK UP. YOU NOTICE A MAN SITTING IN A CAR AND THE MOTOR IS RUNNING. YOU CLEARLY SEE HE HAS A GUN IN HIS HAND. YOU SHOULD *FIRST*:
- A. Run out to the car and tell him to freeze.
 - B. Have the owner call the police and get a description and vehicle license number if possible.
 - C. Walk to the car and order the man to leave.

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- Q. 25 YOU ARE WORKING AT A CLUB WHERE EVERYTHING IS QUIET. DOWN THE STREET TWO MEN GET INTO A FIGHT. YOU SHOULD:
- A. Stay where you are. You have been hired to guard the dance. You could call the police if it doesn't involve leaving your post.
 - B. Call someone over to watch the dance while you go down the street to break up the fight.
 - C. Shout down the street for the men to break it up.
- Q. 26 YOU ARE PATROLLING A SHOPPING AREA WHEN YOU SEE A JUVENILE RIDING A SKATEBOARD. YOU KNOW THAT SKATING IS AGAINST THE MALL POLICY. YOUR BEST COURSE OF ACTION WOULD BE TO:
- A. Handle the matter formally as a criminal offense.
 - B. Politely approach the boy and inform him of shopping mall policy regarding skating in the mall.

The above direction is a suggestion and is at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private persons (citizen's) arrest.

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PART H

ARRESTABLE OFFENSES

WHAT ARE THE THREE CATEGORIES OF ARRESTABLE OFFENSES?

The Penal Code defines criminal offenses. This program will not attempt to cover all of them, but will cover many of the most common ones. The Penal Code classifies crimes into three categories: *Infractions, Misdemeanors, and Felonies.*

INFRACTIONS

Infractions are offenses that are punishable only by a modest monetary fine. There is normally no jail sentence imposed for committing an offense, which is defined as an infraction, and the person committing the offense is normally cited at the scene in a fashion similar to the issuance of a traffic citation. The offender is normally not taken into custody or arrested but merely detained for purposes of issuing the citation. For the most part, infractions are reserved for specified traffic violations such as speeding (California Vehicle Code §40000.1), though other statutes impose infraction penalties as well (smoking on public transportation, Health and Safety Code §25949.8; littering public property, Penal Code §374.4.) Because most infractions occur on public property, public highways and roadways, or in areas not routinely patrolled by private security, most security guard/proprietary private security officers will not be confronted with situations involving the violations of laws which carry infraction penalties. Nor are private security guards/proprietary private security officers normally authorized to issue citations, commonly known as notices to appear in court. For this reason, enforcement of laws involving infractions are usually reserved for law enforcement officers.

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MISDEMEANORS

Misdemeanors are offenses that are punishable by a fine and/or term in the county jail. The following two conditions must exist in order for you to arrest a person on a misdemeanor charge:

1. The misdemeanor must have been *attempted* or *committed*.
2. It must have taken place (happened) *in your presence*.

The following are common misdemeanors (PC stands for Penal Code):

- ASSAULT (§240 PC) An unlawful *attempt* coupled with the present ability to commit a violent injury upon the person of another.
- BATTERY (§242 PC) Any willful and unlawful use of force or violence upon another person.
- DISTURBING THE PEACE (§415 PC) Unlawfully fighting in a public place or challenging to fight; malicious and willful disturbances of another by loud and unreasonable noise; using offensive words to provoke a violent reaction.
- INDECENT EXPOSURE (§314 PC) The act of exposing the person or private parts thereof in any public place where other persons may be offended.
- LITTERING (§374 PC) Throwing waste matter in a place other than designated containers.
- PETTY THEFT (§488 PC) The taking of property of a value of \$950.00 or less (this is often the case in shoplifting.)
- TRESPASSING (§602 PC) Entering posted property without permission. Damaging or destroying property, or refusing to leave when asked by the owner or his agent.
- VANDALISM (§594 PC) Maliciously defacing, damaging, or destroying property.

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FELONIES

A *felony* is a more serious offense that is punishable by a sentence of death, imprisonment in a jail or prison, and/or a fine.

The following two conditions must exist in order to arrest a person on a felony charge:

1. The felony *must have been committed*.
2. A reasonable cause must exist to believe that the person being arrested actually committed the crime. Such reasonable cause must be based on evidence linking the person to the crime. Examples of such evidence may include physical evidence such as articles of clothing belonging to the suspect and left at the scene of the crime, or testimonial evidence such as observations by the security guard/proprietary private security officer or by other persons which are told to the security guard/proprietary private security officer in which the suspect was observed committing the crime.

The following are common felonies (PC stands for Penal Code):

- ASSAULT WITH A DEADLY WEAPON (§245 PC) Assault of a person by another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury.
- ARSON (§451 PC) The willful and unlawful setting of a fire.
- GRAND THEFT (§487 PC) The taking of money, labor, or real or personal property of a value exceeding \$950.00 or the taking of property *from the person of another*.
- BURGLARY (§459 PC) The entering of the residence or property of another with the *intent* to commit grand theft, petty theft, or any felony.
- KIDNAPPING (§207 PC) Taking and transporting a person against his will.
- ROBBERY (§11 PC) By force or intimidation, taking personal property from a person or from the immediate presence of a person against that person's will

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- RAPE (§261 PC) Forcing sexual intercourse.
 - MANSLAUGHTER (§192 PC) The unlawful killing of another human being includes voluntary, involuntary, or vehicular manslaughter.
 - MURDER (§187 PC) The unlawful killing of another human being with malice and forethought.
-

EXAM REVIEW NO. 9

*NOW, on another sheet of paper, answer the following questions:
Identify the following crimes, based on the definitions you have just learned.*

- Q. 27 TWO MEN GRAB AN EMPLOYEE GETTING OUT OF HIS/HER CAR IN THE PARKING LOT. THEY SHOVE THE EMPLOYEE INTO THEIR CAR AND START DRIVING AWAY. THIS MAY BE:
- A. Kidnapping, a felony.
 - B. Robbery, a felony.
- Q. 28 A FAMILY RETURNS HOME TO DISCOVER THEIR HOUSEHOLD FURNISHINGS ARE MISSING. THEY MAY BE VICTIMS OF:
- A. Burglary, a felony.
 - B. Robbery, a felony.
- Q. 29 AN EX-EMPLOYEE OF A SUPERMARKET WAITS IN HER CAR UNTIL THE MANAGER CLOSES THE BUILDING AND WALKS TOWARDS HIS CAR. SHE STEPS OUT OF HER CAR, POINTS A GUN AT THE MANAGER, AND FIRES THREE SHOTS, KILLING THE MANAGER. WHAT CRIME MAY HAVE BEEN COMMITTED?
- A. Arson, a felony.
 - B. Murder, a felony.

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- Q. 30 TOM IS ANGERED BECAUSE JIM WAS DANCING WITH TOM'S GIRLFRIEND. TOM WAITS OUTSIDE THE DOOR WITH A LARGE BOARD HE PICKED UP FROM A CONSTRUCTION SITE. WHEN JIM COMES OUT OF THE BUILDING, TOM SWINGS THE BOARD AND HITS JIM IN THE FACE. THIS IS:
- A. Assault with a deadly weapon, a felony.
 - B. Battery, a misdemeanor.
- Q. 31 SECRETARIES LINDA AND JUDY GET INTO AN ARGUMENT OVER PAY RAISES. SECRETARY JUDY LEAVES THE ARGUMENT TO GO TO THE REST ROOM. SECRETARY LINDA, STILL ANGRY, HIDES BEHIND A LARGE BOOKCASE. AS JUDY RETURNS, LINDA TRIES TO TOPPLE THE BOOKCASE ONTO JUDY. THE BOOKCASE BARELY MISSES HER. THIS IS:
- A. Assault, a misdemeanor
 - B. Assault with a deadly weapon, a felony.
 - C. Either A or B
- Q. 32 A MAN WHO HAS PURCHASED A NEW \$975.00 LAWN MOWER PUSHES IT OUT TO HIS CAR AND LEAVES IT BESIDE THE TRUNK WHILE HE GOES BACK INTO THE STORE TO GET A SACK OF FERTILIZER. WHILE HE IS GONE, SOMEONE DRIVES UP IN A STATION WAGON, PUTS THE NEW LAWN MOWER IN THE BACK OF THE WAGON, AND DRIVES OFF. WHAT CRIME IS THIS?
- A. Robbery, a felony.
 - B. Grand theft, a felony.
- Q. 33 A MAN IS SITTING IN THE LOBBY OF AN AUTOMOBILE SHOWROOM. AT 5:00 P.M. THE SECURITY OFFICER STARTS TO LOCK UP FOR THE NIGHT AND ASKS THE MAN TO LEAVE. THE MAN REFUSES, SO THE SECURITY OFFICER ASKS IF THE MAN IS WAITING FOR SOMEONE. THE MAN REPLIES, "NONE OF YOUR BUSINESS." AGAIN, THE SECURITY OFFICER ASKS THE MAN TO LEAVE. HE REFUSES. THE MAN HAS COMMITTED THE CRIME OF:
- A. Trespassing, a misdemeanor.
 - B. Disturbing the peace, a misdemeanor.

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Q. 34 AN ANGRY EMPLOYEE POURS LIGHTER FLUID IN A TRASH CONTAINER IN THE STOCK ROOM, THEN LIGHTS IT WITH A MATCH. THIS IS:

- A. Vandalism, a misdemeanor.
- B. Arson, a felony.

Q. 35 YOU DRIVE UP TO A STORE AT 2:00 A.M. AND OBSERVE TWO MEN BREAKING OPEN A DOOR AND BEGINNING TO LOAD A PICKUP TRUCK WITH MERCHANDISE. WHEN THEY SEE YOU, THEY TURN AND RUN. THIS IS:

- A. Burglary, a felony.
- B. Robbery, a felony.

POWER TO ARREST TRAINING MANUAL

PART I.

PRIVATE PERSONS ARREST

Although your normal responsibilities include the *preventing* of problems and *observation* of detail after an offense, there may be rare occasions when you consider it necessary to *arrest*. Every company in the private security industry has different policies about when and if you should *arrest*. ***If you don't know your company's policy, find out.***

A security guard/proprietary private security officer's legal powers to arrest are *no greater than those of any other private citizen*. An arrest made by such a private party is commonly known as a "*citizen's arrest*."

According to the Penal Code Section 834, "An arrest is taking a person into custody in a manner authorized by law." Penal Code Section 834 also goes on to state that, "An arrest may be made by a peace officer or by a private person."

Penal Code Section 837 specifies the *conditions* under which you, as a private person, may make an arrest. "A private person may arrest another.

1. For a public offense committed or attempted in his presence.
2. When the person arrested has committed a felony, although not in his presence.
3. When a felony has been, in fact, committed and he has reasonable cause for believing the person arrested to have committed it."

In making your decision to arrest someone, you must *first determine whether the offense is a felony or a misdemeanor*.

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EXAMPLE OF A MISDEMEANOR OFFENSE

If you observed a person picking up a rock and throwing it through a plate glass window, that person could be arrested. Breaking a window is a misdemeanor offense and you know that he committed the offense because *you saw the person do it*.

On the other hand, consider this case: You hear a plate glass window break and rush to the front of the building only to see a group of teenagers laughing and milling around. Two of them point to one of the others and say, "He did it." In this instance, you would not have grounds for an arrest. It appears an offense has been committed, but you did not actually see the person doing it.

REMEMBER:

To arrest someone for the commission of a misdemeanor, the offense must be:

1) committed in your presence; or 2) attempted *in your presence!*

EXAMPLE OF A FELONY OFFENSE

You are patrolling an apartment complex and you see an apartment door open. You look inside and see that the place has been burglarized. As you leave the apartment, you see two men carrying large bundles of assorted valuables to a waiting van. They see you and speed up. You call for them to halt, but they load up the van and are in the process of getting into the front seat. You are justified in questioning these men.

On the other hand, consider this: You are told by an apartment dweller that he was just burglarized and you see two men walking towards a van with the motor running. The men look around suspiciously but are carrying nothing. You should get descriptions and *observe and report*.

REMEMBER:

To arrest someone for committing a felony, 1) the felony must have been committed and 2) you must have reasonable cause for believing that the person you are arresting actually committed the felony.

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EXAM REVIEW NO. 10

NOW, on another sheet of paper, answer the following questions:

Analyze the following incidents and decide if you have grounds for arrest.

- Q. 36 YOU ARE MAKING YOUR ROUNDS AT A SHOPPING CENTER AND COME TO A PICKUP TRUCK PARKED AT THE CURB. IN THE BACK OF THE TRUCK ARE TWO COLOR TV SETS STILL IN THEIR PACKING BOXES. THE TWO MEN IN THE TRUCK LOOK SUSPICIOUS. ACCORDING TO THE LAW YOU CAN ARREST THESE TWO MEN.
- A. True
 - B. False
- Q.37 YOU ARE ON DUTY AS A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER AT A FACTORY AND YOU OBSERVE A SUSPECT POURING WHAT APPEARS TO BE GASOLINE ON THE GROUND NEXT TO SOME STORAGE TANKS. AS YOU APPROACH, HE LIGHTS A MATCH AND THROWS IT ON THE LIQUID, IGNITING IT. ACCORDING TO THE LAW YOU CAN ARREST THIS MAN.
- A. True
 - B. False
- Q. 38 ACCORDING TO THE LAW, WHICH OF THE FOLLOWING CONDITIONS MUST EXIST BEFORE YOU CAN MAKE A MISDEMEANOR ARREST?
- A. The suspect must admit to the crime.
 - B. The crime must have been committed or attempted in your presence.
 - C. Someone told you the suspect did it.
- Q. 39 ACCORDING TO THE LAW, WHICH OF THE FOLLOWING CONDITIONS MUST EXIST BEFORE YOU CAN MAKE A FELONY ARREST?
- A. The felony must have been committed and you have reason to believe the person you are arresting actually committed it.
 - B. You think a crime has been committed and the person you are arresting is the only person around.
 - C. A citizen tells you he thinks someone was just assaulted.

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PART J.

MAKING AN ARREST

THE SUSPECT

According to our legal system, a person is innocent until proven guilty. It is up to the court to decide if a person is guilty - not the police, not the district attorney, and not a private person. When a person is arrested, that person is called a *suspect*. The person is then considered a suspect until the court finds the person guilty or innocent. Therefore, do not refer to an arrested person as the “*criminal*,” “*offender*,” “*robber*,” “*murderer*,” “*burglar*,” or by any other term which implies guilt. You can say “*he*,” “*she*,” “*they*,” “*this person*,” or “*the suspect*” since none of these terms imply guilt.

MAKING AN ARREST

If you should happen to be in a situation where a citizen arrest is called for, you should tell the person that he/she is under citizen’s arrest and what the charges are, and your authority to make the citizen’s arrest. Once you say “You are under arrest for burglary,” the suspect may or may not cooperate. If the suspect resists and tries to escape, you must then decide whether or not to use reasonable force. You may ask as many persons as you think necessary to help you in making the arrest.

USE OF FORCE IN AN ARREST

If a suspect resists arrest, you are allowed to use reasonable force to subdue the suspect. Reasonable force is that degree of force that is not excessive and is appropriate in protecting oneself or one’s property. If the suspect submits willingly, no force is necessary. If a suspect should resist arrest, remember that the only force allowed is that which is reasonable and necessary to overcome the resistance.

WHAT IS EXCESSIVE FORCE?

Examples of excessive force include knocking unconscious an unarmed suspect when he is only trying to leave the scene. Handcuffs may be used on persons who have resisted or on suspects you think may be trying to resist or escape.

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WHAT IS DETAINMENT?

A person who voluntarily responds to questioning and is not actually restrained (i.e., free to go at any time) is considered to be *detained*. A person may be detained by the police for further questioning in an investigation, and that person is not necessarily under arrest. The police have the authority to detain a person against his/her will and still not arrest that person. Security guard/proprietary private security officers *do not* have the authority to detain a person against their will except under **Penal Code Section 490.5**, which is covered in detail further on in the study manual. (**MERCHANTS PRIVILEGE RULE, PART I**)

WHEN IS A SUSPECT CONSIDERED TO BE UNDER ARREST?

It should be clear to the suspect that he/she is under arrest *after* you have told the suspect of your *intention, cause, and authority* to arrest him/her. However, there are also other actions that may make a suspect feel he/she is under arrest. If, because of your uniform, badge, hat, or verbal actions, the suspect concludes he/she must answer your questions or is not free to walk away, he/she may justifiably claim he was under arrest.

WHAT IS THE RIGHT WAY TO APPROACH SUSPECTS?

Guilt by association is not a lawful way to make arrests. Let's look at an example:

It is 11:00 p.m. and a security guard/proprietary private security officer is making his/her rounds of the plant when he finds Gate No. 5 open. There are pry marks on the chain that normally holds the gate shut. About 50 yards from the gate is an old pickup truck parked by the side of the road. The hood is up, and two men are bent over looking at the motor. The proprietary security officer proprietary walks over and says, "All right, you guys. What are you doing here?" One of the men responds by saying, "What's it to you pal?" The security guard/proprietary private security officer answers angrily, "Look, you better tell me what you're doing here or you're in trouble!" Neither man replies. One of them gets into the driver's seat and turns over the engine. The proprietary security officer proprietary then asks, "Didn't you hear what I said?" The other man says, "Leave us alone." The proprietary security officer proprietary moves to the front of the truck and grabs the man's arm, stating, "You guys aren't going anywhere until you answer a few questions."

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ANALYSIS

Finding the gate open with pry marks on the chain does not necessarily mean that a crime has been committed. There are a number of possible explanations short of forced entry. Next, there is nothing to tie the two men to forcing the gate open except that their truck was parked nearby. The security guard/proprietary private security officer cannot demand that the men answer his questions. The security guard/proprietary private security officer's attitude, tone of voice, uniform, and badge could easily have made the men believe that they were being arrested. If the security guard/proprietary private security officer refused to let them leave and if it turned out they had nothing to do with forcing the gate, the men could sue the security guard/proprietary private security officer for false arrest and for battery, because the security guard/proprietary private security officer grabbed the man's arm.

WHAT THE SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER SHOULD HAVE DONE

First, he/she should have examined the condition of the gate carefully, recorded the license number of the truck, and obtained a description of the two men. Next, the security guard/proprietary private security officer should have secured the gate and reported its condition to his/her supervisor, being careful to watch for other suspicious activity. The security guard/proprietary private security officer may or may not decide to talk with the two men. He might enter into a friendlier conversation with them by asking if they had seen anyone near the gate. If they are not cooperative, there is nothing the security guard/proprietary private security officer can do except observe closely. The security guard/proprietary private security officer should never touch another person except when reasonable force is necessary when placing that person under citizen's arrest.

The above direction is a suggestion and is at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private persons (citizen's) arrest.

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A BETTER APPROACH

Remember the part about friendly conversation? Although you cannot demand answers from a person, you can always engage them in casual conversation. Here is a better approach:

“Hi! Got car troubles?” One of the men replies, “Yeah! This darn thing shorts out every once in a while.” The security guard/proprietary private security officer then asks, “Say, have you seen anybody around the gate?” The men reply, “No, we haven’t seen anyone except you.” The security guard/proprietary private security officer says, “How long have you been here?” “Oh, maybe five minutes.” “Well, thanks for your help. If you need to call for road service, I can make the call for you.” “Thanks anyway, but we’ll get it going.” The security guard/proprietary private security officer then walks away.

The security guard/proprietary private security officer may not have gotten much information, but at least he/she had a chance to observe each man closely and check their activities without running the risk of bad public relations or a false-citizen’s arrest suit.

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EXAM REVIEW NO. 11

NOW, on another sheet of paper, answer the following questions:

- Q. 40 WHAT SHOULD YOU SAY TO A PERSON YOU ARE ARRESTING FOR BURGLARY?
- A. State your intent to arrest.
 - B. State the charge, which is suspicion of burglary.
 - C. State your authority to make the arrest.
 - D. All of the above.
- Q. 41 ONCE YOU DETAIN A PERSON AGAINST HIS WILL, YOU HAVE PLACED THAT PERSON UNDER CITIZEN'S ARREST.
- A. True
 - B. False
- Q. 42 IF YOU ARE STRUGGLING WITH A SUSPECT IN TRYING TO GET THE SUSPECT UNDER CONTROL AND THERE ARE A NUMBER OF BYSTANDERS, WHAT DOES THE LAW SAY YOU CAN DO?
- A. Ask the bystanders to help you.
 - B. Demand that the bystanders help you.
 - C. Demand the bystanders call the police.
- Q. 43 UNDER WHAT CONDITIONS MAY "REASONABLE FORCE" BE USED AGAINST A SUSPECT?
- A. Protection of self.
 - B. Protection of others.
 - C. To overcome suspect resistance.
 - D. Any of the above.

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PART K.

SEARCHING THE SUSPECT

You should avoid searching a suspect. Laws protect the rights of suspects who are being searched. This section explains what you should and should not do.

You are not allowed to search someone in order to find evidence for making a citizen's arrest.

When you see someone steal something you have been hired to protect, you may first detain the person by telling him/her that they are under arrest for theft. Then you may physically detain the person for the police to search. You should not give the suspect an opportunity to dispose of any items taken.

If you have reasonable cause to believe you are in physical danger by detaining the suspect, you may search the individual for weapons.

REMEMBER

You may search for only *one* thing – **WEAPONS (Penal Code §846)**.

METHOD OF "FRISK" SEARCHING FOR WEAPONS

A frisk is nothing more than a *quick check* to see if a suspect has a concealed weapon. This should occur after the suspect is arrested. To frisk a suspect, follow these steps:

- A. Stand behind the suspect
- B. Run your hands over the outside of their clothing
- C. Pat those areas where a weapon might be concealed
- D. Remove anything that feels like a weapon

CAUTION

Do not remove any article that does not feel like a weapon.

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IMPORTANT

Always use discretion when touching a suspect. When ever possible have a security guard/proprietary private security officer of the same sex conduct the frisk, and always try to have witnesses to the frisk. **STAY ALERT!** Don't relax after a frisk or take your eyes off the suspect after you have completed the frisk. They may still have a weapon you did not find!

The frisk should be done quickly, and if possible, with another security guard/proprietary private security officer standing by. Practice the frisk on a partner by having him/her conceal a small object. During a frisk, you may also discover illegal items called *contraband*. The most common type of contraband is narcotics. If you discover contraband while you are frisking for concealed weapons, leave it alone and tell the police when they arrive.

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EXAM REVIEW NO. 12

NOW, on another sheet of paper, answer the following questions:

Q. 44 ACCORDING TO THE TEXT, YOU SHOULD:

- A. Not search a suspect unless you have reason to believe he/she has a weapon.
- B. Search all suspects immediately.
- C. Search only persons suspected of major crimes.
- D. Search only those persons with a police record.

Q. 45 WHAT MUST YOU DO BEFORE YOU FRISK A SUSPECT?

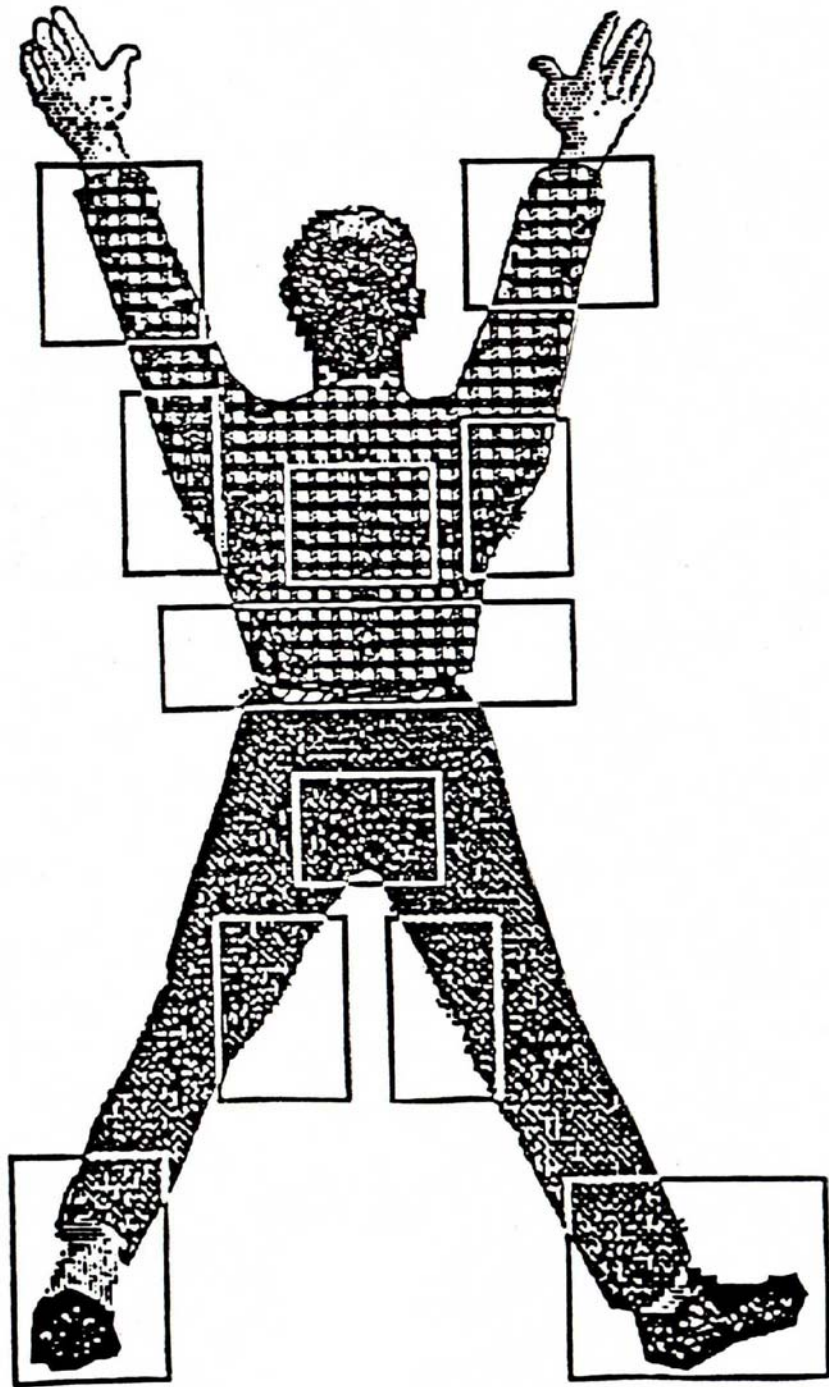
- A. Handcuff the suspect.
- B. Arrest the suspect.
- C. Tie the suspect's hands over his head.
- D. Write you a report.

Q. 46 A FRISK BY A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER IS A SEARCH FOR:

- A. Weapons only.
- B. Stolen property only.
- C. Weapons or stolen property.
- D. Anything.

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ILLUSTRATION OF THE FRISK



PART L.

SEARCHING A SUSPECT UNDER THE MERCHANT'S PRIVILEGE RULE

The Merchant's Privilege Rule is found in the California Penal Code Section 490.5. Subdivisions (f) and (g) of this statute provide legal authority for a merchant or their employee or agent, including a security officer, to detain persons suspected of shoplifting in a retail store. In part, the law states:

“(f)(1) A merchant may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the merchant has probable cause to believe the person to be detained is attempting to unlawfully take or has unlawfully taken merchandise from the merchant's premises.

(2) In making the detention a merchant may use a reasonable amount of non-deadly force necessary to protect himself or herself and to prevent escape of the person detained or the loss of property.

(3) During the period of detention any items which a merchant has probable cause to believe were unlawfully taken from the premises of the merchant and which are in plain view may be examined by the merchant for purposes of ascertaining the ownership thereof.

(4) A merchant or an agent thereof, having probable cause to believe the person detained was attempting to unlawfully take or has taken any item from the premises, may request the person detained to voluntarily surrender the item. Should the person detained refuse to surrender the item of which there is probable cause to believe has been unlawfully taken from the premises, or attempted to be unlawfully taken from the premises, a limited and reasonable search may be conducted by those authorized to make the detention in order to recover the item. Only packages, shopping bags, handbags or other property in the immediate possession of the person detained, but not including any clothing worn by the person, may be searched pursuant to this subdivision. Upon surrender or discovery of the item, the person detained may also be requested, but may not be required, to provide adequate proof of his or her true identity.”

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The important things to remember when working for a retail merchant are:

1. That a suspected shoplifter can be detained where there is reasonable cause to believe that the suspect has unlawfully taken or attempted to take an item from the store. This is not an arrest, but merely a detention in order to investigate further the reasonable belief that a theft has occurred or was attempted.
2. That reasonable *non-deadly* force may be used to carry out the detention where the suspect resists.
3. That following a request to surrender the item believed taken, you may search their belongings (limited to shopping bags, handbags, and other items) in the immediate possession of the suspect, *but not a search of clothing or apparel worn by the suspect*.
4. That following the detention, and if it is established that shoplifting has occurred or was attempted, and if criminal charges are to be pursued, the suspect must be given over to law enforcement authorities. This must occur within a reasonable period of time following detention.
5. Mall security personnel should be very aware of the fact that they protect mall property and that the individual stores in that mall are privately owned and rent space from the mall owners. With this in mind, unless the mall owners have a signed agreement with the stores that the security department in the mall have the permission to act as individual store security, security personnel may not use Penal Code Section 490.5 inside individual stores.

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PART M.

AFTER THE ARREST

WHAT SHOULD A SECURITY GUARD/PROPRIETARY PRIVATE SECURITY OFFICER DO AFTER AN ARREST?

After you arrest someone, you must *turn him or her over to the police WITHOUT DELAY*. You should *write down the time* you (1) made the arrest, and (2) called the police. If you delay too long in calling the police, you may be guilty of an illegal detention even though you might have spent the time questioning the suspect.

WHAT IS REASONABLE DELAY?

Reasonable delays, however, are usually acceptable. For example, if you had to walk a half-mile to get to the nearest phone or wait at your post for your partner to relieve you, these would be considered reasonable delays. However, if a phone is handy and you wait an hour before calling, this could be considered an unreasonable delay.

WHAT IS THE PEACE OFFICERS RESPONSIBILITY?

The police upon arrival at the scene will evaluate the elements of the crime, detention, and arrest. They will then make the determination as to whether they must take custody of the person from the security guard/proprietary private security officer. If the elements of the crime that the person was arrested for have not been legally met, the officer could simply release the person and leave the scene after giving the security guard/proprietary private security officer an explanation.

If you have made a legal arrest, the police, by law, must take custody of the suspect. *Custody* means “to take charge of.” If the suspect is charged with a serious offense, the police will probably take him/her down to the station to take fingerprints and make photo identification. Also, they might not release the suspect unless bail is posted.

Taking custody of suspects charged with less serious offenses may not involve going to the police station. The police may choose simply to cite and release the suspect pending a hearing. This is also considered “taking into custody.” The police will take down a statement of what happened, so you should take care to observe as many factual details as possible. The police will also investigate to collect evidence. You may also be asked to testify at the trial.

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RELEASE FROM CUSTODY

If the peace officer decides to release the suspect, Penal Code Section 849 (c) provides that the peace officer shall include a record of release in the report. Thereafter, such arrest shall not be deemed an arrest, but detention only (Penal Code §849.5).

PRIVATE PERSON'S ARREST - MISDEMEANOR

If the suspect is charged with a misdemeanor (such as trespassing, petty theft, or disturbing the peace), *you will be recorded as the person making the arrest*. You cannot arrest a suspect for a misdemeanor unless you *actually see a violation happen*.

If you arrest a suspect, you must call the police. When they arrive, turn the suspect over to them and make your statement.

Other things you may be expected to do if you make a misdemeanor arrest include:

1. Meeting with the district attorney (usually the next day) to discuss the case and give a sworn statement regarding what happened.
2. Attending the suspect's hearing.
3. Testifying at the suspect's trial.

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EXAM REVIEW NO. 13

NOW, on another sheet of paper, answer the following questions:

Q. 47 HOW SOON MUST YOU TURN A SUSPECT OVER TO THE PEACE OFFICER AFTER AN ARREST?

- A. With out delay.
- B. At any time.
- C. After reporting to your supervisor.

Q. 48 IT WOULD BE LAWFUL IF YOU HELD A SUSPECT FOR TWO HOURS SO YOUR SUPERVISOR COULD QUESTION HIM/HER BEFORE YOU CALLED THE POLICE.

- A. True
- B. False

Q. 49 IF YOU HAVE MADE A LAWFUL ARREST, THE LOCAL PEACE OFFICER:

- A. Must take custody of the suspect only if the crime is a felony.
- B. Must take custody of the suspect only if the crime is a misdemeanor.
- C. Must take custody of the suspect regardless of whether the crime is a misdemeanor or a felony.
- D. Can refuse to take custody of the suspect.

Q. 50 IF THE CRIME COMMITTED IS A FELONY, WHO WILL MAKE THE ARREST?

- A. A proprietary private security guard/proprietary private security officer.
- B. The police.
- C. Either A or B.

Q. 51 WHAT WILL PROBABLY BE REQUIRED OF YOU AFTER MAKING AN ARREST?

- A. Meeting with the district attorney.
- B. Attending the suspect's hearing.
- C. Testifying at the suspect's trial.
- D. All of the above.

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PART N.

TERRORISM

WHAT IS TERRORISM?

Terrorism is the use of force or violence against persons or property in violation of the criminal laws of the United States for purposes of intimidation, coercion, or ransom. Terrorists often use threats to create fear among the public, to try to convince citizens that their government is powerless in preventing terrorism, and to get immediate publicity for their causes.

TYPES OF TERRORISM

All acts of terrorism are crimes. The Federal Bureau of Investigation (FBI) categorizes terrorism in the United States as one of two types - domestic terrorism or international terrorism.

Domestic Terrorism involves groups or individuals whose terrorist activities are directed at elements of our government or population without foreign direction.

International Terrorism involves groups or individuals whose terrorist activities are foreign based and/or directed by countries or groups outside the United States or whose activities transcend national boundaries.

NATURE AND CHARACTERISTICS OF TERRORISM

Terrorists look for visible targets where they can avoid detection before or after an attack such as international airports, large cities, major international events, resorts, and high-profile landmarks. Terrorist actions are well planned and are usually executed without any deviation to their plan. It is also theatrical, creating specific reactions from the audience (population). The terrorist will always stage and even rehearse their plan at least three times before perpetrating their actual attack. Terrorism is directed against governments, businesses, communities, and individuals. It may be perpetrated for the retaliation of perceived injustices to cause confrontation between parties; improve a bargaining position; or to demonstrate strength, commitment, and resolve.

Prior to a number of terrorist attacks, the perpetrators have been observed by security personnel and even recorded on surveillance cameras. However, since terrorists didn't enter the facility or building, in each case security chose to ignore

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them. Some terrorists have been observed taking photographs and making sketches of the site, yet security personnel hadn't felt it important to stop or question them. Some terrorist devices such as vehicles containing explosive devices had even been cited for parking in a "No Parking Zone" yet they had not investigated or determined its ownership. Remember, a terrorist will not usually attack unless they believe that their operation will be 100% successful.

Terrorists want media coverage to ensure that many people know about their activities. Some will even telephone the media just prior to, or even from their target, after they have taken control. That is why they select high-visibility targets and attempt to do maximum damage. They want a "High Body Count." Terrorists hope that attention will increase the public's fear, cause a planned government reaction, or attract sympathy to their cause.

While you cannot prevent deranged individuals or fanatics from plotting against their targets, the security guard/proprietary private security officer can minimize the terrorists' efforts with solid preparation and by just doing the job they have been paid to do. Whether a threat or an actual attack, it is the security guard/proprietary private security officer who is on the front line. They are usually the first to arrive at the scene; to size up (observe) the situation; the first to request (report) the necessary emergency response; the first to take control of the situation; the first to administer first aid until the emergency agencies arrive; and the first to advise the responding agencies of the specific details of the situation.

COUNTER TERRORIST TECHNIQUES OF PHYSICAL SECURITY

- **Deter** - Deterring terrorists activity by the hardening of the target, so that the terrorist does not have a 100% chance of success. They include the following: checking identifications, packages, and vehicles before they enter a secured area, making patrols or routes of travel unpredictable, and maintaining confidentiality.
- **Delay** - The use of barriers, locks, a response force and the controlling of vehicular access.
- **Deny** - Deny the terrorists the use of widespread panic and media leverage, which they attempt to exploit.
- **Detect** - Detection of terrorist activity can be accomplished through the analysis of threat intelligence. It can also occur by conducting entry searches, using detection equipment (x-ray, metal explosive), and closed circuit television.