

**DEPARTMENT OF CONSUMER AFFAIRS**  
***Bureau of Security and Investigative Services***



**POWERS TO ARREST AND APPROPRIATE USE OF  
FORCE TRAINING MANUAL**  
**July 2023**



**STATE OF CALIFORNIA**

## Table of Contents

Table of Contents .....	2
Instructor/Employer Introduction and Training Requirements .....	5
Steps to Administering Training .....	14
PART A: Power to Arrest.....	16
1. The Roles and Responsibilities of Security Personnel.....	16
Background of the Private Security Profession .....	16
Roles and Responsibilities .....	17
Areas of Responsibility .....	18
Prevention is the Key.....	19
Observe and Report .....	19
Getting Help.....	19
Relations with Peace Officers and Law Enforcement.....	20
Observation and Report Writing .....	20
Professional Conduct of Security Personnel .....	21
Contractual Obligations and Company Policies.....	21
Real-life Scenarios .....	22
Section A-1 Review Questions .....	23
2. Encounters and Arrest.....	24
Authority to Question .....	24
A Basis for Making Decisions .....	24
Inspections .....	25
Citizen’s Arrest .....	25
What Factors should you Consider?.....	26
Arrestable Offenses.....	26
Infraction.....	26
Misdemeanors .....	27
Trespass.....	27
Felonies .....	27
Private Person’s Arrest.....	27
Making a Citizen’s Arrest.....	28
Searching a Subject .....	31

Searching a Subject Under the Merchant’s Privilege Rule .....	32
After the Arrest .....	37
Section A-2 Review Questions .....	39
PART B: Appropriate Use of Force .....	40
1. Legal Standards for Use of Force .....	40
Statutes and Legal Considerations.....	40
Licensee and Client Contractual Obligations.....	41
Civil and Criminal Liability .....	41
Section B-1 Review Questions .....	44
2. Use of Objectively Reasonable Force.....	45
Objectively Reasonable Standard .....	45
Restraint Techniques and their Implications.....	46
Force Options .....	48
Real-Life Scenarios Including Potential Consequences .....	50
Section B-2 Review Questions .....	51
3. Duty to Intercede .....	52
Legal Considerations.....	52
Section B-3 Review Questions .....	53
4. Supervisory Responsibilities.....	54
Incident Reporting Requirements .....	54
Section B-4 Review Questions .....	55
5. Use of Force Review and Analysis .....	56
Real-Life Scenarios .....	58
Section B-5 Review Questions .....	59
6. De-Escalation and Interpersonal Communication Training.....	60
Common Misconceptions and Benefits of De-Escalation .....	60
Four Concepts of De-Escalation.....	60
Real-Life Scenarios .....	62
Section B-6 Review Questions .....	64
7. Implicit and Explicit Bias and Cultural Competency.....	65
Definitions.....	65
Perceptions and Stereotypes .....	66

Prejudice and Discrimination .....	66
Strategies for Effective Communication within a Diverse Community .....	67
Real-Life Scenarios .....	70
Section B- 7 Review Questions .....	71
8. Skills Including De-Escalation Techniques to Interact with People with Disabilities or Behavioral Health Issues.....	72
Strategies for Identifying and Effectively Communication and De-Escalating a Situation with an Individual with a Disability or Behavioral Health Issue.....	72
Real-Life Scenarios .....	79
Section B- 8 Review Questions .....	80
9. Use of Force Scenario Training .....	81
Factors that Can Affect an Individual’s Response when Threatened w/ Danger	81
Factors to Consider Before Using Force .....	82
Real-life Scenarios .....	82
Section B-9 Review Questions .....	83
10. Mental Health and Policing .....	84
Categories of Mental Illness .....	84
Biases and Stigmas Surrounding Mental Illness.....	85
Real-Life Scenarios .....	85
Section B-10 Review Questions .....	86
11. Active Shooter Situations.....	87
Recognizing an Active Shooter Situation.....	87
Roles and Responsibilities of Security Personnel.....	87
Run, Hide, Fight.....	87
How to Respond When Law Enforcement Arrives.....	88
Real-Life Scenarios .....	89
Section B-11 Review Questions .....	90

# Overview of Powers to Arrest and Appropriate Use of Force Training Manual and Subject Matter

## Instructor/Employer Introduction and Training Requirements

Listed below are sections in the California Business and Professions Code that pertain to the Powers to Arrest and Appropriate Use of Force Training 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 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.

## **Alarm Company Operator and Alarm Agent**

**Business and Professions Code Section 7590.2 defines an alarm company operator and 7590.1(b) defines an alarm agent as follows:**

**7590.2 (a)** An “alarm company operator” means a person who, for any consideration whatsoever, engages in business or accepts employment to install, maintain, alter, sell on premises, monitor, or service alarm systems, and those ancillary devices connected to and controlled by the alarm system, including supplementary smoke detectors, or who responds to alarm systems except for any alarm agent. “Alarm company operator,” includes any entity that is retained by a licensed alarm company operator, a customer, or any other person or entity, to monitor one or more alarm systems, whether or not the entity performs any other duties within the definition of an alarm company operator. The provisions of this chapter, to the extent that they can be made applicable, shall be applicable to the duties and functions performed in monitoring alarm systems.

**7590.1(b)** “Alarm agent” means a person employed by an alarm company operator whose duties, being physically conducted within the state, include selling on premises, altering, installing, maintaining, moving, repairing, replacing, servicing, responding, or monitoring an alarm system, and those ancillary devices connected to and controlled by the alarm system, including supplementary smoke detectors, or a person who manages or supervises a person employed by an alarm company to perform any of the duties described in this subdivision or any person in training for any of the duties described in this subdivision.

## **Training Requirements**

### **Security Guard with Firearm 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 power to arrest and the appropriate use of force 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 power to arrest and the appropriate use of force. 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 power to arrest and the appropriate use of force 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 licensee or uniformed employee of a licensee shall carry or use any firearm unless the licensee or employee has in their possession a valid firearms qualification card.
- (c) This section shall become operative on January 1, 2023.

### **Security Guard Training**

#### **7583.6.**

- (a) Each applicant for a security guard registration shall complete a course in the exercise of the power to arrest and the appropriate use of force as a condition for the issuance of the registration. A course provider authorized to provide the training pursuant to Section 7583.7 shall issue a certificate of completion to the person upon satisfactory completion of the training. The course provider shall conduct the training in accordance with Section 7583.7 and any applicable regulations adopted by the bureau.
- (b) Except for a registrant who has completed the course of training required by Section 7583.45, a security guard registrant shall complete not less than 32 hours of training in security officer skills within six months from the date an initial registration is issued. A security guard registrant shall complete 16 of the 32 hours within 30 days from the date the registration is issued.
- (c) A course provider, which is authorized to provide the training required by subdivision (b) pursuant to subdivision (f), shall issue a certificate of completion to a registrant after the registrant completes each training course. The course provider shall conduct the trainings in accordance with any applicable regulations adopted by the bureau subject to this chapter.
- (d)
  - (1) A registrant who is unable to provide their employing licensee the certificate of satisfactory completion of the training required by subdivision (a) shall complete the training within six months of the registrant's employment date.
  - (2) A registrant who is unable to provide their employing licensee the certificate of satisfactory completion of the training required by subdivision (b) shall complete 16 hours of the training within 30 days of the registrant's employment date and shall complete the 16 remaining hours within six months of the registrant's employment date.
- (e) A registrant shall annually complete eight hours of specifically dedicated review or practice of security officer skills prescribed in this section, Section 7583.7, or by the bureau by regulation.
- (f) The trainings specified in this section may be administered, tested, and certified by one of the following:
  - (1) Any licensee.
  - (2) Any training facility certified pursuant to this chapter.
  - (3) Any organization or school approved by the bureau. The bureau shall approve any instructor of an organization or school who will administer the trainings specified in this section to ensure that the organization or school complies with the requirements of this chapter, as well as any applicable regulations.

- (g)
  - (1) A registrant shall maintain the certificate of completion the registrant received for each training course prescribed in this section until the registration expires or has been canceled. The registrant shall provide the records to the bureau upon request.
  - (2) A licensee shall maintain at the principal place of business or branch office a record for each of its registrant employees verifying completion of the trainings required by this section for the duration of the registrant's employment. The records shall be available for inspection by the bureau upon request.
- (h) 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 and the appropriate use of force approved by the Commission on Peace Officer Standards and Training or a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who has successfully completed a course of study in the exercise of the power to arrest and the appropriate use of force.
- (i) This section does not apply to armored vehicle guards.
- (j)
  - (1) The bureau shall develop and approve by regulation a standard course and curriculum for the skills trainings required by this section to promote and protect the safety of persons and the security of property.
  - (2) The bureau shall develop an outline for the course and curriculum described in paragraph (1) in consultation with the Commission on Peace Officer Standards and Training.
- (k) This section shall become operative on January 1, 2023.

**7583.7.**

- A. The course of training in the exercise of the power to arrest and the appropriate use of force 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 and the appropriate use of force. The department may review and provide more guidance on courses of training when best practices are updated. The course of training shall be approximately eight hours in length and shall cover all of 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, including both of the following:
    - a. Personal liability.
    - b. Employer liability.
  - (6) Trespass law.
  - (7) Ethics and communications.



(8) Emergency situation response, including response to medical emergencies.

(9) Security officer safety.

(10) The appropriate use of force, including all of the following topics:

- a. Legal standards for use of force.
- b. Duty to intercede.
- c. The use of objectively reasonable force.
- d. Supervisory responsibilities.
- e. Use of force review and analysis.
- f. De-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.
- g. Implicit and explicit bias and cultural competency.
- h. Skills, including de-escalation techniques, to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.
- i. Use of force scenario training, including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decision making.
- j. Mental health and policing, including bias and stigma.
- k. Active shooter situations.

(11) Any other topic deemed appropriate by the bureau, excluding Weapons of Mass Destruction and Terrorism Awareness, which may be an elective topic only.

B.

- 1) The majority of the course shall be taught by means of verbal instruction. This instruction may include the use of a video presentation.
- 2) Paragraph (10) of subdivision (a) shall be conducted through traditional classroom instruction. For the purposes of this paragraph, "traditional classroom instruction" means instruction where the instructor is physically present with students in a classroom for a minimum of 50 percent of the course and is available at all times, including during instruction provided through distance learning or remote platforms, to answer students' questions while providing the required training. In this setting, the instructor provides demonstrations and hands-on instruction in order to establish each student's proficiency as to the course content.

C. The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest and the appropriate use of force. 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 may provide a copy of the guidebook described in subdivision (c) to each person that they currently employ as a security guard. The private patrol operator may provide the guidebook to each person the private patrol operator 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 and the appropriate use of force.

- 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 January 1, 2023.

### **Proprietary Private Security Officer 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 their 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, including, but not limited to, training in the exercise of the power to arrest and the appropriate use of force. 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.
- 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 and the appropriate use of force approved by the Commission on Peace Officer Standards and Training. This section does not apply to armored vehicle guards.
- H. A person registered and hired as a proprietary private security officer may submit Verification of Military Experience and Training (VMET) records that document that the person has completed equivalent military training in lieu of completing a course of training in security officer skills pursuant to subdivision (a). The department shall determine the type of equivalent military training that qualifies to serve as a substitute.
- I. This section shall become operative on January 1, 2023.

### **Alarm Company Agent Training**

#### **7598.1.**

- A. 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 power to arrest and the appropriate use of force, prior to being assigned to a duty location responding to an alarm system.
- B. Evidence of completion shall consist of certification by the licensee or instructor that the course in the exercise of the power to arrest and the appropriate use of force has been taught, the date the course was taught, and certification by the employee that the instruction was received. Evidence of completion of the course in the exercise of the power to arrest and the appropriate use of force shall be maintained in the licensee's employee records and made available to the bureau upon request.
- C. A qualified manager is not required to register under this article.
- D. This section shall become operative on January 1, 2023.

#### **7598.2.**

- A. The course of training in the exercise of the power to arrest and the appropriate use of force 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 and the appropriate use of force. The course of training shall be approximately four hours in length and cover the following topics:
  - 1) Responsibilities and ethics in citizen arrest.
  - 2) Relationship with the public police in arrest.
  - 3) Limitations on security guard power to arrest.
  - 4) Restrictions on searches and seizures.

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- 5) Criminal and civil liabilities.
    - a. Personal liability.
    - b. Employer liability.
  - 6) The appropriate use of force, including all of the following topics:
    - a. Legal standards for use of force.
    - b. Duty to intercede.
    - c. The use of objectively reasonable force.
    - d. Supervisory responsibilities.
    - e. Use of force review and analysis.
    - f. De-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.
    - g. Implicit and explicit bias and cultural competency.
    - h. Skills, including de-escalation techniques, to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.
    - i. Use of force scenario training, including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decision making.
    - j. Mental health and policing, including bias and stigma.
    - k. Active shooter situations.
    - l. Any other topic deemed appropriate by the bureau, excluding Weapons of Mass Destruction and Terrorism Awareness, which may be an elective topic only.
- B. Paragraph (6) of subdivision (a) shall be conducted through traditional classroom instruction. For the purposes of this subdivision, "traditional classroom instruction" means instruction where the instructor is physically present with students in a classroom and is available to answer students' questions while providing the required training. In this setting, the instructor provides demonstrations and hands-on instruction in order to establish each student's proficiency as to the course content.
  - C. The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest and the appropriate use of force. The department shall encourage additional training and may provide a training guide recommending additional courses.
  - D. This section shall become operative on January 1, 2023.

### **7598.3.**

- A. 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 course of training in the exercise of the power to arrest and the appropriate use of force has been taught, and the employee's certification that the instruction was received, has been delivered to the department.
- B. This section shall become operative on January 1, 2023.

## **Exam Information**

An applicant must receive a score of 100 percent on the examination in order to successfully complete the course [Section 628 of Division 7 of Title 16 of California Code of Regulations]. Trainees who fail the final examination the first time may study their weak areas and try again. If the trainee has difficulty understanding the material as presented in the booklet, the instructor is 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.

## Steps to Administering Training

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 Appropriate Use of Force*" and that the final score of 100 percent is required before they can progress in the licensing process. 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 and Appropriate Use of Force* answer sheet. A quiet place should be provided for the examination.
3. Have trainees read through the review questions. 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. These can be identified by following subheaders and reviewing the questions.
5. Administer the final exam. Have trainees write their answers on the "*Power to Arrest and Appropriate Use of Force*" 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.

## **Responsibilities and Ethics in Citizen Arrest and Types of Encounters**

### **Responsibilities of the Guard to the Bureau and the Employer**

As a registered security guard, proprietary private security officer, or alarm agent, 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, it is important that you are aware of the following:

1. Security guards, proprietary private security officers, and alarm agents must meet several requirements before they begin work. These requirements include submitting your application online or by mail with the required fees to the Bureau.
2. Submit 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. Live Scan fingerprints 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. A person may work as a security guard or security patrolperson pending receipt of their security guard registration card if they have been approved by the Bureau and carries on their person a hardcopy printout of the Bureau's approval from the Bureau's website and valid picture identification.
5. A proprietary security officer may not carry a firearm or other deadly weapon, including any electronic control device, stun gun, baton, or any chemical agent, including pepper spray.
6. A security guard or alarm agent who carries a firearm or a baton must have a valid exposed firearm permit and/or a valid baton certificate. A security guard carrying a firearm or baton must be an employee of a private patrol operator, or a political subdivision of the state.
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 them to the Bureau in writing.

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,
- Scratch paper for answering the review questions (do not write in this booklet), and
- A pen or pencil

## **PART A. POWERS TO ARREST**

### **Section 1: The Roles and Responsibilities of Security Personnel**

*Note: This section includes directions and suggestions that are 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. Regardless of the license type, a security guard or a proprietary security officer employed by a proprietary security employer will be held to the same standards as prescribed in this training, and must be in compliance with the service/employment contract.*

#### **Background of the Private Security Profession**

While the concept of private security is often considered to be a relatively modern phenomenon, the reality is that some form of private security has existed for centuries. Whether it is the invention of locks, or the design of ancient forts and battlements, or the provision of different people-related services, the concept of private security has existed for much longer than the modern security guard.

In 1850, Allan Pinkerton founded the Chicago-based Pinkerton National Detective Agency, which would quickly become the industry's largest private security company. Among the Agency's main customers were the railroads, which had to contend with outlaws who robbed trains of cargo and passengers of personal possessions. In the mid-1800s, there were no federal authorities to chase outlaws across state and territorial lines, and local law enforcement was too poorly equipped to pursue fleeing gangs very far. Therefore, the job fell to crime victims and their hired agents. The Pinkerton Agency's work for the railroads helped build an international reputation for the company.

In addition to tracking down and apprehending criminals, the early private security industry performed many other duties now associated with federal and state law enforcement: guarding interstate railroad and stagecoach shipments, investigating crimes, and providing security advice to banks and other businesses that were frequent targets of outlaws. Much of this work diminished when federal and local agencies improved their law enforcement capabilities shortly after the turn of the 20th century. However, the industry had grown considerably by that time, with large numbers of people working as private guards, detectives, and other security-related jobs, many of them armed. Regulation of the private security industry began in 1915, when California enacted a licensing requirement for private investigators.

A security guard, also referred to as security officer, alarm agent, proprietary private security officer, or security personnel, is paid and designated by an organization to protect assets such as people, property, and money from imminent danger by enforcing preventive precautionary measures. They are usually uniformed to denote a lawful authority's presence guarding a private property. Security personnel take watch and create high visibility presence in assigned areas to prevent any unlawful criminal



activities, patrol around and observe, watch surveillance camera feeds for any irregularities and take action to prevent crime or minimize damage to life, limb, and property.

## **Relationship Between Security Personnel and a Peace Officer in Making an Arrest Roles and Responsibilities**

It is important to remember that as a security guard, proprietary private security officer, or alarm agent, you are **not** a peace officer!

How are security personnel different from peace officers?

Security personnel *do not* have:

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

Any security personnel who *pretend* or even imply (lets others think) that they are 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 their professional licenses may be denied or revoked.

What are security personnel's roles and responsibilities?

- A security employee's role is to protect people and property for their employer.
- A security employee's responsibility *before* an incident/offense has occurred is prevention.
- A security employee's responsibility *during or after* an incident/offense has occurred is to observe and report.

How should security personnel perform their job?

The major responsibility of security personnel should be prevention *before* an incident/offense occurs. Thus, security personnel should be highly visible. By being seen, the security agent may discourage anyone who might be considering committing theft, damage, or personal injury. Security personnel's job focus should be prevention.

To do the job well, you must:

- Be alert
- Listen
- Watch

The decision on how security personnel should react to any given situation is at the discretion of the employer.

If an incident/offense occurs, a security employee should not immediately intervene. Instead, the security employee should:

- Stay calm
- Observe and remember events
- Report to the police and the security employee's supervisor (follow the employer

policy).

### **Areas of Responsibility**

A security guard, proprietary private security officer, or alarm agent 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. It would not include other offenses such as motor vehicle traffic violations or prostitution. This decision is at the discretion of the individual'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 keep in mind that 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, or alarm agent responder!

**Remember:** a peace officer's responsibilities are different from security personnel's responsibilities.

- Security personnel only protect specific people and property as directed by their employers.
- Peace officers protect all people and all property and enforce laws.

### **What other duties could security personnel have?**

A security employee may be responsible for maintaining certain *company rules* established by their employer. These could include:

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

The security personnel's supervisor or employer will provide instructions on helping employees observe company rules and policies.

### **Ethics and Communication**

Ethical communication refers to communicating in a manner that is clear, concise, truthful, and responsible.

For instance, some examples of ethics and ethical communication include:

- Security personnel must be honest, bias-free, and not impose any personal prejudice.
- Security guards are required to protect the interests of their employer.
- Confidentiality in dealings with people inside and outside the organization must be honored and upheld.
- Duties should always be performed with decorum, due diligence, and the utmost professionalism.
- Don't behave in a manner that will escalate the situation. Patience is a must.

### Prevention is the Key

The security employee's primary role should be to protect persons and **prevent** damage or destruction to property.

For example, if you spotted some people trying to climb a fence to enter private property, you could 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: a person intends to steal from a store, but suddenly sees a uniformed security employee on patrol. The person leaves the store without stealing anything. The security officer, simply by being in uniform, has prevented a crime.

### 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 local law enforcement and your supervisor.

Incident	Security Role
Before the incident:	Prevention
During or after the incident:	Observe and report, and notify law enforcement

### Getting 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 peace officers 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. You are a security guard providing security services to a retail store. A man runs out of the store, and 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. Chasing down a suspect poses multiple risks, including abandonment of post, and injury to yourself or others.)*

3. You are a security guard providing security services to a retail store. A shopper is about to leave with a bag full of potentially stolen items. What should you do?  
*(Always refer to the service/employment contract for guidance. Be aware that any use of force may result in civil and/or criminal charges regardless of the service/employment contract.)*
4. You are a security guard 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.)*

### **Relations with Peace Officers and Law Enforcement**

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

- Never “play cop.” You do not have the legal authority to do the same things a peace officer can do. Also, playing cop may antagonize local law enforcement and hurt your company’s working relations with them. Impersonating a peace officer is a felony.
- Do not mislead people. Because of your uniform, badge, hat, or other gear, some people may think you are a peace officer. Do not 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, or alarm agent.
- 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.

Remember, your roles are different! A peace officer is charged with the enforcement of laws in a city or county. Security personnel are responsible for protecting only the specific people or property they are hired to protect.

### **Observation and Report Writing**

Stop! Look! Listen! In a sense, security personnel are paid observers. As a security employee, 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

You will need to know the difference between a **fact** and a **conclusion**.

- A fact is what has actually happened, or what is known to be true.
- A conclusion is a judgment 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.

Other examples:

<b>Facts</b>	<b>Conclusion</b>
➤ 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:** list and describe all individuals involved in the incident
2. **What:** describe the incident and circumstances in detail
3. **Where:** specify location as accurately as possible
4. **When:** pay attention to the specific time and the passage of time
5. **How:** describe the behavior of all involved
6. **Names of witnesses:** include contact information if possible

### **Professional Conduct of Security Personnel**

The ability of security personnel to fulfill their duties is dependent upon securing and maintaining public respect and approval, which includes obtaining the public's willingness to cooperate in the task of preventing crime. The extent to which the community's respect and trust can be secured is diminished when security personnel act in an unprofessional or unlawful manner. The personal conduct of a security employee is always under a microscope. You must be constantly mindful of your obligations to serve your employer efficiently and effectively. The degree to which the community will cooperate with you is dependent upon its respect for and confidence in you.

(Revised July 2023)

Remember, the general public sometimes thinks of security personnel as police officers, due to the fact that their uniforms are not readily identifiable from a distance. As such, security personnel should maintain their appearance and demeanor to the highest level.

### **Contractual Obligations and Company Policies**

The directions in this section are a suggestion and are 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.

The important note is to always be aware of and well-versed in your employer or client's policies, guidelines, and expectations.

### **Real-Life Scenarios**

**Example 1:** You are standing guard inside a department store, and you observe two people 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.

The answer is "B." Your priority is to guard the property you are hired to protect, the department store. Observe and report if possible, the bar incident if it does not distract from your primary job.

**Example 2:** You are hired by a restaurant as a security guard. An angry customer refuses to pay his check. Your job is to:

- A. Arrest them and everyone in their party.
- B. Keep the peace and follow restaurant policy.

The answer is "B." An arrestable offense has not been committed, and you should enforce your employer's policies.

Notice the difference between situations in examples 1 and 2. In #1, the fight does not relate to your responsibility at the department store. In #2, 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.

## Section A-1 Review Questions

1. The primary role of a security officer is to:
  - a. Enforce the law
  - b. Protect people and property
  - c. Act like a peace officer
  - d. Arrest law breakers
2. What is the responsibility of security personnel *before* an incident or offense has occurred?
  - a. Detain and punish
  - b. Stay out of sight
  - c. Prevent
  - d. Search and seize
3. It is against the law for security personnel to:
  - a. Arrest someone
  - b. Protect property
  - c. Observe and report
  - d. Make someone think they are a police officer
4. During an emergency on the employer's property, a peace officer instructs security personnel to stand out of the way behind a police line. The security personnel must:
  - a. Refuse, as the security employee's duties are different from those of the peace officer
  - b. Cooperate and follow the lawful orders of the police officer
  - c. Apprehend the persons violating the law on the employer's property, since the security employee's duty is to protect the property of the employer
5. The general public judges a security employee by:
  - a. Appearance
  - b. Speech
  - c. Attitude
  - d. All of the above

# Limitations on Security Personnel Power to Arrest, and Security Personnel's Role and Restrictions on Searches and Seizures.

## Section 2: Encounters and Arrests

### Authority to Question

A security employee 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 employee may ask them to leave. If they do not leave, the security employee may arrest (citizen's arrest) them for trespassing, and should call local law enforcement without unreasonable delay.

### What are the property owner's rights?

The owner of the property has the right to establish certain rules on their property that may not be a part of the Penal Code. For instance, if an employee shows up for work drunk, they 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. Security personnel must know what their 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, they may be arrested for violating the public law against trespassing. On the other hand, if security personnel uses unnecessary force in removing the employee from the premises, the security personnel may be arrested for committing assault and/or battery.

### How should you handle violations?

As security personnel, 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 violations of certain laws.

### 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?

### **Inspections**

As security personnel, 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 workday by looking into employees' cars, lunch pails, purses, or tote bags to make sure unauthorized items are not being taken off the premises.

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.

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.

### **Citizen's Arrest**

The authority to arrest is given to all private persons. A security employee 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.

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 matter authorized by law. An arrest may be made by a peace officer or a private person (citizen's arrest).

*At no time are you, as a security employee, obligated to make a citizen's arrest.* You may be at the scene when a violation occurs, but you do not have to make an arrest.

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 citizen's arrests, but to teach you the law concerning arrests, so you will know what you can and cannot do under the law.

### **What Factors Should you Consider?**

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

- **Physical size:** Is the subject bigger or stronger than you are? In better physical condition?
- **Weapons:** Is the subject armed? Could they be carrying a concealed weapon?
- **Escape:** If you do not make a citizen's arrest at this moment, will the subject 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.
- **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 citizen's arrest than kids climbing a fence to steal apples from your employer's orchards.
- **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!

### **Arrestable Offenses**

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

#### **Infraction**

Infractions are offenses that are punishable only by a modest monetary fine. There is normally no jail sentence imposed for committing an offense 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.

Because most infractions occur on public property, public highways and roadways, or in areas not routinely patrolled by private security, most security personnel will not be confronted with situations involving the violations of laws which carry infraction penalties. Security personnel are typically not 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.

## Misdemeanors

Misdemeanors are offenses that are punishable by a fine and/or a 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*.

## Felonies

A felony is a more serious offense that may be 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 subject and left at the scene of the crime, or testimonial evidence such as observations by security personnel or by other persons (which are told to the security personnel), in which the subject was observed committing the crime.

## Private Person's Arrest

Although your normal responsibilities include the preventing of problems and the observation of detail after an offense, there may be rare occasions when you consider it necessary to detain an individual or perform a citizen's 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.

Security personnel'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 Penal Code Section 834, "An arrest is taking a person into custody in a manner authorized by law." Penal Code Section 834 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.

## 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 they 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 individuals 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 individuals.

On the other hand, consider this: You are told by an apartment dweller that he was just burglarized and you see two individuals 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.

## Making a Citizen's Arrest

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 the Arrest**

If you should happen to be in a situation where a citizen's arrest is called for, you should tell the person that they are 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 subject may or may not cooperate. If the subject 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 citizen's arrest.

## **Use of Force in a Citizen's Arrest**

If a subject resists arrest, you are allowed to use reasonable force to subdue the subject. Reasonable force is that degree of force that is not excessive and is appropriate in protecting oneself or one's property. If the subject 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. This topic will be covered in depth later in your training.

## **What is Excessive Force?**

Examples of excessive force include knocking unconscious an unarmed subject when he is only trying to leave the scene. Handcuffs may be used on persons who have resisted or on subjects you think may be trying to resist or escape (refer to your employer's policies on the use of restraints).

## **What is Detention?**

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 their will and still not arrest that person. Security personnel do not have the authority to detain a person against their will except under Penal Code Section 490.5 (Merchant's Privilege Rule), which is covered in detail later in this section.

## **When is a subject considered to be under arrest?**

It should be clear to the subject that they are under arrest after you have told the subject of your intention, cause, and authority to arrest them. However, there are also other actions that may make a subject feel they are under arrest. If, because of your uniform, badge, hat, or verbal actions, the subject concludes they must answer your questions or are not free to walk away, they may justifiably claim they were under arrest.

## **What is the right way to approach a subject?**

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 employee is making their rounds of the plant when

they find 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 security employee 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 employee 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 security employee then asks, "Didn't you hear what I said?" The other man says, "Leave us alone." The security employee 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."

**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 employee cannot demand that the men answer their questions. The security employee's attitude, tone of voice, uniform, and badge could easily have made the men believe that they were being arrested. If the security employee 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 employee for false arrest and for battery, because the security employee grabbed the man's arm.

**What the security personnel should have done:** First, they 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 employee should have secured the gate and reported its condition to their supervisor, being careful to watch for other suspicious activity. The security employee may or may not decide to talk with the two men. The security employee 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 employee can do except observe closely. The security employee should never touch another person except when reasonable force is necessary when placing that person under citizen's arrest.

**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 employee then asks, "Say, have you seen anybody around the gate?" The men reply, "No, we haven't seen anyone except you." The security employee 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 employee then walks away.

The security employee may not have gotten much information, but at least they 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.

### **Searching a Subject**

You should avoid searching a subject. Laws protect the rights of subjects 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 them that they are under arrest for theft. Then you may physically detain the person for the police to search. You should not give the subject an opportunity to dispose of any items taken.

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

**Remember:** You may search for only one thing – weapons (**Penal Code Section 846**).

#### **“Frisk” Method in Searching for Weapons**

A frisk is a limited search for a concealed weapon. This should occur after the subject is arrested. To frisk a subject, follow these steps:

- A. Stand behind the subject
- 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.

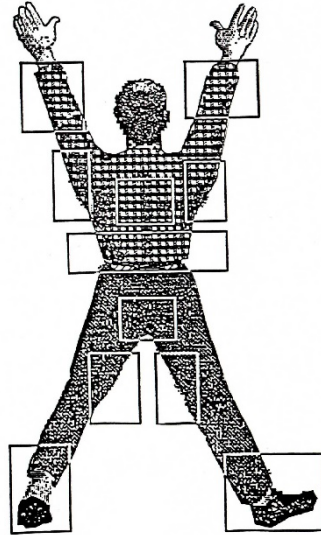
Always use discretion when touching a subject. Whenever possible have a security employee of the same sex conduct the frisk, and always try to have witnesses to the frisk.

*Stay alert!* Don't relax after a frisk or take your eyes off the subject 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 employee standing by. Practice the frisk on a partner by having them 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.

## ILLUSTRATION OF THE FRISK



### **Searching a Subject Under the Merchant's Privilege Rule**

The Merchant's Privilege Rule is found in California Penal Code Section 490.5. Subdivision (f) of this statute provides legal authority for a merchant or their employee or agent, including security personnel, 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.”

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

1. A suspected shoplifter can be detained where there is reasonable cause to believe that the subject 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. Reasonable non-deadly force may be used to carry out the detention where the subject resists. Always refer to the service/employment contract for guidance. Be aware that any use of force may result in civil and/or criminal charges regardless of the service/employment contract.
3. 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 subject, but not a search of clothing or apparel worn by the subject.
4. Following the detention, and if it is established that shoplifting has occurred or was attempted, and if criminal charges are to be pursued, the subject 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 has the permission to act as individual store security, security personnel may not use Penal Code Section 490.5 inside individual stores. In other words, the Merchant Privilege Rule may NOT apply in this situation, and thus *any* use of force may not be justified.

## **Trespass Laws**

Trespassing is a common situation that security personnel must manage. In addition to Penal Code Sections 601 and 602, be aware of local city and county ordinances regarding trespassing, and your employer’s policies and procedures.

Most people have heard the term “trespassing” and understand its basic meaning -- to enter another's property without their permission. But legally speaking, there must also be some level of intent. Simply wandering onto someone's property is not itself a crime, but scaling a fence or disregarding a "No Trespassing" sign does adequately show intent. Criminal trespassing charges often involve other wrongful acts (or the intent to commit them), such as burglary, vandalism, or invasion of privacy. Additionally, property owners

may file civil claims against trespassers in an effort to collect for damages regardless of whether a crime was committed.

The statutory definition of criminal trespass is, "Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by:

1. A peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or
2. The owner, the owner's agent, or the person in lawful possession."

The specific elements of the offense are based on the specific type of trespassing alleged. But generally, the elements can be reduced to the following:

1. Defendant willfully entered property belonging to someone else, without permission; and
2. When defendant entered the property, he/she intended to interfere with the rightful owner's property.

One commits an act of **aggravated trespass** if they:

1. Makes a credible threat of bodily harm, and
2. Enters that person's property or place of employment within 30 days of the threat, intending to carry it out.

For example, an individual goes into a grocery store and begins to harass other shoppers about the store's use of child labor. Their actions directly interfere with the store's ability to conduct business. Security is called and asks the person to leave the store, but they refuse. This person could be charged with trespassing because even though they may have initially had permission to enter the store, they were interfering with business and unlawfully remaining after they were told to leave.

Alternately, consider a homeless person entering a restaurant to purchase food with money they obtained from panhandling. When they enter, the other patrons leave because of this person's appearance and smell. This person could not be prosecuted for trespassing because even though they may have interfered with the restaurant's business, they did not enter the store with the intent to do this.

For other examples of the practical application of California state trespass law, see *People v. Brown* (Appellate Department, Superior Court, San Diego. Crim. No 7474, 1965) and *Daluiso v. Boone* (L.A. No. 29433. In Bank. 1969).

### **Criminal and Civil Liabilities**

Actions based on poor judgment 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.

#### **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 they are 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 their presence.

*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.

## After the Arrest

After you arrest someone, you must contact 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 illegal detention, even though you might have spent the time questioning the subject.

### 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 Officer's Responsibility?

Upon arrival at the scene, the police will assess the situation and make a determination as to whether or not they will take into custody or place under arrest the subject of your citizen's arrest.

Custody means "to take charge of." If the subject is charged with a serious offense, the police may take them to the station to take fingerprints and photographs. Also, they might not release the subject unless bail is posted.

Taking custody of subjects charged with less serious offenses may not involve going to the police station. The police may choose simply to cite and release the subject 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.

### 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 Section 849.5).

### Citizen's Arrest for 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 subject for a misdemeanor unless you actually see a violation happen.

If you arrest a subject, you *must* call the police. When they arrive, make your statement; the peace officer may choose to release or arrest the subject.

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.

### **Emergency Situation Response, Including Response to Medical Emergencies**

A security employee may be faced with a medical emergency in the course of their duties. The appropriate response is almost always to call 911, and to assist in keeping the situation and/or area safe and clear for emergency personnel. A guard should avoid attempting lifesaving measures of any type if they are not trained and/or certified to do so.

### **Security Officer Safety**

Remaining safe is key for security personnel. Always follow protocol, including employer policies, and remain aware of your surroundings at all times. Know your limitations, and follow common sense safety rules. Avoid high-risk situations that could lead to physical altercations.

## Section A-2 Review Questions

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

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

If you are struggling to get a 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
- d. None of the above

According to the text, you should:

- a. Search all suspects immediately
- b. Not search a suspect unless you have reason to believe they have a weapons
- c. Only search persons suspected of major crimes
- d. Only search persons with a police record

It would be lawful to hold a suspect for two hours so your supervisor could question them before you called the police.

- a. True
- b. False

## PART B: APPROPRIATE USE OF FORCE

### Overview

1. Legal Standards for Use of Force
2. Use of Objectively Reasonable Force
3. Duty to Intercede
4. Supervisory Responsibilities
5. Use of Force Review and Analysis
6. De-escalation and Interpersonal Communication Training
7. Implicit and Explicit Bias and Cultural Competency
8. Skills, including De-escalation Techniques to Interact with People with Disabilities or Behavioral Health Issues
9. Use of Force Scenario Training
10. Mental Health and Policing of the Public, Including Bias and Stigma
11. Active Shooter Situations

### Section 1: Legal Standards for Use of Force

#### Statutes and Legal Considerations

**Reasonable force** in an arrest situation is a degree of force reasonably needed to detain an individual and to protect oneself. See *People v. Garcia* (1969) 274 Cal.App.2d 100.

In *Graham v. Connor*, 490 U.S. 386, (1989), the United States Supreme Court held that determining the objective reasonableness for the use of force must be fact-specific, based on the **totality of the circumstances confronting the individual at the time the force is used**, in addition to Penal Code section 835(a). The reasonableness of a particular use of force must be judged from the perspective of a **reasonable person** on the scene, rather than with hindsight.

The evaluation should be based on the facts and circumstances confronting the individual without regard to their underlying intent or motivation. While this *Graham* only applies to peace officers, it still provides a framework for defining reasonable force.

Additionally, in *People v. Curtis* (1969 70 Cal 2d 347), the California Supreme Court held that “a person may use objectively reasonable force to defend life and limb against excessive force.”

When charged with a crime, a defendant is found to have legally acted in self-defense under Penal Code section 197(3), if all of the following are found:

- reasonably believed that they were in **imminent danger** of being killed or suffering bodily injury;
- reasonably believed that the immediate use of force was necessary to defend against that danger; and
- used no more force than was reasonably necessary to defend against that danger.



Danger is considered imminent when there is an **immediate or present** threat. An imminent danger cannot relate to something that may or may not happen in the future. (See California Criminal Jury Instructions (CALCRIM) No. 505.)

### **Licensee and Client Contractual Obligations**

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

For example, a security guard makes a false arrest. The person arrested may file a civil suit for damages against the security agent, his employer, and all of those believed to be responsible which may include the client being held liable.

Even if the civil suit against you (the security personnel) or your employer fails, the action may be costly for you, your employer and your client to defend.

Security personnel who are expected to make citizen's 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 security personnel, you should work primarily in a preventive role. Use good judgment and exercise caution when faced with a citizen's arrest situation. Every person must be accountable for their actions. Acts of security personnel in a citizen's arrest situation are easy to defend when good judgment, restraint, and good faith have been used.

## **Civil and Criminal Liability**

### **Civil Liability**

The responsibility for the things we do, or fail to do, with the possibility of being sued by another, is called civil liability. A court judge may decide whether 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.

**Civil Liability** is the potential non-criminal legal consequences one incurs from the commission or omission of an act. Civil liability is separate from the criminal process and cannot result in a person being arrested or sentenced to jail or prison. Civil judgment may result in a civil trial and one party being ordered by the civil court to pay money to another party for "damages." The process generally involves one party filing a civil suit against another party in a civil court.

For example, a security guard fatally shoots a fleeing shoplifting suspect in the back. The guard, their employer, and any other person party to the shooting, such as a supervisor, may be subjected to a civil suit for the shooting and wrongful death of the deceased. This means, for example, in a civil trial, the jury may find the guard has deprived the family of the love, comfort, and financial support of the deceased. If the family members win the civil lawsuit, the guard, employer, and other parties responsible for the deadly shooting

may be required to pay monetary damages to the family of the deceased.

In the example given above, the guard may be subject to criminal prosecution and a prison sentence and subject to a civil lawsuit resulting in the guard being ordered to pay money to the suspect's survivors.

### **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 personnel 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.

**Excessive Physical Force:** Where a citizen's arrest is made, the law allows only the use of physical force that is reasonable or necessary to restrain the suspect if they are 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 cannot be carried by security guards, including knives with blades longer than 2 inches or switch-blade knives, brass knuckles, nunchakus, or sawed-off shotguns. Security guards cannot carry a firearm and/or a baton unless they have the additional exposed firearm permit and/or baton certificate. If they carry the firearm 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 firearm, a baton, or any deadly weapon by law.**

**Unlawful Use of Defensive Weapons:** Security guards cannot carry firearms 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 citizen's 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 their presence.

**FELONY ARREST:** a private person making a felony citizen's arrest may be found criminally and civilly 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.

**Criminal liability** is the potential for a criminal penalty one incurs for committing a criminal act. This liability may include an arrest and booking, a court trial, a conviction, and sentencing. A sentence may include payment of a fine, a prison sentence, probation or community service, and monetary restitution. An entry is also made on the subject's criminal history record, maintained by the Department of Justice. The parties in a criminal process include the defendant (the accused) and the prosecution (the People of the State of California).

For example, a security guard fatally shoots a fleeing shoplifting suspect in the back. The guard may be subject to criminal prosecution for the shooting. The guard may be charged with a crime (such as manslaughter), arrested, booked, and prosecuted in a criminal court, convicted, and sentenced to prison.

### **Civil and/or Criminal Liability**

For example, a security guard has an interaction with a local activist and the activist films the interaction and attempts to antagonize the security guard by becoming confrontational. This is a common technique used by "first amendment auditors". There has been a recent uptick in self-proclaimed "first amendment auditors." In an attempt to win social media views, the auditors deliberately provoke guards on camera in an effort to get them to respond in a way that appears to violate the law. These auditors can be aggressive and may try to provoke a physical confrontation. It is important to remain calm in these situations, as reacting angrily or physically may open up the guard and/or their employer to public embarrassment, civil, and/or criminal penalties.

### **Section B-1 Review Questions**

1. If a security guard is charged with making a false arrest, what type of liability is incurred?
  - a. Civil liability
  - b. Criminal Liability
  - c. Both
  
2. What type of liability refers to the right a party has to initiate a lawsuit for financial damages?
  - a. Civil liability
  - b. Criminal liability
  
3. The standard to determine “reasonable force” is based on:
  - a. How many people at the scene agree with your version of events.
  - b. All facts confronting the individual at the time the incident occurred.
  - c. Video footage captured on surveillance cameras.
  - d. The threat of something happening in the future.

## Section 2: Use of Objectively Reasonable Force

### Objectively Reasonable Standard

The goal for the use of force by licensed security agents is to gain and maintain control of an individual and the situation.

Security personnel are required to:

- use the type of force objectively reasonable under the totality of the circumstances
- use only the amount of force objectively reasonable to overcome resistance and to gain or maintain control of a subject
- conform to agency policy, federal, and state law

Individuals must rely upon their own judgment to ensure that the amount of force used to gain and/or maintain control of a subject or situation does not exceed what is objectively reasonable under the totality of the circumstances confronting them. Whenever possible, security personnel should attempt to generate voluntary compliance without resorting to physical force.

### Objective Reasonableness

When balanced against the type and amount of force used, the *Graham* factors used to determine whether an individual's use of force is objectively reasonable are:

- whether the suspect posed an immediate threat to the safety of the public;
- the severity of the crime at issue;
- whether the suspect was actively resisting detention or citizen's arrest;
- whether the suspect was attempting to evade arrest by flight; and
- split-second judgments during circumstances that are tense, uncertain, and rapidly evolving.

Of these factors, the most important is whether the individual poses an immediate threat to the individual or to the public.

The reasonableness inquiry is not limited to the consideration of those factors alone. Other factors which may determine reasonableness in a use of force incident include:

- whether there was an opportunity to warn about the use of force prior to force being used and, if so, was such a warning given
- whether there was any assessment by security personnel of the subject's ability to cease resistance and/or comply with the guard's commands
- availability of other reasonable force options
- number of guards/subjects
- age, size, and relative strength of guards/subjects
- specialized knowledge, skills, or abilities of subjects
- prior contact(s)
- injury or exhaustion of security personnel
- access to potential weapons

- environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic, and other hazards
- whether security personnel have reason to believe that the subject is mentally ill, emotionally disturbed, or under the influence of alcohol or drugs

### **Examples of Situations Where Force may be Necessary:**

- Which force options would be considered a *reasonable* response?  
For example, a shoplifting subject verbally and physically assaults a security officer with an open hand, it is reasonable to protect yourself with less-lethal weapons, and place the subject in custody by using handcuffs.
- What options would be considered unreasonable?
  - It would be unreasonable to utilize alternative items in the store that may be considered a deadly weapon (such as a fire extinguisher) to halt the individual's actions.
- How does situational awareness play into this real-time decision-making?
  - Situational awareness plays a key role into real-time decision-making. If the officer is unaware of the situation and cannot consistently adapt to a changing and often chaotic environment, they will have a difficult time prevailing in this situation.

### **Restraint Techniques and Their Implications**

The primary objective of the application of control holds and takedowns is to gain control of a subject. Security personnel must be prepared to use physical force to overcome resistance and gain control of a subject. Once control is obtained, the degree of force used should be reevaluated. Under no circumstances should security personnel apply pressure of any sort to the subject's neck. Placing any significant pressure or weight, such as placing a knee, elbow, or any body part on a subject's neck can result in serious injury or death to the subject, and exposes the security personnel to potential legal consequences.

It is illegal and immoral for security personnel to use their authority and position to punish anyone. Also, any time force is used, the security personnel open themselves and their employer to substantial liability.

A control hold is a method for physically controlling a subject by manually applying pressure to a particular part of the body until the security personnel has control over the subject. A joint lock is a specific class of a control hold where the technique involves the manipulation of subject's joints in such a way that they reach their maximal degree of motion.

The proper use of a control hold can help security personnel:

- effectively control a subject
- guide a subject in a desired direction
- control a subject when searching for weapons only
- control a subject while handcuffing
- prevent escape

Security personnel should be aware of the following when a control hold is used on a subject:

<b>Consideration</b>	<b>Explanation</b>
Direction and control	If a subject resists or does not respond to the control hold, communicate effectively by telling the subject what you want them to do and at the same time applying the proper level of force to gain compliance. Once compliance is achieved, the controlling force should be reevaluated. The force used must be reasonable.
Close proximity of the security guard and the subject	Security personnel are within striking distance of the subject during the use of a control hold and the guard's weapon (if any) may be accessible to the subject. An individual may be able to respond faster through touch than by sight.

A takedown technique is a method for taking the subject to the ground in order to control the subject and the situation.

The proper use of a takedown technique may help security personnel:

- defuse a situation
- achieve greater control over a subject
- distract a subject
- control a situation
- reduce the ability of the subject to effectively attack, strike, or escape

Security personnel should be aware of these considerations when a takedown technique is used:

<b>Consideration</b>	<b>Explanation</b>
Close proximity of the security guard and the subject	Guards are within striking distance of the subject during a takedown technique and are vulnerable to attack.
Team takedown	When possible, security personnel should control the arms to prevent the subject from tucking their arms. Communication is important for coordinating control amongst guards.

A single technique may not be adequate to gain complete control of the subject.	Security personnel must be prepared to transition to another technique if the one currently being used is not working.
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**Restraint devices**, such as handcuffs, are safety devices for both the security guard and the detainee. Handcuffs inhibit and limit movement, but they do not provide total control.

Security personnel are responsible for their detainees at all times while in custody. All restraint devices are temporary restraining devices used to limit a detainee's actions. They do not totally immobilize a subject.

Restraint devices are used to minimize:

- attack on security personnel or others
- escape of the detainee
- destruction or concealment of evidence or contraband
- self-inflicted injury by subject
- combat between detainees

Employer policies may vary regarding the use of different restraint devices. Security personnel should be familiar with their own employer's policies regarding limitations and procedures for using restraining devices.

### **Force Options**

Force options are choices available to security personnel in any given situation to overcome resistance, affect a citizen's arrest, prevent escape, gain control of the situation, and in the defense of self and others. Individuals must rely upon their own judgment to ensure the amount of force used to gain and/or maintain control of a subject or situation does not exceed what is objectively reasonable under the totality of the circumstances confronting them.

The various force options are placed into three general categories:

<b>Force Option</b>	<b>Foreseeable Injury</b>
Non-Deadly Force	Force which creates a minimum risk of injury
Intermediate Force	Force which has a significant risk of injury
Deadly Force	Force which has a substantial risk of serious bodily injury/death

The following list includes tools and techniques which are the most common force options available to security personnel, but it is not all-inclusive. Security personnel should recognize that the risk of injury created by a particular force option may vary depending upon how the force option is applied.

- Professional/command presence
- Interpersonal communication techniques/warnings
- Control holds/takedowns/handcuffing



- Chemical agents (i.e., teargas, pepper spray)
- Impact weapons (i.e., batons, tasers)
- Impact projectile weapons (i.e., tasers)
- Firearms

NOTE: Security personnel need not apply force options and techniques chronologically. Individuals should select the force option most objectively reasonable given the “totality of the circumstances” once the decision to use force has been made.

There are a number of factors that can affect which force option security personnel should select. The following chart identifies, but is not limited to, some of the most critical factors:

<b>Factor</b>	<b>Considerations</b>
Public and personal safety	- Immediate action required for self-defense or defense of others
Amount and nature of the resistance which must be overcome, or flight or attempted flight	- Passive noncompliant - Active resistance - Assaultive resistance - Life-threatening resistance
Presence of a weapon and type of weapon	- Other Weapons - Firearms
Seriousness and nature of the offense	- Misdemeanor - Trespassing - Robbery
Characteristics of the subject as compared to the characteristics of the guard	- Size - Age - Knowledge of Capabilities
Availability of assistance	- Number of security personnel - Available law enforcement - Distance of responding law enforcement
Nature and condition of the location and surroundings	- Danger to bystanders - Availability of weapons - Environmental conditions

### **Key Considerations**

Practical considerations are a key factor in a security agent’s choice of force options. Some of the factors to consider are:

- Distance: Would a force option be effective at the distance involved?
- Number of subjects: Can the force option effectively be used to engage multiple subjects or only a single subject?
- Subject’s mental state or state of intoxication: Which force options would be effective regarding a subject’s apparent mental illness or state of intoxication, possibly resulting in increased pain tolerance, accelerated strength, or inability to communicate with the subject?

- Subject's physical strength and skill: Does security personnel have the physical strength and skill to effectively use a force option, compared to the subject's apparent physical strength and skill?
- Affecting or endangering other people: What potential effect does a force option have on other security personnel or bystanders at the scene?
- Time: Does the guard have time to effectively use a force option?

Security personnel should recognize making transitions between force options can be difficult during stressful and rapidly changing conditions. It is useful for security personnel to practice making such transitions during training. Be prepared to transition to another force option if the one being used appears to be ineffective in controlling the subject or situation.

### **Real-Life Scenarios including Potential Consequences**

The use of deadly force is the most serious decision an individual may ever have to make. Deadly force applied by security personnel is force that creates a substantial risk of causing death or serious bodily injury. The decision to use deadly force to defend against an imminent threat of death or serious bodily injury to the individual or to another person is guided by federal case law and California state law.

Serious bodily harm or injury means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement. (*Penal Code Section 243(f)(4) effective January 1, 2016.*)

Reasonable necessity means that delay in apprehension would create substantial and unreasonable risk to the individual or others possibly resulting in serious physical injury or death.

**Imminent:** A threat of death or serious injury is "imminent" when, based upon the totality of the circumstances, a reasonable individual in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the security guard or another person. Imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. (*Penal Code Section 835a(e)(2) effective January 1, 2020.*)

According to the law, fear alone does not justify the use of deadly force. The courts have held that:

- A simple statement of fear for your safety is not enough; there must be objective factors to justify your concern.
- It must be objectively reasonable.
- It must be based on the facts and circumstances known to the officer at the time.

Security personnel shall not use deadly force against a person based on the danger that

person poses to themselves, if an objectively reasonable individual would believe the person does not pose an imminent threat of death or serious bodily injury to the security guard or to another person.

### Section B-2 Review Questions

4. An imminent threat is defined as:
  - a. The suspicion that an individual is capable of harm.
  - b. Fear that something dangerous may happen tomorrow if you do not contain the threat.
  - c. Fear that dangerous actions may occur at any instant.
  - d. The assumption that the subject will continue to escalate violence.
5. Which circumstances should be taken into consideration when determining whether to use force?
  - a. The size and physical strength of the subject.
  - b. The availability of support or back-up from other security personnel.
  - c. The number of subjects.
  - d. Whether the subject is intoxicated or showing symptoms of mental illness.
  - e. All of the above.
6. The professional presence, appearance, and verbal commands used by uniformed security personnel are considered a force option.
  - a. True
  - b. False
7. What would be an appropriate force option for a subject who is passive but non-compliant (does not listen to verbal commands but is not physically resistant)?
  - a. Use of a taser or pepper spray.
  - b. Use of additional commands and communication techniques.
  - c. Use of physical strength for a takedown.
  - d. Use of a firearm.
  - e. All of the above.
8. Use of force is *always* justified to protect property and persons.
  - a. True
  - b. False

### Section 3: Duty to Intercede

As security personnel are not sworn peace officers, they **do not** have an obligation to intercede and cannot be held liable for a failure to intercede.

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

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

Actions based on poor judgment 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.

#### Legal Considerations

Security guards *do not* have:

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

A security guard's duty to intercede is going to be dictated by the contract for services. These duties can range from simply being present to removing trespassers or reacting to crimes and maintaining law and order. Knowing all the responsibilities of the post and understanding what is expected of the security guard will ensure security personnel are acting within the limitations of their position.

Security personnel have the authority to enforce company rules, protect persons and property, remove trespassers, and fulfill whatever duties they are contractually obligated to provide. Security personnel must be educated and aware of any contractual obligations they may have regarding their duty to intercede and/or use of physical contact to remove and/or apprehend a subject. Security personnel must be educated and aware that if they go beyond what is allowable by law and/or outside of the scope of the contract they are serving under, they may be held criminally and/or civilly liable.

### Section B-3 Review Questions

9. A security guard must break up a fight if it occurs across the street from a property that they are guarding.
  - a. True
  - b. False
10. If you cannot prevent an incident, you should:
  - a. Observe it carefully.
  - b. Pretend you do not see it.
  - c. Report it immediately to law enforcement and/or your supervisor.
  - d. Both A and C.
11. Actions based on poor judgment will have zero consequences for you and your employer.
  - a. True
  - b. False
12. Can security personnel be held liable for failure to intercede?
  - a. True
  - b. False

## **Section 4: Supervisory Responsibilities**

### **Incident Reporting Requirements**

While practices vary among employers, at the very least security personnel must report to their supervisor any incident that results in physical contact, regardless of whether a weapon was involved, or whether an injury resulted from the altercation.

Under Section 7583.2 of the Business and Professions Code, the Bureau requires a written report to be delivered to the Bureau within 7 days of a physical altercation (see below). Failure to do so may result in the suspension or revocation of a license and a fine up to \$5000. Communication with your employer is crucial to ensure that all relevant incidents are reported in a timely manner.

### **Business and Professions Code, Division 3, Chapter 11.5 Private Security Services:**

**7583.2.** A person licensed as a private patrol operator shall not do any of the following:

\*\*\*\*\*

(f) Fail to deliver to the director a written report describing the circumstances surrounding the discharge of any firearm, or physical altercation with a member of the public while on duty, by a licensee or any officer, partner, or employee of a licensee while acting within the course and scope of their employment within seven business days after the qualifying incident. For the purposes of this subdivision, a report shall be required only for physical altercations that result in any of the following: (1) the arrest of a security guard, (2) the filing of a police report by a member of the public, (3) a member of the public requiring any type of first aid or other medical attention, (4) the discharge, suspension, or reprimand of a security guard by their employer, or (5) any physical use of force or violence on any person while on duty. The report shall include, but not be limited to, a description of any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted. Any report may be investigated by the director to determine if any disciplinary action is necessary.

(Effective January 1, 2022)

### Section B-4 Review Questions

13. A security guard is involved in an incident that results in physical contact with a subject, but no injury occurs, they do not need to report the incident to their supervisor.
  - a. True
  - b. False
14. What is a possible penalty for failing to report a physical altercation to the Bureau in a timely fashion?
  - a. License suspension
  - b. License revocation
  - c. A fine up to \$5000
  - d. All of the above
15. How many days does a security service have to submit a written report to the Bureau after a physical altercation?
  - a. 7
  - b. 14
  - c. 21
  - d. 30
16. The written report to the Bureau after a physical altercation must include the following:
  - a. A description of any injuries or damages.
  - b. The identity of all participants.
  - c. Whether a police report was filed.
  - d. All of the above.

## Section 5: Use of Force Review and Analysis

The immediate threat to the safety of security personnel or others is the most significant factor in determining reasonableness. The subject's actions and the practical considerations involved in a situation are major factors in determining the type of force the guard may lawfully use in order to gain or maintain control of the subject or the situation.

The following chart illustrates how a subject's resistance/actions can correlate to the force applied by a guard:

<b>Subject's Actions</b>	<b>Description</b>	<b>Possible Force Option</b>
<b>Compliant</b>	Subject offers no resistance	<ul style="list-style-type: none"> <li>- Mere professional appearance</li> <li>- Nonverbal actions</li> <li>- Verbal requests and commands</li> <li>- Handcuffing and control holds</li> </ul>
<b>Passive non-compliant</b>	Does not respond to verbal commands but also offers no physical form of resistance	<ul style="list-style-type: none"> <li>- Security personnel's strength to take physical control, including lifting/carrying</li> <li>- Proper level of force using control holds, takedowns and techniques to direct movement or immobilize a subject</li> </ul>
<b>Actively Resistant</b>	Physically evasive movements to defeat a guard's attempt at control, including bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody	<ul style="list-style-type: none"> <li>- Control holds and techniques to control the subject and situation</li> <li>- Use of personal body weapons to gain an advantage over the subject</li> </ul>
<b>Assaultive</b>	Aggressive or combative; attempting to assault security personnel or another person, verbally or physically displays an intention to assault security personnel or another person	<ul style="list-style-type: none"> <li>- Use of devices and/or techniques to secure compliance and ultimately gain control of the situation</li> <li>- Use of personal body weapons in self-defense and to gain an advantage over the subject</li> </ul>
<b>Life-threatening</b>	Any action likely to result in serious bodily injury or death of others	<ul style="list-style-type: none"> <li>- Utilizing firearms or any other available weapon or action in</li> </ul>

(Revised July 2023)



		defense of self and others to stop the threat
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Individuals must consider the *totality of the circumstances* when selecting a force option. It is not the intent of this chart to imply that security personnel's force options are limited based on any single factor. Security personnel must use the force option(s) appropriate for the situation as conditions may change rapidly. Individuals must continually reevaluate the subject's actions and the practical considerations involved in the situation and must be prepared to transition as needed to the appropriate force options (de-escalate or escalate), so as to always remain within the bounds of conduct which is objectively reasonable under the circumstances.

### Key Considerations

Practical considerations are a key factor in a security agent's choice of force options. Some of the factors to consider are:

- **Distance:** Would a force option be effective at the distance involved?
- **Number of subjects:** Can the force option effectively be used to engage multiple subjects or only a single subject?
- **Subject's mental state or state of intoxication:** Which force options would be effective regarding a subject's apparent mental illness or state of intoxication, possibly resulting in increased pain tolerance, accelerated strength, or inability to communicate with the subject?
- **Subject's physical strength and skill:** Does security personnel have the physical strength and skill to effectively use a force option, compared to the subject's apparent physical strength and skill?
- **Affecting or endangering other people:** What potential effect does a force option have on other security personnel or bystanders at the scene?
- **Time:** Does the guard have time to effectively use a force option?

Security personnel should recognize that making transitions between force options can be difficult during stressful and rapidly changing conditions. It is useful for security personnel to practice making such transitions during training. Be prepared to transition to another force option if the one being used appears to be ineffective in controlling the subject or situation.

Private security professionals may use that force reasonably believed to be necessary to:

- Defend themselves or another person;
- Protect their employer's property; or
- Make a citizen's arrest or prevent an escape after making a citizen's arrest.

Reasonable force is that degree of force that is:

- not excessive; and
- appropriate in protecting oneself or one's property.

If a suspect submits willingly, no force is necessary. If a suspect does resist arrest,

remember that the only force allowed is that which is reasonable and necessary to overcome the resistance.

### **Real-Life Scenarios**

**Example:** You receive a call to respond to a closed business regarding a suspicious subject seen loitering behind the business. Upon arrival, you see a male subject pacing back and forth by the rear of the building. When you approach the subject, he is mumbling incoherently and does not respond to your questions. As you try and engage the subject, he suddenly starts shouting and pushes you away. It is obvious that the subject is either having a mental health issue or is on drugs or alcohol. You maintain a safe distance and request assistance from law enforcement.

**Example:** While engaging a trespasser on your client's property the subject pulls an object out of their pocket that looks like it could be a knife or a tool of some sort. You are approximately 20 feet away and can't identify the object. What force option would seem appropriate at this stage? What force option is appropriate if the subject begins to move in your general direction?

### Section B-5 Review Questions

17. When considering an appropriate force option, what *must* you consider?
  - a. Just the size of the individual.
  - b. Whether or not there are witnesses present.
  - c. The totality of the circumstances involved.
  - d. How far away the individual is from you.
18. Reasonable force is what?
  - a. The amount of force necessary to get the job done.
  - b. Not excessive and appropriate in protecting oneself or one's property.
  - c. Whatever your boss and client authorize.
  - d. None of the above.

## Section 6: De-Escalation and Interpersonal Communication Training

### Common Misconceptions and Benefits of De-Escalation

Security personnel must understand how the principles of de-escalation can enhance contacts with the public and result in improved decision-making, reduction in situational intensity, and opportunities for outcomes with greater voluntary compliance.

**De-escalation** is the process of using strategies and techniques intended to decrease the intensity of the situation.

Common misconceptions of de-escalation include, but are not limited to:

- If security personnel use force, that means they failed to de-escalate.
- Security personnel are losing control at scenes.
- Security personnel are letting their guard down.
- De-escalation is too difficult to apply in rapidly changing situations.

Benefits of the practice of de-escalation include, but are not limited to:

- Positive impact on public trust and professional image
- Reduced danger to security personnel and the public
- Positive impact on individual wellness

### Four Concepts of De-Escalation

Security personnel should attempt to recognize the public's physical and psychological reactions to situations, as well as their own physical and psychological reactions to situations. Tactics and techniques may assist in decreasing the situational intensity of a situation and gain voluntary compliance.

1. **Self-control** – understanding of physical and psychological reactions of the public and security personnel may assist in maintaining self-control.
2. **Effective communication** – clear commands and questions, good observation and listening skills, and appropriate terminology will enhance the likelihood of success.

### Interpersonal Communication Training

Effective communication is a basic element of the use of force. A major goal of communication is to gain voluntary compliance without resorting to physical force. The use of de-escalation communication can aid in diffusing a potentially volatile incident and avoid the need to use force against an individual.

When feasible, security personnel should approach a situation with the intent to de-escalate and consider the value of establishing time and distance in a confrontation where a use of force may be inherent. Strategic communication is the use of verbal and non-verbal techniques to aid in controlling a situation and enhancing personal and community safety.

Security personnel should communicate and endeavor to persuade, advise, and provide

clear instructions and warnings when safe and feasible to do so. Consider the use of non-verbal methods to communicate when verbal directions may not be appropriate. This may include situations involving language barriers, or when people are unable to hear or understand verbal commands.

Some of the benefits of strategic communication may be, but are not limited to:

- De-escalation
- Maintaining personal and community safety
- Gaining voluntary compliance
- Building rapport
- Decreasing citizen complaints

Remember – there are two ways to communicate a message:

<b>Professional</b>	<b>Unprofessional</b>
<ul style="list-style-type: none"> <li>● Be flexible enough to look beyond your perspective and be empathetic</li> <li>● Always use your language as if you had an audience</li> </ul>	<ul style="list-style-type: none"> <li>● The unprofessional use of language designed to escalate the situation</li> <li>● Not knowing your audience</li> <li>● Antagonistic/sarcastic reactions</li> </ul>

Security personnel may need to deal with persons who are angry or upset or verbally lash out. Instead of responding in kind, individuals should deflect or redirect the conversation in a more positive direction.

This can be done with the use of **verbal deflectors**. The key to using verbal deflectors is to deflect the comment, then to immediately add “but” or “however.”

Some examples of verbal deflectors are:

- “Appreciate that, but...”
- “I understand that, but...”
- “I got that, however...”
- “Maybe so, but...”
- “I hear that, however...”

Verbal deflectors allow security personnel to focus on the issue and not the attitude. The phrase also acknowledges the other person’s concerns.

- 3. Scene assessment and management** – when possible, provides security personnel with an accurate picture of what is occurring and assists in the management of force options.
- 4. Force options** – reasonable use of force techniques may reduce the situational intensity for the safety of all parties.

Voluntary compliance requires clearly communicated instructions using de-escalation techniques. There can be many public safety issues when attempting to use de-escalation techniques. Remember the importance of voice, neutrality, trustworthiness, and respect.

## Real-Life Scenarios

Although rapidly evolving and/or violent incidents may not allow individuals to “slow things down,” using the time when safe and practical to do so may aid in reducing the intensity of the situation. Although there are situations where guards cannot delay in acting, many can be handled safely and effectively by allowing more time to transpire.

These strategies and techniques to de-escalate a situation may affect security guard safety, situational awareness, and tactical repositioning:

**Creating distance** may calm an irate individual and help reduce the person’s intensity. But if doing so poses a loss of situational control, or personal or public safety are further jeopardized, then adding distance may be counterproductive to achieving a positive outcome.

**Situational awareness** is a critical consideration in de-escalation. Recognizing what may be an immediate threat, seeing people or items causing agitation to a violent suspect, or understanding how some stimuli are altering behavior can aid security personnel in responding well to an incident.

**Tactical repositioning** is often utilized for security personnel safety and it can also be considered as a de-escalation technique. An employee being less, or more, visible can affect the actions of others. The vantage points from which security personnel observe must provide for personal safety. Different positions may also direct someone’s attention elsewhere, draw them away from threats, and/or help de-escalate a situation.

**Gaining useful information** prior to arriving at an incident and continuing to update it during the interaction may assist security personnel with a better understanding, while possibly providing additional solutions not recognized without the information. For example:

- Knowing a despondent person’s child recently died would be helpful to an individual trying to assist them.
- Information on past security or law enforcement contacts with the individual.
- Gathering information on medications or medical issues of the individual.
- Contacting a family member
- Assess whether the action has the desired effect.
- If the action has the desired effect, is there anything more that can be done?
- Review what lessons can be learned following the conclusion of contacting family members for additional information on the individual.

When documenting incidents where de-escalation techniques are utilized, security personnel should include specific words spoken and suspect actions taken and not taken. The documentation should provide a clear understanding of what the security guard was facing, the actions taken, the observations made, and other important facts related to the actions of all individuals on the scene.

### **Using communication/verbal deflection to de-escalate**

**Example:** A security guard is working on the premises of a local homeowner's association (HOA) when an individual at the main gate is demanding to be let into the community but does not have the proper access information. The individual attempts to reason with the security officer, claiming "I know you recognize me, my dad lives in unit 30." The security officer declines, and the individual grows agitated. The officer deflects the individual's remarks and avoids escalation by explaining to the individual that guests are not permitted without the proper access information and that as the security officer, there is a responsibility to enforce the rules and unfortunately that means not allowing access without the proper access information.

### **Using distance/tactical repositioning/time to de-escalate**

**Example:** While patrolling a busy parking lot, a security guard encounters an impaired individual who appears to be suffering from a mental health crisis. Before the guard can make contact with the individual, the subject sees the guard and begins screaming and wielding a large stick. The guard retreats to a safe distance placing themselves between the subject and the patrons who are walking through the parking lot. The guard maintains a visual on the subject from a safe distance and calls police.

### Section B-6 Review Questions

19. All of the following are benefits of practicing de-escalation except:
  - a. Positive impact on public trust.
  - b. Reduced danger to security personnel.
  - c. Positive impact on individual wellness.
  - d. Is used by those who lack courage.
  
20. What is not part of assessing a situation?
  - a. Determining if the situation poses a threat or risk to others.
  - b. Determining if the company is going to lose money.
  - c. Determining if the threat requires an immediate response.
  - d. Determining if there is an imminent threat that requires action.
  
21. De-escalation techniques attempted or utilized should be documented in appropriate incident reports.
  - a. T
  - b. F
  
22. The four concepts of de-escalation are self-control, effective communication, scene assessment and management, and force options.
  - a. T
  - b. F



## Section 7: Implicit and Explicit Bias and Cultural Competency

Cultural competency is a continuous learning process that includes addressing and understanding implicit and explicit bias. Cultural competency is a set of demonstrable characteristics and skills, that enable and improve security personnel's ability to understand, communicate, and effectively interact with people across cultures, in addition to improving job efficiency and performance.

Cultural competence improves interactions with people of various cultures and can enhance community trust, improve safety, and reduce confrontation. Security personnel need to recognize and respect the complexities of cultural diversity to develop the skills necessary for identifying and responding to California's changing communities.

### Definitions

<b>Implicit Bias</b>	Unconscious thoughts and feelings about people that may influence actions.
<b>Explicit Bias</b>	Conscious thoughts and feelings that influence perceptions, decisions, and actions.
<b>Cultural Competency</b>	<i>An awareness of cultural differences and the ability to provide security services in a manner that acknowledges such differences.</i>  The ability to understand, appreciate, and interact with persons from cultures and/or belief systems other than one's own. An ability to recover from inevitable cultural collisions, inclusive decision-making, cross-cultural communications skills, inclusive beliefs and values, awareness of personal biases and stereotypes, and emotional intelligence.

The components of bias include:

- stereotypes (cognitive)
- prejudice (affective)
- discrimination (behavioral)

*Implicit bias* is a preference (positive or negative) for a social category that operates outside of awareness. We can think of implicit bias as a lens through which we view the world.

- Implicit biases are common
- People are often unaware of their implicit biases
- Implicit biases predict behavior
- People differ in levels of implicit bias

Personal awareness and introspection are prime strategies towards reducing implicit bias in decision-making.

## Perceptions and Stereotypes

Individuals are not born with set opinions or perceptions. Instead, they develop these based on many different sources and influences throughout their lifetimes. Recognizing these sources and influences can help an individual differentiate between rational and irrational opinions or perceptions of individuals with differing cultural backgrounds.

All individuals develop perceptions, feelings, biases, and thoughts regarding their culture and the culture of others. These perceptions are neither right nor wrong. A common belief is, *one's perception is one's reality*.

A **stereotype** is a preconceived or oversimplified generalization involving negative or positive beliefs about another group. When an individual is stereotyped, that person is perceived as having specific behavioral traits and abilities.

Stereotypes can be based on a number of factors including, but not limited to:

- nationality
- ethnicity
- race
- gender
- sexual orientation and gender identity
- socioeconomic status
- age
- physical ability

Stereotyping can mean not only *ascribing differences* to other groups but can also result in *making a judgment* (positive or negative) based on those perceived differences.

Security personnel must be aware of their own biases and stereotypes regarding the communities and individuals they serve. Relying on biases can potentially lead to:

- developing a lower level of tolerance to *individual* behavior
- forming conclusions before getting to a scene
- decreasing an individual's objectivity concerning the facts of a case
- potential development of unsafe situations (escalation of non-hostile situations)
- negative expectations becoming self-fulfilling prophecies
- inappropriate security personnel behavior

## Prejudice and Discrimination

Any preconceived notions, whether positive or negative, about a cultural or ethnic group formed before the facts are known can lead to acts of discrimination.

**Prejudice** is a prejudgment or point of view about a person or group of individuals that is usually formed before the facts are known.

Prejudice is a:

- process, not a static attitude
- *learned* attitude

- way of thinking about others that may be based on:
  - misconceptions
  - misunderstandings
  - inflexible generalizations

One of the deepest and therefore most dangerous forms of prejudice is subconscious prejudice. Individuals may have been conditioned by such beliefs to the point that their prejudice causes them to act out in a hostile and potentially dangerous way.

**Discrimination** is an *action* or *behavior* that is prompted or based on prejudiced thought. It includes differential treatment based on an unsubstantiated or unfair categorization.

Because a *prejudice is a thought*, it is private and is not a violation of the law.

A prejudicial *thought that is acted upon*, consciously or unconsciously, may lead to discrimination. Behaviors or acts of discrimination can be unlawful.

### **Strategies for Effective Communication within a Diverse Community**

Security personnel must demonstrate active listening and excellent decision-making skills. It is each individual's responsibility to treat everyone with respect and integrity no matter what their race, creed, or religion. It is not enough to accept differences; we must understand differences are to be valued and celebrated for the rich contributions they provide to our society.

**Culture** is a broadly used term that refers to a complex group of shared characteristics including beliefs, values, ways of thinking, behaviors, customs, or traditions. Culture is *learned* and can be passed from one generation to the next. Culture can be interpreted broadly, encompassing large groups of people from specific geographic or regional areas (e.g. Californians, New Yorkers, Midwesterners, etc.) or national origins (e.g. Mexicans, Germans, Japanese, Italians, etc.).

NOTE: Even though a person identifies with a cultural or ethnic group, no one person represents the views or behaviors of an entire group. This is because everyone is a member of many groups based on many different factors (e.g. gender, religion, occupation, sexual orientation and gender identity, etc.)

Identifying with a cultural or ethnic group can elicit strong feelings of pride, shared beliefs, values, or history. It can provide individuals with "roots" that help maintain a personal identity within a diverse or quickly changing community or environment.

**Cultural diversity** is defined as the existence of variations of different characteristics in a group of people including race, color, ethnicity, age, disability, gender, gender identity or expression, nationality, religion, socioeconomic status, and sexual orientation.

Varying dimensions of diversity exist among members of the same cultural group. These variations can include, but are not limited to:

- generational differences (i.e. first, second, third generation)
- economic differences

- differing levels of education
- varying religious beliefs
- work experience and backgrounds
- age differences
- physical or developmental disabilities of members within the community

In addition, a primary goal of security personnel in their duty to “observe and report” is to obtain complete and accurate information in a safe manner. Security personnel conduct and actions when first making contact with an individual with a different cultural background can serve to either enhance or hinder this process.

Developing appropriate contact and communication skills can:

- improve the quality of the information gathered from the individual
- enhance cooperation of the individual and other members of the community
- increase security personnel confidence and professionalism
- demonstrate a caring attitude
- enhance safety

### **Inappropriate Verbal Communication**

Certain forms of communication can contribute to a negative response from a cross-cultural community and must be avoided. The following table identifies a number of these:

<b>Use of...</b>	<b>by security personnel can...</b>
• profanity	• have a negative effect on the professional image of the guard.
• derogatory or offensive terminology	• detract from professional effectiveness. • make individuals reluctant to cooperate. • demonstrate a lack of cultural, racial, or ethnic awareness. • indicate a lack of sensitivity for the feelings of others.
• legal or technical jargon	• cause confusion and mistrust. • be demeaning to the individual.

When attempting to communicate with an individual who speaks little English or for whom English is a second language, security personnel should:

- be patient
- speak slowly and clearly
- speak at a normal volume (Speaking louder will not help comprehension.)
- face the person they are addressing (even when using a translator)
- use short, simple sentences
- pause frequently
- allow enough time for the person to formulate responses
- repeat statements or questions in different ways, if necessary
- use gestures, actions, or written text to aid understanding
- provide feedback and encouragement
- summarize what the individual is saying to check comprehension

## Active Listening

Communication involves not only speaking but also listening. In times of stress and when interacting with an individual with limited skills in the English language, taking the time and effort to actively listen is even more critical.

**Active listening** involves deliberate and conscious concentration on the part of the listener on:

- what is being said
- how it is being said
- why it is being said

NOTE: Active listening on the part of security personnel also aids in ensuring safety, as it requires them to become more aware of the individual with whom they are interacting.

The following table identifies the four primary steps of active listening.

Step	Action
1	• Remain open-minded, unbiased, and ethical
2	• <i>Listen</i> carefully to the context of the message • Ask the individual to slow down or repeat the message if necessary
3	• Interpret the message by considering how and why it was said. • The meaning may not be only in the words that were said but in the nonverbal communication
4	• Act appropriately

## Nonverbal Communication

In a situation involving cross-cultural communication, nonverbal communication can constitute an even greater role than it does with individuals with the same cultural background. It is also an area where variations in meaning can be the greatest.

The following table identifies factors for consideration regarding one's own and another individual's nonverbal messages, which may also compromise safety.

Element	Consideration	Example
Gestures	• Many common gestures could be offensive to individuals from other cultural backgrounds.	Signaling a person to "come here" using a hand signal with the back of the hand up can be insulting to some Asian and Latin Americans.
Facial expressions	• Facial expressions may have very different meanings depending on the cultural background of the individual.	In some cultures, individuals respond to loss of face or shame by smiling.

Body positioning	<p>The amount of space or “comfort zone” between individuals can vary depending on acceptable practices of different cultural groups.</p> <p>Security personnel should be aware of their body language.</p>	<p>Individuals from a Middle Eastern culture may attempt to move closer when speaking with security personnel.</p> <p>Crossing your arms or looking at your watch could imply you don’t care.</p>
Eye contact	It may be disrespectful in some cultures to maintain direct eye contact with an authority figure.	In certain Asian cultures, children are taught to look down when being spoken to by an adult.

NOTE: Although the examples given in the above table all pertain to cultural groupings based on ethnicity, security personnel should be aware that nonverbal communication can vary based on numerous other factors (e.g. religion, gender, developmental disabilities such as autism, etc).

**General Guidelines**

Security personnel must recognize one of the most reliable strategies for successful contacts with individuals from differing cultural, racial, or ethnic backgrounds is to treat all individuals and groups with dignity and respect.

Effective contacts with members of differing cultural groups cannot be reduced to a “recipe-style” approach. Security guards should remain ethical and apply professional behaviors consistently with all members of the community. Generalizations can be proven erroneous and therefore counterproductive.

**Real-Life Scenarios**

**The Impact of Implicit (Unconscious) Bias – Re: Gender, Age, Ethnicity, etc.**

**Example:** A few teenage boys are at a shopping mall and seem to be causing a disturbance (making loud remarks and running in the mall). A security officer believes he saw one of the boys place an item in his pocket without paying and has been agitated by the boys and their disturbance and thus takes the boy away from his group for questioning and finds that he did not take anything. The boy’s mother found out about the incident when he returned home and wants to take legal action against the security company. The security guard must be aware of any implicit bias that may impact the security guard or their company.

### Section B-7 Review Questions

23. Unconscious thoughts and feelings are an example of:
- Perceptions
  - Implicit bias
  - Explicit bias
  - Discrimination
24. When communicating with an individual who speaks limited English, a good technique is to:
- Allow enough time for a response
  - Speak loudly
  - Use technical terms
  - Address the translator only
25. Which nonverbal actions may impact communication between people of different cultures?
- Facial expressions
  - Eye contact
  - Gestures
  - All of the above
26. Which of the following is *not* an aspect of active listening?
- Considering context
  - Assuming you heard everything right the first time
  - Rephrasing what was said
  - Open-mindedness

## **Section 8: Skills Including De-Escalation Techniques to Interact with People with Disabilities or Behavioral Health Issues**

The Americans with Disabilities Act (ADA) was enacted to ensure people with disabilities are provided equal opportunity and access to services. Learning the behavior signs and indicators of various special conditions can assist security personnel in identifying the proper intervention to bring the situation to a quick and safe conclusion.

Although it is not the role of or within the capability of security personnel to attempt to diagnose a person's disability or medical condition, security personnel need to recognize cues and other indicators to make appropriate decisions regarding intervention strategies.

In order to reduce stigma, security personnel should avoid prejudging the contact and remain aware of an underlying disability. It is the responsibility of all security personnel to treat everyone with respect and integrity no matter what their disability, race, creed, gender identity, or religion.

To the extent possible, security personnel should observe the behavior exhibited by the person in an effort to determine *what is happening* and *what might be prompting the observed behavior*.

A disability is a functional limitation. People with disabilities are capable of committing crimes. They are not relieved from their obligation to obey the law. Although the individual may have a disability, that individual may still be capable of injuring security personnel or the public.

### **Strategies for Identifying and Effectively Communicating and De-escalating a Situation with an Individual with a Disability or Behavioral Health Issues**

"Disability" means a mental or physical disability and has the meanings set forth in Sections 12926 and 12926.1 of the Government Code. Additionally, a mental disability can be any condition of the mind that has a long-term effect on a person's normal day-to-day activity.

**Intellectual/developmental disabilities** originate before adulthood and continue throughout the person's lifetime (this is *not* the same as mental illness). Some examples include, but are not limited to, autism spectrum disorder, cerebral palsy, attention-deficit/hyperactivity disorder (ADHD), Tourette's syndrome, and Down syndrome.

A person's ability to communicate, comprehend, move about, and generally interact within the community depends on the nature and severity of the disability. Depending on that individual's specific abilities and needs, standard procedures may have to be adjusted when security personnel interact with people with developmental disabilities.

The behavior of a person with a developmental disability can be misinterpreted by the reporting party and by responding individuals. If possible, security personnel should take time to observe the behaviors exhibited by the person in an effort to determine possible reasons for the person's behavior.



**Example:** A person with cerebral palsy may have slow and/or slurred speech, move with jerky motions, or have an erratic gait. At first observation, it might be falsely assumed that the person is under the influence of alcohol or drugs.

Process	Guidelines
<b>Initial Contact</b>	<ul style="list-style-type: none"> <li>• Approach in a calm and respectful manner</li> <li>• Be patient</li> <li>• Use simple language and ask short open-ended questions</li> <li>• Speak slowly and clearly in a normal tone of voice</li> <li>• Do not exaggerate inflections or speak louder than normal</li> <li>• Proceed slowly; allow the individual to set the pace</li> <li>• Give praise and encouragement</li> </ul> <p>NOTE: Security personnel should keep in mind that the person may be extremely fearful and may appear to be uncooperative.</p>
<b>Instructions or Commands</b>	<ul style="list-style-type: none"> <li>• Give specific instructions</li> <li>• Verify the individual understands by repeating back information</li> <li>• Refrain from giving more than one command at a time</li> </ul>
<b>Evaluation</b>	<p>Recognize cues that could identify possible causes for a behavior:</p> <ul style="list-style-type: none"> <li>• Is the person exhibiting behaviors characteristic of a physical or developmental disability?</li> <li>• Is the person exhibiting behaviors characteristic of a mental illness?</li> <li>• Is the person under the apparent influence of alcohol or drugs?</li> <li>• If under the apparent influence of drugs, is it the result of illegal abuse or a reaction to prescribed medications?</li> </ul>
<b>Assessment</b>	<p>Do not automatically assume or dismiss criminal activity and safety concerns based on the individual's behavior.</p> <p>Look for:</p> <ul style="list-style-type: none"> <li>• subtle behavioral cues of impairments (e.g., slow thought process, difficulty speaking, confusion, not responding to questions, etc.)</li> </ul>
<b>Questioning</b>	<ul style="list-style-type: none"> <li>• Allow plenty of time for the individual to respond</li> <li>• If the individual does not understand, rephrase the questions using simpler terms</li> <li>• Ask for simple and clear descriptions (e.g., colors, clothing, etc.)</li> <li>• Ask open-ended questions</li> <li>• Avoid questions regarding time or complex sequences</li> <li>• Avoid questions that deal with abstract ideas (e.g., "Why do you think he did that?")</li> <li>• Avoid questions that tell the person the answer that is expected (e.g., "You saw him take the purse, didn't you?")</li> </ul>

	NOTE: Security personnel should be aware that the individual may attempt to answer questions in a way that would please the questioner rather than to communicate factual information.
<b>Information Gathering</b>	Gather additional information regarding the person's condition from: <ul style="list-style-type: none"> <li>• bystanders who may have observed the person's behavior over a span of time</li> <li>• family members or acquaintances</li> <li>• other forms of information that a person may carry (e.g., special ID cards in wallets, etc.)</li> </ul>

### **Physical Disabilities and Strategies**

In order to make appropriate decisions and serve those with physical disabilities, security personnel must be able to recognize indicators of people with physical disabilities.

Limitations can include but not be limited to:

- deaf or hard of hearing
- visual impairment
- neurologically based disorders (e.g., dementia, brain or spinal cord injury, etc.)
- other physical impairments (e.g., amputation, injury, etc.)

The success of contact with a person who is affected by a disability is often determined by the security personnel's conduct during the first moments of an encounter.

Gather additional information regarding the person's condition from:

- bystanders who may have observed the person's behavior over a span of time
- family members or acquaintances
- medical alert bracelets or necklaces
- other forms of medical alert information that person may carry

### **Mobility Equipment and Devices**

When making any contact with a person using a mobility aid, security personnel must always be aware of their personal safety and the safety of others. It is important to remember that even though the person may be disabled, that person may be capable of injuring others.

Security personnel should consider any piece of mobility equipment as an extension of the person. Such devices should be searched at the same time the person is being searched. These devices may be used to conceal/smuggle contraband and weapons.

Security personnel should also consider devices that can extend the reach of the individual and take these devices into consideration when establishing a safety zone (e.g., canes, crutches, etc.).

People with physical disabilities may use several types of aids for mobility. These aids can include canes, crutches, walkers, braces, prostheses, motorized scooters, manual or motorized wheelchairs, service dogs, and personal attendants. People with severe spinal cord injuries may also use mobile respiratory devices or other equipment necessary for

bodily support.

### **Blindness or Visual Impairments and Strategies**

**Visual impairments** include all conditions limiting sight. Approximately 80 percent of all individuals who are **legally blind** have some usable vision. Legally blind is defined as visual acuity of 20/200 or less in the better-seeing eye with best conventional correction or having a visual field (the total area an individual can see without moving the eyes from side to side) of 20 degrees or less (also called tunnel vision) in the better-seeing eye. The degree to which a person's mobility is affected depends on that person's visual impairment.

There are several guidelines for officers when interacting with a person who is visually impaired. These include, but are not limited to, the following:

<b>Actions</b>	<b>Additional Information</b>
<b>Communication</b>	<ul style="list-style-type: none"><li>• Talk directly to the person, not through an intermediary</li><li>• Speak clearly in a <i>normal</i> voice and volume</li><li>• Give detailed descriptions</li><li>• Attempt to describe visual scenes vividly</li><li>• Advise the person first before leaving the room or area</li><li>• End any conversation in such a manner that the person knows the other person is leaving</li></ul>
<b>Assessment</b>	<ul style="list-style-type: none"><li>• Do not immediately assume criminal activity based on the individual's behaviors</li><li>• Look for: assistance devices (e.g., cane, hearing aid, service dog, etc.), obvious behavioral cues of impairments (e.g., tremors, hand signals, difficulty speaking, unsteady gait, etc.) - subtle behavioral cues of impairments (e.g., slow thought process, confusion, not responding to questions, etc.)</li></ul>

Service animals provide assistance with routine tasks. By law, a service animal must be allowed to accompany the individual anywhere the individual goes (with the exception of some animal parks and zoos). Some service animals are protective of their owners. Security guards should convey any actions to the animal's owner first so the owner can caution or calm the animal if necessary. Care should be taken not to separate the animal from its owner.

### **Deaf or Hard of Hearing and Strategies**

The term **deaf or hard of hearing** means a substantial or complete loss of hearing. The ability to rapidly identify and properly treat people who are deaf or hard of hearing will enhance guards' abilities to accomplish their duties in a professional manner.

People who are deaf or hard of hearing often are concerned or even fearful about contact with uniformed officials. They may be concerned that they will be misunderstood by and perhaps be:

- arrested or shot for not responding to commands
- mistaken for being under the influence of alcohol or drugs
- perceived as uncooperative or disrespectful
- appear to be anxious or confused because of an inability to communicate

Security personnel must be aware of the fact that if a person does not answer a question or obey a command or instruction, they may not be refusing to cooperate. If the person is deaf or hard of hearing, they may not hear the guard or even been aware of the guard's presence.

People who are deaf or hard of hearing may use a number of different means of communicating. Some may use speech while others use a combination of speech and sign language. Some deaf or hard-of-hearing people may have learned to speak through unconventional methods. Their speech may sound unclear or unintelligible at first. Security personnel should not confuse their speech as a symptom of intoxication.

The most commonly used form of communicating with a person who is deaf or hard of hearing is through writing. The following list suggests a number of ways security guards can use this method to their advantage:

- Offer the person paper and pencil rather than waiting for the person to retrieve their own. This shows that the guard understands, and also precludes the person from reaching into unseen areas.
- Use simple and concise language and brief sentences to inform the person of the reason for being stopped, questioned, detained, or arrested.
- Be patient and allow for adequate time for the person to respond and ask questions in writing.
- Recognize that the individual's statements may not be written in a standard grammatical format.

Security personnel should **not** automatically assume that a person who is deaf or hard of hearing can read lips. Even a skilled lip reader may understand a minimal amount of spoken language.

When communicating with a person who is skilled in reading lips, officers should:

- look directly at the person when speaking
- speak slowly and clearly
- speak in a normal tone and volume

NOTE: Shouting, exaggerating, or over-emphasizing words will distort a person's lips and make lip reading more difficult.

Security personnel may be able to recognize a person is deaf or hard of hearing by noticing the person is wearing one or more hearing aids. Even if the person is wearing a hearing aid, that person may still have difficulty understanding spoken words. Security

personnel should speak slowly and distinctly and face the person when speaking.

The following table identifies additional recommendations that security personnel can use when communicating with a person who is deaf or hard of hearing.

<b>Recommendations</b>	<b>Additional Information</b>
<b>Get the Person's Attention</b>	<ul style="list-style-type: none"><li>• Gain the person's attention before speaking</li><li>• Since a deaf or hard of hearing person may not hear calls for attention, tap the person lightly on the shoulder or use other signals to gain the person's attention</li></ul>
<b>Maintain Eye Contact</b>	<ul style="list-style-type: none"><li>• Maintaining eye contact conveys that the individual's attention is on the person and enhances the feeling of direct communication</li></ul>
<b>Use Nonverbal Methods</b>	<ul style="list-style-type: none"><li>• All conventional means of face-to-face communication involve nonverbal cues and messages</li><li>• Additional use of body language, facial expressions, and gestures can aid other means of communicating</li></ul>
<b>Use Clear and Concise Words</b>	<ul style="list-style-type: none"><li>• Keep sentences short</li><li>• If the individual does not understand, rephrase the thought rather than repeating the same words</li></ul>

People who are deaf or hard of hearing may be no less dangerous than other individuals to the safety of guards or others. Security personnel should not jeopardize their safety or the safety of others by adopting an overly sympathetic attitude.

### **Behavioral/Mental Health Considerations**

Security personnel routinely encounter persons with mental illness in a variety of settings. How security guards respond to persons living with a mental disorder can have tremendous impact on how these encounters will be resolved. The basic philosophy of any security personnel should be to respond in a manner that is humane, compassionate, and supportive.

Mental illnesses are a medical condition that affects a person's thinking, feeling, mood, ability to relate to others, and disrupts daily functioning. Mental illness is defined as any mental health disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders as a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or development processes underlying mental functioning. Persons managing a mental illness can have a substantially diminished capacity for coping with the ordinary demands of life. The causes and impacts of mental illness vary and are not bound by race, gender, or socioeconomic status.

## Recognizing Behaviors Associated with Behavioral Issue/Mental Illness

Security personnel should not attempt to diagnose mental illness. Security personnel must be able to recognize general indicators of mental illness so that appropriate actions can be taken.

Indicators to consider when determining whether a behavior is related to mental illness include, but are not limited to:

- Irrational fear: extreme fright over something that a reasonable person would consider of little or no threat
- Extreme expression of emotion out of context for the situation
- Reckless behavior (e.g., walking on the freeway)
- Acting out with inappropriate or aggressive behavior
- A reduced capacity to take care of basic needs (e.g., stops bathing or eating, sleeps very little or more than normal, failure to find adequate shelter, etc.)
- Inability to make logical thought connections or to concentrate
- Rapid flow of unrelated thoughts
- Strange and erratic behaviors
- Speech that is unclear or does not communicate an idea (e.g., talking in rhymes, repetition of words or phrases, speech that is rapid or non-stop)
- Failure to or slow to respond to simple questions or commands (e.g., blank stare)
- Memory loss related to common facts (e.g., name, awareness of time, identity of others)
- Experiencing **hallucinations**: a false perception experienced through any of the five senses (e.g., hearing voices, feeling one's skin crawl, smelling strange odors, seeing visions, etc.). When hallucinating, individuals may be so overwhelmed that they have little or no awareness of their surroundings.
- Experiencing **delusions**: a persistent false belief or thoughts and actions that are not based on reality (e.g., delusions of grandeur, self-importance, being persecuted or conspired against, etc.)

**NOTE:** Security personnel may come into contact with people affected by **schizophrenia** because certain medications taken by individuals who are affected by schizophrenia may cause agitation that can lead to a buildup of tension, anxiety, or panic. This may lead to potentially dangerous situations. When frightened, a person with this disorder may act out with even more bizarre or paranoid behavior.

**NOTE:** Security personnel should be aware that **substance abuse** (drugs and/or alcohol) can also cause delusions, hallucinations, and violent mood swings in an individual. Likewise, mentally disabled persons may use drugs or alcohol to mitigate their symptoms.

Security personnel must make difficult judgments and decisions about the behaviors and intent of any individual they think may be affected by a mental illness. This requires special considerations to avoid unnecessary violence or civil liability.

People affected by mental illness can be unpredictable and sometimes violent. Security personnel should never compromise or jeopardize their own safety or the safety of others when dealing with individuals who display symptoms of a mental illness. Not all people with mental illness are dangerous, while some may represent danger only under certain circumstances or conditions. Some may be capable of going very quickly from a state of calm to being extremely agitated.

### **Real-Life Scenarios**

#### **Interacting with a person with a suspected disability or mental illness:**

**Example:** A homeless individual with a suspected mental illness has been roaming around an area a security guard is tasked with monitoring. The security guard takes all precautions to deescalate and mitigate client property damage, maintain client employee safety and warns local law enforcement for any trespass issues the security guard may have with the individual.

### Section B-8 Review Questions

27. It is up to security personnel to determine whether an individual is protected under the Americans with Disabilities Act (ADA)
- True
  - False
28. When interacting with a person using a mobility device, security personnel should:
- Forcefully remove the device out of the way.
  - Consider the device an extension of the person when establishing a safety zone or conducting a frisk.
  - Determine whether the device is absolutely necessary to accommodate the individual's disability.
  - None of the above.
29. When communicating with a person who is deaf or hard of hearing, security personnel can help the process by:
- Providing pen and paper
  - Assuming the individual can read lips.
  - Speaking loudly into their ear.
  - All of the above.
30. Hallucinations can be a symptom of which of the following?
- Mental illness
  - Substance abuse
  - Both A and B



## Section 9: Use of Force Scenario Training

### Factors that can Affect an Individual's Response when Threatened with Danger

**Self-control** is maintaining composure to make sound judgements and decisions. Self-control is one of a security personnel's greatest assets in dealing with a person or a situation. Self-control reflects one's confidence in their skills and abilities which can be improved through training, practice, and experience; thereby enhancing decision-making and reaction time. Professional demeanor can have a positive influence on calming a subject, making it easier to take the safely utilize use of force. Nonprofessional demeanor and offensive language can easily lead to increased conflict, encouraging dangerous behavior by the subject and resulting in poor behavior on the part of the security personnel.

Two major emotional factors that security personnel need to focus on to maintain self-control are:

- **fear**, an emotional response to a perceived threat
- **anger**, a feeling of displeasure from perceived opposition

It is important to understand fear and anger since both can affect security personnel's reactions during a dangerous situation.

- **Uncontrolled fear and anger** tend to decrease the security personnel's ability to make sound judgments and decisions.
- **Uncontrolled fear and anger** tend to increase hesitation, verbal abuse and unreasonable force.

Fear alone does not justify the use of force or deadly force. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that from appearances, must be instantly confronted and addressed.

The decision of whether or not to use force or deadly force may be influenced by, but not limited to, the security personnel's:

- training and experience
- judgment
- mental alertness
- existing facts and circumstances
- understanding of state law, case law, and agency policy

The use of force by security personnel is not one of hostility but rather one designed to defend and protect persons and property from an escalation of violence. Proper training and practice are keys to dealing effectively with dangerous situations. They help develop confidence, promote a trained response, and enhance mental alertness and concentration as well as develop emotional control.

## Factors to Consider Before Using Force

Whenever possible, security personnel should attempt to obtain voluntary compliance without resorting to physical force. Some communication techniques and skills for obtaining voluntary compliance that can be utilized are ask, set context, present options, and act. The tenets of Procedural Justice, including voice, neutrality, respect, and trustworthiness, add to effective communication, may lead to greater police legitimacy, and may deescalate a situation.

There are a number of factors that can affect which force option is selected. The following chart identifies, but is not limited to, some of the most critical factors:

Factor	Considerations
Public and security personnel safety	- Immediate action required for self-defense or defense of others
Presence of a weapon and type of weapon	- Other Weapons - Firearms
Characteristics of the subject as compared to the characteristics of the officer	- Size - Age - Knowledge of Capabilities - History
Availability of assistance	- Additional security personnel - Distance of additional security personnel
Nature and condition of the location and surroundings	- Danger to bystanders - Availability of weapons - Environmental conditions

Security personnel must consider the totality of the circumstances when selecting a force option. It is not the intent of this chart to imply that an officer's force options are limited based on any single factor. A key principle in maintaining public trust and respect is ensuring that any use of force is reasonable. Security personnel must be aware of and comply with their specific agency policies regarding appropriate force options.

### Real-Life Scenario

**Example:** A security officer is working at the front door of a jewelry store when he sees an individual walking back and forth staring at the store with his hands in his pockets. The security officer sees the man pull out what looks to be a black item from his pocket but cannot get a confirmed visual. The officer remains calm and stays alert until he can get a confirmation of a deadly weapon in the man's pocket. The security officer considers all factors before making determination as the man attempts to remove the item out of his pocket while walking towards the jewelry store. The officer is aware of their surroundings and notices the man gravitate towards the pawn shop next door. The man pulls a black vintage cellular phone from his pocket and proceeds to walk into the pawn shop. No use of force or deadly force is necessary.

### Section B-9 Review Questions

31. Self-control is one of a security personnel's greatest \_\_\_\_\_ in dealing with a person or a situation.
- Weaknesses
  - Assets
  - Protection
  - Awareness level
32. Two major emotional factors that security personnel need to focus on to maintain self-control are:
- Fear and Anger
  - Fear and Self-Control
  - Anger and Anxiety
  - Distress and Excitement
33. Whenever possible, security personnel should attempt to generate voluntary compliance without resorting to \_\_\_\_\_.
- Anger
  - Arrest
  - Physical Force
  - Confrontation
34. A key principle in maintaining public trust and respect is ensuring that any use of force is \_\_\_\_\_.
- Reasonable
  - Unreasonable
  - Accurate
  - Justifiable

## Section 10: Mental Health and Policing of the Public

### Categories of Mental Illness

How security personnel respond to persons living with a mental disorder can have tremendous impact on how these encounters will be resolved. The basic philosophy of any security officer should be to respond in a manner that is humane, compassionate, and supportive.

“Mental illness” is defined as any mental health disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders as a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or development processes underlying mental functioning. Mental illnesses are a medical condition that affect a person's thinking, feeling, mood, ability to relate to others, and disrupts daily functioning. Persons managing a mental illness can have a substantially diminished capacity for coping with the ordinary demands of life. Mental illnesses can affect people of any age, race, religion, income, or background.

Type of Mental Illnesses:

<b>Mental Disorder</b>	<ul style="list-style-type: none"><li>• Mental disorder is not defined by law, and officers are not required to make a medical diagnosis of a mental disorder.</li><li>• A mental disorder:<ul style="list-style-type: none"><li>- is primarily a brain disorder</li><li>- creates problems with feeling, thinking, and perception</li><li>- affects a person's behavior by causing bizarre and/or inappropriate behavior</li><li>- can be short term (acute) or long term (chronic)</li><li>- can occur at any time during a person's life</li></ul></li></ul>
<b>Thought Disorder</b>	<ul style="list-style-type: none"><li>• A thought disorder is a condition where the person's thought process is disrupted causing that person to experience delusions, hallucinations, and/or irrational fears, or they may exhibit unusual behaviors.</li></ul>
<b>Mood Disorder</b>	<ul style="list-style-type: none"><li>• A mood disorder, also referred to as an affective disorder, is a condition where the person experiences periodic disturbances in mood, concentration, sleep, activity, appetite, or social behavior. Mood disorders can be marked by periods of extreme sadness (depression) or excitement (mania).</li><li>• Mood disorders tend to be episodic. Between episodes the individual may have no remarkable symptoms or difficulties.<ul style="list-style-type: none"><li>- <i>Most common disorder: Clinical depression</i></li></ul></li></ul>

**Specific types of mental illness include:** bipolar disorder, schizophrenia, postpartum depression, postpartum psychosis, psychosis, posttraumatic stress disorder (PTSD and personality disorder.

### **Biases and Stigmas Surrounding Mental Illness**

Security personnel must be trained in how to recognize people with mental health issues and deal with them in a safe and humane manner. Many agencies already provide some form of crisis intervention training as a key element of de-escalation, but crisis intervention policies and training must be merged with a new focus on tactics officers can use to de-escalate situations.

Security personnel should not attempt to diagnose mental illness. A mental illness is often difficult for even the trained professional to define in a given individual. Security personnel must be able to recognize general indicators of mental illness so that appropriate actions can be taken.

Not all people with mental illness are dangerous, while some may represent danger only under certain circumstances or conditions. Some may be capable of going very quickly from a state of calm to being extremely agitated.

### **Real-Life Scenario**

**Example:** A security guard was performing a routine walk around a laundromat when the guard saw a man with a knife. The guard recognized that the man was experiencing a mental health crisis, possibly exacerbated by the consumption of drugs. The guard called the proper authorities who came and talked to the man, calmed him down, and took him into custody, without jeopardizing their safety, his safety, or that of the public.

### Section B-10 Review Questions

35. The basic philosophy of any security officer should be to respond in a manner that is humane, compassionate, and \_\_\_\_\_.
- Aggressive
  - Supportive
  - Kind
  - Admirable
36. Persons managing a mental illness can have a substantially diminished capacity for coping with the ordinary demands of life.
- True
  - False
37. Security personnel should attempt to diagnose mental illness.
- True
  - False
38. Some individuals with a mental illness may be capable of going very quickly from a state of calm to being extremely \_\_\_\_\_.
- Excited
  - Quiet
  - Anxious
  - Agitated

## Section 11: Active Shooter Situations

### Recognizing an Active Shooter Situation

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms, and in some cases, there is no pattern or method to their selection of victims.

Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims. Because active shooter situations are often over within 10 to 15 minutes, before law enforcement arrives on the scene, individuals must be prepared both mentally and physically to deal with an active shooter situation.

### Roles and Responsibilities of Security Personnel

Law enforcement, fire, emergency response personnel and other first responders have detailed plans for responding to and recovering from such incidents. Businesses can blend into this response and aid in recovery by having resources available such as building plans, location of employees, utility access, and control over cameras, locks and alarms.

When an active shooter incident occurs, civilians will look to authority figures for guidance. They will not make a distinction between law enforcement officers or other uniformed personnel who are employees. All employees should receive basic training in civilian techniques for responding to active shooter events using the **Run. Hide. Fight.** model. When applicable, employees should know how to lead or direct the public to the nearest evacuation routes (run) and identified secure areas (hide/barricade).

Quickly determine the most reasonable way to protect your own life. Remember that members of the public are likely to follow the lead of a uniformed guard during an active shooter situation, but you are not responsible for ensuring their compliance.

### Run, Hide, Fight

#### 1. Run

If there is an accessible escape path, attempt to evacuate the premises. Be sure to:

- Have an escape route and plan in mind.
- Evacuate regardless of whether others agree to follow.
- Leave your belongings behind.
- Help others escape, if possible.
- Prevent individuals from entering an area where the active shooter may be.
- Keep your hands visible.
- Follow the instructions of any police officers.
- Do not attempt to move wounded people.
- Call 911 when you are safe.

## 2. Hide

If evacuation is not possible, find a place to hide where the active shooter is less likely to find you.

Your hiding place should:

- Be out of the active shooter's view.
- Provide protection if shots are fired in your direction (i.e., a room with a closed and locked door).
- Not trap you or restrict your options for movement.

To prevent an active shooter from entering your hiding place:

- Lock the door.
- Blockade the door with heavy furniture.

If the active shooter is nearby:

- Lock the door.
- Silence your cell phone and/or other personal devices.
- Turn off any source of noise (i.e., radios, televisions).
- Hide behind large items (i.e., cabinets, desks).
- Remain quiet.

If evacuation and hiding out are not possible:

- Remain calm.
- Dial 911, if possible, to alert police to the active shooter's location.
- If you cannot speak, leave the line open and allow the dispatcher to listen.

## 3. Fight

As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by:

- Acting as aggressively as possible against them.
- Throwing items and improvising weapons.
- Yelling.
- Committing to your actions.

### **How to Respond When Law Enforcement Arrives**

Law enforcement's purpose is to stop the active shooter as soon as possible. Officers will proceed directly to the area in which the last shots were heard.

- Officers usually arrive in teams of four (4), however initially it could be a lone officer.
- Officers may wear regular patrol uniforms or external bulletproof vests, Kevlar helmets, and other tactical equipment.
- Officers may be armed with rifles, shotguns, handguns.
- Officers may use pepper spray or tear gas to control the situation.
- Officers may shout commands, and may push individuals to the ground for their safety.



How to react when law enforcement arrives:

- Remain calm, and follow officers' instructions.
- Put down any items in your hands (i.e., bags, jackets).
- Immediately raise hands and spread fingers.
- Keep hands visible at all times.
- Avoid making quick movements toward officers such as holding on to them for safety.
- Avoid pointing, screaming and/or yelling.
- Do not stop to ask officers for help or direction when evacuating, just proceed in the direction from which officers are entering the premises.

Information to provide to law enforcement or 911 operator:

- Location of the active shooter
- Number of shooters, if more than one
- Physical description of shooter(s)
- Number and type of weapons held by the shooter(s)
- Number of potential victims at the location

The first officers to arrive at the scene will not stop to help injured persons. Expect rescue teams comprised of additional officers and emergency medical personnel to follow the initial officers. These rescue teams will treat and remove any injured persons.

They may also call upon able-bodied individuals to assist in removing the wounded from the premises.

Once you have reached a safe location or an assembly point, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave until law enforcement authorities have instructed you to do so.

### **Real-Life Scenario**

**Example:** A security officer is trained so that if they see something, they say something and report it immediately to law enforcement. If the security officer is armed, the officer should make an attempt to neutralize the active shooter if possible.

## Section B- 11 Review Questions

39. The first action you should take in an active shooter situation is to attempt to disarm the shooter.
- True
  - False
40. If you are able to call 911, what information should you provide?
- The shooter's location
  - Driving directions to your location
  - A physical description of the shooter
  - Both A and C
41. Security personnel are responsible for which of the following?
- Evacuating all members of the public.
  - Taking down the active shooter.
  - Protecting their own lives.
42. The appropriate order to consider your safety options are:
- Confront, Fight, Run
  - Run, Hide, Fight
  - Hide, Attack, Run