

## **ADDITIONAL FACTORS TO CONSIDER**

In addition to the law, there are other critical factors for the security officer to consider prior to making an arrest. Some of these factors are:

1. Physical size of the violator. Are they bigger or stronger than the security officer? More physically fit?
2. Is the suspect armed? Could they be carrying a concealed weapon?
3. If the security officer does not make an immediate arrest, can the suspect get away completely? If the security officer gets a good description of the suspect and calls the police without delay, the police may be able to make an arrest.
4. Is the offense major or minor? The security officer should be more concerned with major offenses. For instance, a person setting fire to a building is a more likely candidate for arrest than some kids skateboarding on the clients parking lot.
5. Does the offense relate to the property or persons that the security officer was hired to protect? The security officer should uphold the law but his first duty is to the employer who hired him.

## **CATEGORIES OF ARREST OFFENSES**

The penal code classifies crimes into three (3) categories:

1. Infractions,
2. Misdemeanors, and
3. Felonies

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**Infractions** are offenses that are punishable by a monetary, usually modest, fine. Typically, there is no jail sentence imposed for committing an infraction, and the person responsible for the offense is normally cited at the scene similar to the issuance of a traffic ticket. The offender is normally not taken into custody but detained long enough to issue a citation. The most common infractions are traffic violations such as speeding but there are some infractions like littering on public property or smoking where prohibited. Private security officers will likely not be confronted with these situations since most infractions occur on public property, highways and roadways, or in areas not routinely patrolled by them. Nor are private security officers normally authorized to issue citations which are typically reserved for law enforcement officers.

**Misdemeanors** are offenses that are punishable by a fine and/or term in jail. The following conditions must exist in order for a private security officer to arrest a person on a misdemeanor charge:

1. The misdemeanor must have been attempted or committed.
2. It must have taken place for the security officer to have witnessed.

Common misdemeanors:

- **Assault** – an unlawful attempt coupled with the present ability to commit a violent injury upon the person of another.
- **Battery** – any willful and unlawful use of force or violence upon another person.
- **Disturbing the Peace** – unlawfully fighting in a public place or challenging to fight; malicious and willful disturbances of another by loud and unreasonable noise; using offensive words to provoke a violent reaction.
- **Indecent Exposure** – the act of exposing the person or private parts thereof in any public place where other persons may be offended.

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- **Littering** – throwing waste matter in a place other than designated containers.
- **Petty theft** – the taking of property of a value of \$950.00 or less.
- **Trespassing** – entering posted property without permission. Damaging or destroying property, or refusing to leave when asked by the owner or his agent.
- **Vandalism** – Maliciously defacing, damaging, or destroying property.

**Felonies** are more serious offenses that are punishable by a jail sentence, execution, and/or a fine. The following conditions must exist in order for a private security officer to arrest a person on a felony charge:

1. The felony must have been committed.
2. The security officer must have reasonable cause to believe that the person being arrested actually committed the crime. Reasonable cause must be based on evidence linking that person to the crime.

Examples may include:

- Physical evidence such as items belonging to the suspect that were left at the crime scene,
- Testimonial evidence such as observations by the security officer or by other witnesses who were present when the crime was committed.

Common felonies:

- **Assault with a deadly weapon** – assault of a person by another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury.
- **Arson** – willful and unlawful setting of a fire.

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- **Grand theft** – the taking of money, labor, or real or personal property of a value exceeding \$950.00 or the taking of property from the person of another.
- **Burglary** – the entering of the residence or property of another with the intent to commit grand theft, petty theft, or any felony.
- **Kidnapping** – taking and transporting a person against his will.
- **Robbery** – by force or intimidation, taking personal property from a person or from the immediate presence of a person against that person's will.
- **Rape** – forcing sexual intercourse.
- **Manslaughter** – the unlawful killing of another human being includes voluntary, involuntary, or vehicular manslaughter.
- **Murder** – the unlawful killing of another human being with malice and forethought.