

## **CONTRACT LAW**

The contract between the private security company and its employees can limit the employee's authority. For instance, the employment contract will provide that the employing security company will not be liable if the employee goes beyond the bounds of their job duties. Additionally, the terms of a contract between the client and the private security company can limit the security officer's authority by providing in writing what is expected of the security officer from the standpoint of arrest, detention, and carrying weapons. Included within the service contract is a **Statement of Work** which defines security's role within the organization, its enforcement functions, and any specific activities for which they will be responsible for performing. The contract between the security company and the organization also normally defines and governs the respective liabilities of both parties. This means that if there is harm done to a third party, the contract usually lists who is responsible for the legal damages and who is to carry insurance for which risks. It is important to note, however, that on occasion the courts in suits by third parties, have held a person liable even though a contract said that another was to be responsible.

## **TORT LAW**

Tort law refers to a body of rights, obligations, and remedies that is applied by courts in civil lawsuits to provide relief for private citizens who have suffered from the harmful acts of other private citizens. Tort law protects an individual and his property from the damaging conduct of another individual, his reputation from disparaging comments, his privacy from unreasonable exposure, and his mental well-being from emotional distress. The person who sustains injury or suffers damage as the result of the tort is known as the **plaintiff**, and the person who is responsible for inflicting the injury or damage and who is considered to be liable for the damage is known as the **defendant** or **tortfeasor**.

Three (3) elements must be established in every tort action:

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1. the plaintiff must establish that the defendant was under a legal duty to act in a particular way;
2. the plaintiff must demonstrate that the defendant failed to carry out this duty to act; and
3. the plaintiff must prove that he suffered injury or loss as a direct result of the defendant's failure.

Unlike criminal prosecutions, which are brought by the government, tort actions are brought by private citizens. Restitution for tortious acts include money for damages and injunctions such as court orders which require or forbid certain conduct. The defendant is not subject to a fine or jail time in civil court.

Tort law does not provide specific authority for private security officers, but it does loosely define some limits on their conduct. It allows for an injured party to bring a lawsuit for damages and injuries caused by tortious conduct of private security personnel. Because of this, tort law limits the authority of private security officers by the threat of a lawsuit. It also provides some general guidelines on what is reasonable conduct through the review of previous civil suits brought before the courts. In tort law, the private security officer usually has the same status of a private citizen.

Many tort cases in the security field involve aspects of both **negligence** and **intent** to cause harm. Intention may be involved in self-defense or protection of property while negligence may be involved in failure to establish probable cause when a security officer initiates an arrest or detains someone.

## **REGULATORY LAW**

A variety of state and local statutes, rules, ordinances and regulations regulate the conduct and activities of private security officers and the security companies who employ them. For instance, licensing and registration statutes are in place to address the qualifications, hiring, and training of security personnel to obtain and retain a

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state guard license. These statutes also designate allowable forms of conduct and forbid other types of conduct.

Licensing and regulatory statutes also provide guidelines for the suspension or revocation of a guard license and include insurance requirements for the security company to protect clients and employees. Special rules and exemptions are included for private security personnel, for instance, the right to carry a firearm upon successful completion of a state-approved armed guard training program.