

## SECURITY TRAINING REQUIREMENTS: CREATING A PROFESSIONAL STANDARD

Approved by Dr. Patrick Solar    August 6, 2016

# SECURITY TRAINING REQUIREMENTS: CREATING A PROFESSIONAL STANDARD

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## Abstract

### Purpose

The purpose of this seminar paper was to explore the variance in training standards as it pertains to security throughout the United States. The job requires much of the same skill set and approach that law enforcement requires, yet does not require the same training. It is a profession that often is asked to operate in areas of the law with no true authority, and with minimal to no training required. This often leads to litigious results for improper or negligent security practices.

This paper will rely upon secondary research and statistics in order to identify training standards, as well as explore lawsuits that have affected the industry. It will also explore the history of both security and law enforcement, discuss training requirements of security in various states, and the training requirements of law enforcement in Wisconsin. After reviewing the training and legal issues surrounding the profession, the paper will discuss how theoretical framework that is often taught to law enforcement would be beneficial to the security industry. Finally, the paper will make recommendations for change through legislative bodies, both federal and state; asking for exploration of the problem and seeking legislative change requiring stricter standards. It also suggests creating a modified academy for security, similar to law enforcement, but shorter in duration.

## Table of Contents

Approval Page.....	i
Title Page .....	ii
Acknowledgements.....	iii
Abstract.....	iv
Table of Contents.....	v

### Sections:

I.	Introduction .....	1
	Problem Statement	
	Methods of Approach	
	Anticipated Outcomes	
II.	Literature Review .....	5
	Current Training Standards	
	Risk and Liability of Negligent Training	
III.	Theoretical Framework .....	22
IV.	Proposed Change.....	26
V.	Summary and Conclusions.....	28
VI.	References .....	31

## **I. INTRODUCTION**

Professional standards are not a new concept to the criminal justice field. Law enforcement is constantly reviewing their standards and improving upon them, creating a need for all states to have strict training requirements that law enforcement officials must attend. This is a requirement that is not in place for security officers. It is important to know the history of the two professions and their evolution to determine if the current standards are sufficient, or if a disparity in training exists.

Law enforcement started as night watchmen observing different areas of cities. Their job was not to fight crime as currently conceptualized, but to initiate an alarm in case of fire or other disturbances (Schmallger, 2009). Over time this evolved, with guidance from Sir Robert Peel, into an investigative and crime fighting unit. In the interim, the criminal justice field also determined that a scientific approach to security could be utilized (Schmallger, 2009). Theories were developed pertaining to criminal behavior, and responses were developed and tested to determine if there was a reduction in the overall crime rate. The concept of crime prevention evolved. Eventually, with the introduction of new technologies and new theoretical advancement, it was determined that officers required more training. Standards for training were established along with use of force guidelines. As police work continued to evolve, corruption invaded the law enforcement ranks due to political oversight. A code of ethics was established to correct the issue and political control was removed from law enforcement. Today's law enforcement approach and training standards were modeled and shaped after years of study.

Organized private security first started at the request of public interest and private enterprises in the 1850's. There was a shortage of resources that prevented law enforcement

from providing the extra protection needed in certain industries. Al Pinkerton exemplifies this, as he organized a group of individuals to address concerns pertaining to the railroad industry. His organized response protected the railroads in the absence of any federal agencies. The government at that time was too limited in its resources to support the railroad. The organizational success of Pinkerton resulted in an advisory role to President Lincoln during the Civil War (Allen & Sawhney, 2015; Schmallegger, 2015; Stojkovic, Kalinich, & Klofas, 2015).

Washington Perry Brinks is another individual who founded a courier service in the 1850's that evolved into organized private security; the armored transport service that still provides services to many banks (Allen & Sawhney, 2015). The other major company to emerge during this era was William J. Burn's Detective Agency. His company grew to be the biggest competitor and second largest security company behind Pinkerton in the 1800's (Allen & Sawhney, 2015). The private investigative agencies often filled the need of the public by investigating cases that the police would not. The quick growth of private security resulted in some abuses of power and authority, similar to what law enforcement had struggled through. In response, the American Society of Industrial Security (ASIS) was created as a professional resource for security (Allen & Sawhney, 2015). This organization merely suggested standards that security should follow, but no laws were enacted requiring security to adopt professional standards. ASIS has worked with both the private security industry and government agencies to establish regulations; even proposing the idea to legislatures, but they had no success (ASIS, 2015; Department of Justice, 2005). Private security has experienced large growth since the 1850's when it first was conceptualized. The Vietnam-era and the post 9/11 era resulted in large growth in the industry (Allen & Sawhney,

2015). To date there are approximately 2 million private security personnel in operation (Department of Justice, 2015). Security has partnered with law enforcement organizations in the past, including Operation Cooperation which sought to increase communications and collaboration between private enterprises and law enforcement. This included many private security companies, ASIS, the International Association of Chiefs of Police (IACP), National Sheriff's Association, the Department of Justice, and the Office of Justice Programs' Bureau of Justice Assistance (Department of Justice, 2005).

### Problem Statement

Security is not properly trained for the responsibility and burdens being placed upon them. Security still fills voids left by law enforcement agencies. Ware (2016) discusses how Madison, WI police officers are no longer responding to burglar alarms due to the high false alarm rate and the lack of resources available to respond to them. Security companies have begun enacting third shift patrols that check doors and respond to these burglar alarms. Despite the large footprint left by security, no required training standards have been mandated by the government. According to Tarallo (2015), there are 14 states that have no training requirements for security. The remaining states have a variance in training levels from eight hours to 70 hours (Allen & Sawhney, 2015; Tarallo, 2015).



## Methods of Approach

The methodology of this paper will be predicated upon secondary research. The secondary research will be obtained from scholarly sources, trade journals, government websites, textbooks, agency websites and news sources. The material will be screened for important statistics and information pertinent to security officer training in various states. It will demonstrate areas where advanced training and directives could have augmented and supported efforts to maintain safety of officers and their environments.

Research will also be conducted on certain aspects of police departments for a comparative analysis of training standards. This will be utilized as a comparison model for a security industry that often overlaps into the law enforcement realm. Research will also be included that demonstrates the risk and liability associated with negligent security practices.

## Anticipated Outcomes

It is anticipated that security training requirements will be revisited and reviewed by a legislative body with the goal of enacting stricter requirements for training standards. Ideally, this would occur at a federal level. If the federal government fails to enact stricter requirements, it is hoped that the state of Wisconsin's legislature would review and revise their standards.

As with any change, some individuals will be reluctant to provide additional training to security out of fear of creating a private police force for large corporations (Schneier, 2007). The requirements of training standards would not empower security with any additional

authority, but simply better educate the security staff in regards to their limitations, techniques and approaches. According to the Department of Justice (2005) many guards are often unaware of the statutes that apply to them, as well as their limited power when compared to law enforcement. The proper education of security could avoid infringement upon citizens' rights as well as reduce the number of security officers that naively abuse their authority. Strom et al. (2010) mentions that there are no current requirements in any state that necessitate continuing education requirements to maintain licensure, though there are increasing amounts of classes and courses focusing on security topics. In most states, security personnel's power and authority is limited to little more than a basic citizen's (Strom et al., 2010).

## **II. LITERATURE REVIEW**

### **a. Current Training Standards**

Current training standards are left to the states to regulate, as there is no federal mandate or guidance pertaining to training regulations for security. Due to this, there are nine states that require no regulatory licensing (Strom et al., 2010). According to Tarallo (2015), there are 14 states in the United States that require no training for security. Three states have a 68-70 hour training requirement; the remaining states having a variance of requirements. The only requirement for education is a high school diploma.

## Florida

Florida is one of the few states that mandate criteria for security officers to complete in order to work in the state. According to Putnam (2015) an applicant for a Class D security license in Florida is required to have completed 40 hours of security training. A Class D license is required by any individual who provides security services in the state, and they must be employed by an agency that has applied for and obtained the correct license in the state as a security agency. There is a lack of clarity in the regulation as it states that a license is required for any guard working for a company who supplies security as a service (security agency), but it fails to explore the needs of a proprietary security officer as opposed to purely a contract officer. As written, it appears that there may be no regulator licensing needed for a proprietary guard working directly for a company. The education requirements are a high school education and the only age restriction is 18 years of age (Putnam, 2015).

The 40 hours of training must be performed by a school or department licensed with a Class DS license issued by the state. This insures that all security officers obtain the knowledge and skills mandated by the state (Putnam, 2015). In order to be an instructor at the school, an individual must obtain a Class DI license that is further regulated. An instructor must have at least three years of security experience with a Class D license, whose duties were performed within a five year window of applying for an instructor permit. This ensures that the instructor is knowledgeable of current security practices. A high school diploma is all the education that is required, though advanced education is accepted (Putnam, 2015).

If a security officer is applying for a firearm license there is an additional 28 hours of firearm training that is required. The regulations break out the training requirements, identifying the time requirements and classes that must be covered. These classes include: Legal Aspects of Use of Firearms (12 hours), Operational Firearm Safety and Firearm Mechanical Training (8 hours) and Firearms Qualification (8 hours) (Putnam, 2015). The regulations stipulate the types of weapons that can be carried by a security officer in the course of their duties ranging from a .38 caliber up to a .45 semi-automatic pistol. No security officer is allowed to carry anything larger than a handgun without obtaining a waiver from the state. This includes carrying a shotgun. The security officer is required to transport this waiver with them at all times while on duty and armed with the weapon the waiver is required for. The waivers are only valid for the post and job for which the officer is required to carry the weaponry. The officers are required to report to the regulation department any discharge of a firearm in the course of their duties within five working days. There does not appear to be any additional age restriction to carry a firearm as a security officer (Putnam, 2015).

### Wisconsin

Similar to Florida, Wisconsin requires that a security officer be licensed by the state. The Department of Safety and Professional Services (DSPS) oversees this. According to DSPS (2016), private security personnel are defined as any private police, guard, or person whose

job is to watch over property for security reasons. All guards are required to obtain a permit through the state; with the exception of unarmed off duty law enforcement should they obtain permission by their department, as well as ushers and event attendants when they are not in uniform (DSPS, 2016). All security officers are required to submit fingerprints and undergo a background investigation. A security license will not be issued until the background check has been completed. Misdemeanors do not automatically disqualify an applicant, as not all misdemeanors negate the chances of being a security officer. If an applicant has been convicted of a felony, they are automatically disqualified from employment as a security officer. The applicant for a license must also prove that they are working for a private security or detective agency. The security license is subject to renewal and all fees are to be paid by the applicant not the employing agency (WSL, 2016). There are a few exemptions to the licensing requirement. According to WSL (2016), individuals are exempt from the licensing requirement if they are working for a law firm, directly for a municipality, railroad, or commercial business, as long as the person is acting within their scope of employment and on company property. The regulations surrounding the issuance of private detective licenses and private security licensure is further outlined by the Wisconsin State Legislature (WSL). Unlike Florida, Wisconsin imposes no training hour requirements prior to obtaining the state permit. Companies may require additional training upon hiring an officer, but none is mandated by the state.

According to the WSL (2016) a security officer is not able to carry a dangerous weapon unless the appropriate firearm training has been completed. The current training standard to carry a firearm matches that of a police officer: 36 hours (WSL, 2016). Security officers

seeking permission to carry a Taser in the course of their duties must also attend the required training outlined by the state (DSPS, 2016).

## Michigan

Michigan is unique from both Wisconsin and Florida as the regulations department does not outline any licensing requirements for the individual officer. In reviewing the Department of Regulations and Licensing Affairs (LARA) website, all searches for security officer regulations redirected to the page mandating the requirements to license and establish a security agency. According to Strom et al.(2010) security employers are only required to submit a list of employees quarterly with no regulatory needs outside of that. Michigan requires that an applicant for a private security agency be at least 25 years old, have a high school diploma or GED, not be a felon, and not been convicted of misdemeanors pertaining to dishonesty/fraud, illegally selling or divulging of evidence or information, impersonation of law enforcement officers or of a state employee or political subdivision, carrying, using or concealing a dangerous weapon, two or more alcohol related offenses, controlled substances, or assault (LARA, 2016). There are a few other restrictions pertaining to dishonorable discharges from the military and insanity findings by the court, and an applicant must have no warrants pertaining to their arrest. The regulations also mandate that there is an office located in Michigan employing a manager. Michigan also requires that they have either a surety bond or insurance meeting the minimum requirements of the state (LARA, 2016).

LARA (2016) also states that they need to meet certain experience requirements. These are a mixture of experiences ranging from needing at least four years as a certified full-time police officer, to engaging in four years of previous private security business of a licensed agency, with the simultaneous experience of four years supervisory capacity above a basic guard. Michigan also recognizes out of state experience of managing a security office and would accept that as an experience substitute, as long as it was for a period of at least three years (LARA, 2016).

### Wisconsin Law Enforcement Training Requirements

It was noted in the introduction that security was created to provide protection in areas that law enforcement was unable to due to their lack of resources. Due to the similarity in work environments, it is important to look at the training requirements enacted for law enforcement professionals for a comparative analysis.

In Wisconsin law enforcement officers are required to be at least 18 years of age. In order to apply for the academy, an applicant is required to meet certain criteria. Applicants must have a high school diploma or GED, possess a two year degree from a technical college or a minimum of 60 accredited credits, not have been convicted of a felony or any misdemeanor crimes of domestic violence, and be a citizen of the United States. They undergo a physical assessment by a physician that is licensed by the state of Wisconsin to verify they can meet physical requirements of the job. Applicants must also complete an oral panel interview with law enforcement executives and school faculty associated with the

training program, to assess their demeanor and their ability to communicate (WILESB, 2015).

Once the applicant is approved they are required to attend a full 720 hours of training academy regulated by the state. The required hours were just reviewed and restructured adding 200 additional hours to the academy with the intent of promoting long term retention of the training material (DOJ, 2015). In addition to the expanded hour requirements, the academy was restructured into three phases, creating an approach that allows for a foundation of knowledge to be built in which each phase builds upon the others. This prevents a large influx of information being disseminated in a short increment of time and creating an environment where retention is low. A physical readiness exam and fitness training was adopted into the academy to prepare academy students for the rigor associated with police work. This exam must successfully be passed before the recruit can graduate (DOJ, 2015).

According to the DOJ (2015) the following are included in the training agenda:

- Fundamentals of Criminal Justice, which includes Professional Orientation, Policing in a Free Society, and Policing Strategy courses from the previous academy structure.
- Crisis Management, which incorporates a community resource class, as well as courses on Traumatic Brain Injury and Post-Traumatic Stress Disorders
- Expanded time for Constitutional Law and Crimes
- Increased training time for interview and interrogation courses. This is split throughout the phases
- Defense and Arrest Tactics (DAAT) has been expanded to include Basic Ground Defense and Electronic Control Device courses



- Firearms instruction was divided into two phases: fundamentals and tactical shooting techniques. A rifle training component was also added.
- Tactical Response training time was increased and an active shooter training course was incorporated into the curriculum.
- Tactical Emergency Casualty Care was added. It will be taught with Tactical Response training after basic First Aid, CPR and AED training is completed.
- An Incident Command System course was added
- Basic Report Writing was created. Other courses contain parts of the application of report writing.
- Traffic Law Enforcement, Traffic Crash and Standard Field Sobriety Test/Operating Motor Vehicle While Impaired courses, including TraCS
- Basic Response course incorporating Scene Management
- Basic Radio Procedure
- Core Radar class based on NHTSA materials

Once the academy is completed, a candidate is considered certifiable and must be hired by a law enforcement agency to be considered certified. Once graduated, a certified candidate has three years to find employment or they must re-attend an academy (WILESB, 2015). Any officer returning from military duty or an extended absence is required to attend a 24 hour training course intended to refresh them on law enforcement duties. The 24 hour course is also a required recertification course that police officers must attend annually. The course content is mandated by the state to include a four hour vehicle pursuit course and a firearms refresher course. The other content is left up to the employing agency to decide upon (WILESB, 2015).

Officers, once certified, can be decertified if certain conditions present. These conditions include: failure to comply with rules, policies, or orders from the board pertaining to curriculum or training, falsifying information in order to obtain or maintain certification, administrative errors resulting in certification, conviction of offenses relating to felony status, conviction of a misdemeanor of domestic violence, failure to meet education requirements within five years of hire, or failure to pay court-ordered payments pertaining to paternity or child support proceedings (WILESB, 2015). In addition to the strict training requirements, law enforcement also utilizes a Field Training Officer (FTO) program that mentors and instructs new officers for a predetermined time after they have been hired with a department. During this timeframe new officers are introduced to the department's values, ethics, and operational material. The FTO acts as a guide to how the department operates and answers any questions the new hire may have during their orientation period (Roberg et al., 2015).

#### **b. Risk and Liability of Negligent Training**

After reviewing the literature, there are variances in the training standards from state to state. It is important to understand the necessity of training standards for any profession. Law Enforcement created professional standards and continually reviews and updates them due to high profile cases that expose any liabilities. There is inherent liability in negligent training standards that can have severe repercussions on security companies and their employees. Law enforcement officers have protection from personal liability built into the laws and statutes

pertaining to their job duties and expectations. Private security does not share those same protections. The United States is a litigious society with more lawyers per capita than most other nations (Roberg et al, 2015). A security officer can be held personally liable for any false arrest or misuse of force; a problem that many security officers face (Strom et al., 2010). In Washington D.C. a security guard was arrested for assault for escorting a transgendered individual out of the female's restroom (Bensen, 2016).

Contracting out security services does not protect a company from liability stemming from negligent security practices. In Cherry Hill, Maryland, a property management company is included in a lawsuit being filed against a security company. The security officers that were employed were exceeding the scope of their duties and acting as a private police force, illegally stopping, searching, and arresting residents (Fenton, 2012). In another case, A Carolina Panthers fan is suing the Dallas Cowboys for \$25,000 because stadium security placed the fan in a chokehold. In some cases the security agency is held liable for improper training standards. A former teacher at Martin Girl's Academy sued the company for lack of training and preparation of the guards provided which resulted in an assault against her person. The lawsuit was settled out of court for an undisclosed amount (Holsman, 2015). Liability can even be deemed the fault of a property owner if a crime occurred on their premises and certain conditions exist. A few civil cases concerning security negligence will be discussed in more detail.

Brookfield Holdings v. Suarez

ASIS (2015) discusses liability pertaining to the foreseeability/predictability of a crime. If an area is known for criminal activity and the businesses in the area do not take adequate measures to reasonably protect staff from harm, they can be held liable for negligent security practices. In the case of Brookfield Holdings v. Suarez, the plaintiff is suing Brookfield Holdings for negligent security and failing to protect a resident of the mobile home court from harm. A resident was murdered in their trailer after the company had cancelled the security contract (Roberts, 2016). In the Brookfield Holdings case the management company contended that there was no history of criminal activity in the area that would cause necessary concern for the company to provide security for the area.

The court sided with the Plaintiff in the case, but agreed with the Brookfield Holdings' assessment of the predictability of the crime. They stated in their discourse that while there was no data to predicate the need for security, Brookfield Holdings was still liable for damages as they failed to adequately notify the residents of the cancellation of their after-hours security contract. The previous holdings company had initiated a contract and charged all the residents a five dollar monthly security fee to help offset the costs for security. Security's duties were to check in after-hours visitors, check ID's, and to patrol the mobile trailer park for any suspicious activity. Brookfield Holdings assumed the contract and reviewed the need for the additional security. They determined that the security function was no longer needed and they ended the contract. The company still charged the residents the five dollar security fee and never notified the residents of the cancellation. This provided the illusion of additional security that was not being provided. Residents assumed they had an after-hours security presence and were unaware that things had changed. This failure to properly notify

the residents of the change is what created the liability for the company. The courts denied Brookfield Holdings' appeal and sided with the Plaintiff in the case (Roberts, 2016).

### Sonya Winchell v. Remco Guy, Ariel Graham, and Fort Wayne Taco Bell

Roberts (2016) cited the case of Sonya v. Remco Guy, Ariel Graham, and Fort Wayne Taco Bell. Winchell was in the drive through at Taco Bell waiting in line to reach the speaker to place her food order. Remco Guy and Ariel Graham were in the vehicle in front of her. When they pulled up to the speaker, Guy and Graham took a long time to place their order. At one point they decided to exit the vehicle. Winchell, impatient with the wait, yelled out the window at the two, informing them they needed to hurry up as people behind them were hungry. Guy approached her vehicle and stuck his head into the window. Guy asked Winchell if she had a problem using profanity and vulgar language. In response Winchell punched Guy in the nose. He then produced a firearm and shot her.

Winchell had filed a lawsuit against the Defendants claiming that Taco Bell owed its patrons a duty of care and they neglected to take appropriate measures to properly protect their customers. She stated that Taco Bell knew that there was a propensity for violence at their location and cited the installation of closed circuit television cameras and a panic button as evidence. She also maintained that for safety of their employees Taco Bell had closed its lobby early, only keeping the drive through open late, and had hired off duty police. She also cited various police responses to the location over the years. The initial courts sided against Winchell and granted a summary finding to the Defendants. Winchell filed for an appeal. The appellate

court decided the ruling of the trial courts was erroneous, as case law clearly stated that proprietors have a modicum of duty for the safety of their patrons on their property. The court also maintained there was sufficient evidence of prior criminal activity to indicate safety and security hazards. The initial ruling was reversed and the case was found in favor of Winchell.

### Barnard v. Wal-Mart

Shirley Barnard and her husband Ronnie Barnard were entering a Wal-Mart store when a vehicle occupied by Stacy Campbell and Hope Sharp drove up close to them. Campbell and Sharp had been up all night consuming alcohol and illegal drugs. They asked the Barnards for some money to tide them over until their next pay day. The Barnards obliged and, despite radio warnings about this behavior, approached the vehicle in order to deliver the money. Campbell and Hope took advantage of their proximity and grabbed Shirley Barnard's purse and attempted to drive away with it. This resulted in Shirley Barnard being drug behind the vehicle with her arm caught in the purse's straps. She sustained extensive injuries which eventually resulted in termination from her employment (Roberts, 2016).

The Barnards subsequently filed a negligence lawsuit against Wal-Mart for failing to provide adequate protection for their customers. Shirley Barnard also sought punitive damages for her lost wages and employment, as well as emotional trauma. Initially, the trial court dismissed the case and sided with Wal-Mart. After an appellate review initiated by the Barnards, the decision was reversed and remanded to trial. It was found by the courts that Wal-Mart had a duty to protect its patrons, and that the crimes which occurred were foreseeable and preventable.

The defense Wal-Mart used, that they had never before had drug-induced purse snatchings occur randomly, was deemed to be too narrow in scope to defend against the previous knowledge of crimes. Upon reviewing the crimes occurring at that location, it was discovered that a similar purse snatching incident occurred seven months prior. That altercation resulted in a woman being knocked down and her purse being stolen. The appellate court sided with the Barnards and remanded the case to trial to determine liability percentages pertaining to the Plaintiff and the Defendant. According to the state laws, a person cannot receive punitive awards if their own actions attributed to 50% or greater liability of the damages (Roberts, 2016).

### Roe v. Interstate Properties

In Roe v. Interstate Properties, a suit was filed for negligent security when a mall kiosk employee was raped in the mall parking lot. The female closed up the kiosk for the night and was walking out to her car when she was accosted by a male brandishing a firearm. The individual forced her into his car where he proceeded to rob and rape her. Roe sued the mall for failure to provide adequate security coverage for the parking lot at night to protect employees who are leaving the premises. Upon review of the case it was discovered that security was supposed to be present in the parking lot on that night, but the guard had failed to show up for work. In their review, the plaintiff's lawyer ascertained that over 150 crimes were committed against individuals on the mall property. The head of security for the mall stated he had requested funds to have four guards onsite to perform patrols off the grounds but was only granted funding for one officer (Negligent Security, 2015).

According to public record, this case was settled by the defendant out of court (Roe, 1994). Negligent Security (2015) claims that the settlement was for \$350,000, but the case was sealed denying access to the settlement details.

### Prime Hospitality Corp. v. Simms

Even hotels are subject to negligent security claims. According to the District Court (2016) in Prime Hospitality Corp. v. Simms, the hotel corporation is seeking to overturn a negligent security ruling against them. Simms was a patron of the hotel who had flown in from overseas and was staying by herself. Simms returned from a shopping trip at approximately 9:30 pm when she observed a man in the hallway as she approached her room. She walked past the individual without issue, but when she turned to ensure the man had continued walking, she saw he had pulled a gun and was pointing it at her. He then forced her into her room where he raped and robbed her.

Simms presented security experts who testified that the hotel had 56 crimes on the premises in the past two and a half years, which included robberies. Simms claimed that they were aware of the potential for violence yet failed to take adequate security measures to protect their patrons. Prime Hospitality Corporation claimed that Simms failed to take adequate steps to protect herself and stated that when she observed the man from the elevator she should have returned to the lobby to report the suspicious behavior. They also maintained that the crimes were unforeseeable as they had no prior instances of rape or assaults in the corridors, and even if they were foreseeable, they were unpreventable. Simms maintained that she was unable to see the individual from the elevator, as she had to turn a corner to get to her room. The trial court



sided with Simms and after reviewing police photos of the area determined that she would have been unable to see the individual and was not in any way at fault. The jury awarded her \$200,000 for past pain and suffering and \$200,000 for future pain and suffering plus damages for stolen property and the husband's loss of consortium (District Court, 2016).

In the appeal, Prime Hospitality Corporation stated a directed verdict should be issued as there was no competent substantial evidence of the foreseeability of the attack and that it was Simms' responsibility to take more personal security measures. The appellate court reviewed the argument and denied the appeal, affirming the trial court's decision. The court's decision was based on a few different cases including *Hardee v. Cunningham & Smith Inc.*, 679 So.2d 1316 and *Green Companies v. DiVincenzo*, 432 So.2d 86 (District Court, 2016). The court did certify a conflict concerning apportion of the negligence between the appellant and the perpetrator and stated that the trial court erred in granting a partial summary judgement to Simms concerning the affirmative defense of negligence of a third party. The main concern of the court was that the decision should have been rendered by a jury. The initial summary judgement denied input from a jury. In essence the court stated they agreed with the Trial Court's initial ruling in all aspects except the third party negligence (District Court, 2016).

### Grainger v. Harrah's Casino

An Illinois case, *Grainger v. Harrah's*, explores the extent of liability for false arrest. Grainger was a patron at Harrah's Hotel and Casino. He was a rewards member who won a \$1,400 jackpot. Glickman, the security supervisor for the casino, checked his identification for

verification purposes and determined that the presented ID card was suspicious. Glickman then escorted Grainger to Lynch who was an Illinois Gaming Agent. Lynch agreed with Glickman's assessment of the ID, stating the neck did not match up with the face and appeared to be altered. Acting as an agent of the state, Lynch arrested Grainger and contacted the local authorities (Illinois, 2014).

The police arrived, reviewed the presented facts, and determined that the ID was in fact Grainger and that it had not been altered. An hour after the initial detention, Grainger was released. Grainger then filed a suit against the casino and other defendants claiming false arrest and undue emotional distress. The trial court denied the suit stating Lynch was protected under the laws in which his authority is derived from. A case went forward against Glickman and Harrah's. After a review of the facts, the case was decided in favor of the defendants stating they had acted in scope of their duties. An appeal was filed with the appellate court. They affirmed the trial court's decision and sided with the Defendants. They stated that the actions taken by the staff of the casino were consistent with their required duties and that no excessive sanctions or actions were taken against Grainger (Illinois, 2014).

### **III. THEORETICAL FRAMEWORK**

Research has shown the importance of the various theories and their impact on the criminal justice realm. These theories have been utilized by various law enforcement agencies to create unique responses to the different crimes that occur in their areas (Schmallger, 2007). Imagine the benefits of security officers learning criminological theories, such as The Routine Activities

Theory, and being able to modify their responses or educate the employees they work with, to mitigate the risks associated with the theory. It would allow them to increase guardianship over certain areas and inform staff, empowering them to not be soft targets (Karmen, 2010). Security could also learn about the SARA model and how to properly utilize it in response to crimes they are requested to investigate (Roberg et al.; 2015). It could help security personnel to develop a comprehensive approach and solution to multiple thefts in an area. The training would benefit all involved. The Evidence-Based Approach and Community-Oriented Policing Model would enhance security functions as well. The idea of targeted patrols, tracking the effectiveness of security efforts, the impact on staff satisfaction and incident occurrences in a given area, would allow security to gauge the effectiveness of their responses. The Community-Oriented Policing Model would allow security to better serve their customers, working with them to identify areas of concern and developing comprehensive approaches with staff input (Karmen, 2010).

### Routine Activities Theory

The Routine Activities Theory states that in order for crime to occur there needs to be three factors in place: a motivated offender, a suitable target, and the absence of capable guardianship (Holt, 2013; Karmen, 2010). Security is often asked to address the last factor, as a capable guardian to deter crime. It would greatly benefit security professionals to be aware of the theory in order to properly apply it. It would allow them to provide better security surveys of sites; recognizing what areas are ideal targets due to the lack of cameras, access controls, or guard presence. It would also empower the security guards who are performing the patrols of an

area with the ability to properly identify potential issues and report them immediately for reparation rather than waiting until an incident has already occurred.

Understanding of this theory would allow security to incorporate some criminal justice fundamentals into their security training programs they present to staff. This would provide staff with an understanding of how to become a hard target opposed to a soft target (Holt, 2013). By educating staff, security would be addressing the second factor in the Routine Activity Theory of a suitable target. Staff members who are conscious of their surroundings and take time to lock their valuables become less of a target than those who frequently leave their valuables unsecured or are oblivious to their surroundings.

### Social Learning Theory

The Social Learning Theory maintains that individuals develop their morals from those they socialize with (Tibbetts & Hemmens 2010). This theory could be incorporated into investigations led by security professionals to identify potential future assailants. If one individual was the cause of an attack on the infrastructure, the investigation could uncover individuals that they associated with. By understanding the Social Learning Theory, it would allow security to monitor those individuals for information that may allow them to prevent future attacks (Holt, 2013). Most infrastructure attacks are performed by insiders. A study conducted in 2004 shows that most incidents involved violation of policies and rules rather than advanced technical attacks on infrastructure weaknesses. 81% of those attacks were planned in advance. In 85% of the instances, there were other individuals, besides the perpetrator, who had

knowledge of the attack prior to its inception (Shaw, 2006). Using the Social Learning Theory would allow security to properly investigate the infraction rather than solely focusing on the individual identified as the perpetrator. This theory could also be incorporated into any instructional security training issued to staff. If security is educating staff on workplace violence, or insider threats pertaining to theft or cyber-crime, they could educate the employees on what signs to look for.

This concept could be expanded to include the Social Bonding Theory. Travis Hirschi introduced the theory of social bonding. The theory has remnants of Durkheim's ideas in that the theory is based on the supposition that all humans are animals and inherently susceptible to committing crimes. The Social Bonding Theory takes the idea and expands on it, stating that humans can be socialized in such a way that inhibits criminal activities (Tibbetts & Hemmens, 2010). Socializing is not linked to one specific entity, but can stem from any number of locations such as family, church, school etc. Raising your hand to speak in a group is one example of how we can be socialized to exhibit the correct behavior. The theory itself is made up of four key elements: attachment, commitment, involvement and moral belief (Tibbetts & Hemmens, 2010). The likelihood of an individual committing a crime greatly decreases with a strong bond to one of those four key elements. Recognizing these theories would assist security during investigations, helping identify possible suspects. Security could also utilize this theory and develop team building exercises for the businesses they work with. Creating a team environment through bonding would allow security to address some of the weak points in the theory by creating attachments between workers. It would also be a useful concept for security to utilize when investigating crimes that have occurred. It is often hard to narrow down a suspect list, but by looking at the history of employees and using these social learning and

bonding theories, security could possibly identify a few people that fit the theories and start their investigations there.

### Broken Window Theory

Broken Windows Theory is the concept that if buildings are left in a state of disrepair, with one window broken, then the rest of the windows on the building will soon be broken (Cole, Gertz & Bunger, 2004). The concept asserts that a run-down neighborhood will attract an element of crime where a well-kept neighborhood will not. The premise is that the community takes ownership and cares in one neighborhood, as opposed to the opposite sending the message that the run down community will not look out for each other.

Security often is one of the few jobs requiring personnel to frequent all areas of a building or geographic location on a consistent basis. This function of their job places security personnel in a key position to identify areas that appear neglected or affect the security of the property. Subscribing to the Broken Window Theory would allow security to identify and initiate the process to fix areas that could attract unnecessary attention. Reporting burnt out lights, graffiti, or broken fences, cameras or doors are examples of how attention to this theory could help deter crime. This theory has been utilized in poorer neighborhoods where cities have mandated that the landlords fix the properties they own. It forces landlords to maintain adequate lighting as well as fix any maintenance issues with their properties in a timely matter or they will be fined (Tibbetts & Hemmens, 2010). Security could use this theory when patrolling warehouses or abandoned buildings that are still owned by their company. Identifying and addressing these

issues with the company could prevent the buildings from being targeted by criminals. It can also be incorporated into their staff training to garner support and ownership to keep the building and grounds neat in appearance, promoting prompt reporting of any maintenance issues. A cohesive approach could be taken with the facilities departments of the company to send a clear communication to staff.

#### **IV. PROPOSED CHANGE**

As court cases and training standards have shown, a change is needed in how security is addressed. The industry provides security in the absence of law enforcement. As the Department of Justice states (2005), security is often the expert in some areas such as securing sites and uses of technology. Police were never designed for those roles. Yet rather than working together, there is friction between law enforcement and security. Law enforcement has a lack of faith and respect for security due to their lack of stringent training standards, while security feels law enforcement does not respect their knowledge in the fields they preside over (Strom et al., 2010).

According to the Department of Justice (2005), security is a new type of first responder. On September 11th, 2001 security officers were the true first responders as they were already at the building working when the attacks occurred. Private security industries secure many different sites, even nuclear plants. During the courses of their duties, security often needs to deal with a variety of crimes, including domestic violence, identifying terrorism, as well as responding to burglaries as mentioned earlier. Security's policies can also be crucial for coordinating

emergency responses, evacuations, and natural disaster responses at their location (Strom et al., 2010). According to Karmen (2010) security officers perform duties and assignments that are almost as dangerous as that of law enforcement. Nearly four per every 100,000 of security officers die each year (Karmen, 2010). This is similar to what law enforcement officers experience. An increase in training for security could help reduce these statistics and create a safer environment in which to work.

Blando et al. (2013) states: the safety and security of an environment often falls to the quality of the security department and the confidence the staff has in that department. In a poll of emergency department nurses, over half of them stated that they had a lack of confidence in their security department and 43% stated there were deficiencies in the security equipment being utilized.

In order to address these concerns it is recommended that a committee be formed to address the training standards with state and federal legislatures. The board could be comprised of law enforcement officials, private security representatives including ASIS and the International Association of Healthcare Safety and Security (IAHSS). The statistics and concerns should be outlined and discussed. As it currently stands, massage therapists require more continuing educational requirements than security officers do, as a search of the DSPS (2014) website indicates. This committee could work with the government representatives to create consistent regulation for the industry. One recommendation would be to enact continuing education requirements that initiate advanced learning by those in the industry. Firearm training is one of the only consistent recertification requirements in most states (Strom et al., 2010). By creating a continuing education requirement, it would force security officers and managers to expand their knowledge, keeping current on new practices, technology and laws.



Another recommendation for increasing training standards would be to create a security academy that is similar in design to law enforcement. This academy could specialize in topics unique to the security industry such as CCTV, Access Control, and statutory limitations on security powers. The topics that overlap into law enforcement such as defense and arrest tactics and firearms could also be taught. Allen & Sawhney (2015) discuss the importance of ethics and their vitality to the law enforcement realm. Due to the similar nature of security work, ethics should be included in the curriculum. A code of ethics should be created for security officers with repercussions such as deregulation if they are broken. There could be varying course tracts, one for basic security guards, one for armed officers, and another for management personnel. Prerequisite training requirements could be included for firearms and management tracts requiring the completion of the basic guard course. The courses could be taught by state certified instructors which would standardize the training received throughout each state. The security academy would also generate revenue for the state with the admissions/tuition costs to attend. Individuals seeking a profession in the security industry would be able to attend the security academy at their own cost, similar to a law enforcement recruit

## **V. SUMMARY AND CONCLUSIONS**

The lack of training places many security officers at risk in a few different ways. It creates safety concerns as they are asked to perform duties similar to law enforcement without the training which law enforcement receives. According to research done by Henion and Nalla (2014) a large number of security guards, who did not have prior police backgrounds, cited

insufficient training and standards as a hindrance to the performance of their job duties. Their lack of knowledge pertaining to state statutes, and constitutional rights can create liability issues for individual guards, their companies, and the clients that contract their services. The only requirement for education is a high school diploma. Research has shown that higher education leads to less prejudice and more critical thinking approaches (Roberg et al., 2015). Critical thinking is a necessity in a profession that does not have any true authority. An increase in training may encourage police officers to build relationships and utilize the assistance of the security agencies in the field. That relationship is currently lacking (Strom et al., 2010). The main argument opposed to increased security standards is the fear of creating a private police force (Shneier, 2007). These fears can be alleviated by only increasing the training standards, not the scope of the guard's authority. Resistance may be met by some security companies as there would be an increase in training costs, but the cost could be passed on to the client contracting their services. Strom et al. (2010) discusses security expenditures by companies and cost by profession.

There is a large variance in training standards throughout the nation in a profession that is often asked to be a substitute for law enforcement personnel. These individuals are often looked to as the experts of how to protect and secure buildings and properties (Department of Justice, 2005). The lack of training standards has created a lack of confidence in the security industry, both in the people performing the duties as well as those they service (Blando et al., 2013; Henion & Nalla, 2014). The substandard training can also result in serious litigation issues for both the security officer as well as the companies they work for. These law suits could be avoided by creating uniform training standards and increasing the education of the security force.

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The risks associated with lack of security training are numerous. Liability is high for corporations employing guard service, and for the guard services themselves. Numerous court cases have shown the liability surrounding the lack of education and training in the security field. The lack of proper security measures can result in legal culpability equal to the poor performance of a security guard. Security guards are also in danger of litigation for improper training. The lack of training can result in security officers violating the civil rights of individuals as evidenced by the false arrest suits mentioned earlier. This lack of knowledge and training can also be fatal for security officers who share a high workplace violent rate for their profession. The increased training standards proposed would mitigate these risks and allow for better overall protection provided by security. Security officers would know and understand the boundaries of their authority, which would prevent and reduce civil liberty infractions. Higher education standards would give the officers more confidence to determine which situations they are able to handle and which need additional resources. Increased training would assist the profession that is often asked to fill law enforcement roles and provide protection against terrorism. It is imperative that the legislature is involved in the process so the proper approach can be identified and implemented to improve upon the necessary services that security is providing.

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