

Tort Law

Tort Law in Security Guard Duties

Tort Law is a branch of civil law that deals with claims of liabilities arising from damages to a person's body, property, business, or reputation. Individuals can file civil suits to seek restitution for such damages. As a security guard, it is essential to understand that your actions can lead to tort claims, and you must exercise good judgment at all times to avoid legal repercussions.

1. Defamation/Libel

A security guard can be held liable for defamation if they make untrue oral or written statements about the reputation or actions of another person or company. Such statements can damage an individual's or a company's reputation, leading to potential legal action.

2. Invasion of Privacy

Guards must respect individuals' privacy rights during their duties. Failing to follow proper protocols when searching people or using technological devices can result in privacy violations. Guards must always seek permission before inspecting belongings or searching a person, and if consent is withdrawn, the search must cease immediately. Additionally, technological devices such as cameras must not be concealed in areas where individuals have a reasonable expectation of privacy, like bathrooms or changing rooms, and should only be used for legitimate work purposes.

3. Intentional Infliction of Emotional Distress

A security guard may be liable for intentional infliction of emotional distress if they harass or use abusive or insulting language towards another individual. Such actions can cause significant stress and emotional harm, leading to potential claims for damages.

4. Negligence

Property owners are legally obligated to maintain a safe environment for everyone on their property. Security guards must identify and report any hazards that pose safety risks to the appropriate departmental supervisor. If the hazard is not an immediate threat, guards may take authorized steps to remove or block access to it. In all cases, guards must promptly warn people about potential dangers, such as placing "wet floor" signs on freshly mopped floors. Properly warning individuals about hazards absolves the client of most liability.

5. Wrongful Imprisonment

Detaining an individual without legitimate grounds can lead to accusations of wrongful imprisonment. If a guard detains someone based on incorrect or unverified information, they may violate tort law and face civil proceedings. It is crucial for guards to ensure they have a legitimate reason and sufficient evidence before detaining anyone.

Understanding these aspects of tort law is vital for security guards to perform their duties lawfully and ethically, minimizing the risk of legal action against themselves or their employers.