

The background of the slide is composed of several overlapping, semi-transparent green geometric shapes, primarily triangles and quadrilaterals, creating a modern, abstract design. The colors range from a light, pale green to a darker, forest green.

Chapter 12 -IFPO-CPO

Apprehension and Detention Procedures

Purpose

- ▶ Anytime a security officer is involved with apprehension and detention, safety and liability becomes the focus. Understanding federal, state and local laws is so important. The security officer will be judged on every aspect of their apprehension and can be held both criminally and civilly liable.

Key Terms

- ▶ Arrest
- ▶ Assault
- ▶ Battery
- ▶ False Arrest
- ▶ Affirmative Defense

Apprehension and Detention Procedures

Two issues:

1. *Complaints*
 2. *Lengthy and costly legal action*
- ▶ “**Arrest**” is defined as depriving someone of their liberty by legal authority. Taking under real or assumed authority.
 - ▶ Taking, under real or assumed authority, custody of another for the purpose of holding or detaining him to answer to a criminal charge or civil demand.
 - ▶ Assuming the authority to do something does not necessarily mean that the authority really exists.

Arrest

Definition:

- ▶ An act by an officer indicating his / her intentions to detain or take the person into custody thereby taking actual physical control.
 - ▶ Does not need a formal declaration
 - ▶ Assumed by words or actions
 - ▶ Make you intentions as clear as possible

In order for an arrest to be legal and binding, the person making the arrest and the person being arrested must know the following:

1. The authority to arrest is real.
 2. That authority is being intentionally used.
 3. The person being arrested must be restrained in some way. “Restraint” means the arrested person knows that they cannot leave.
- ▶ Arrest by security personnel falls under the category Citizens Arrest.
 - ▶ Certain laws and city, county and state ordinances can grant arrest authority to security.
 - ▶ **It is the obligation of the security professional to find out what laws and ordinances apply to the place where they are working.**

Developing a Working Model

- ▶ Authorization can come from one or more of three basic places:
 1. The law can outline the statutory authority of a security officer within the arena that they are working.
 2. The security company that the officer works for can have a contractual agreement with the client for the officers to exercise a certain level of degree of authority on their property.
 3. Authority can also come from a job description for security personnel in a proprietary department.
- ▶ **It is the security officers responsibility to know the law.**

What Constitutes an Arrest?

An arrest does not really happen unless the person being arrested submits to the authority of the person making the arrest.

Importance of “Reasonableness”

- ▶ When a security officer takes an action that limits the freedom of another person, he/she has to make sure that are acting in a manner that would seem logical and obvious to a reasonable and cautious person.
- ▶ “Reasonableness” is the common-sense standard that the security officer will be held to.

What Gets Security Officers Into Trouble?

- ▶ When a security officer is placed in the position of having to take control of another person, a world of opportunity for trouble begins to open up.
- ▶ The laws that can cause the problems come from two directions: criminal and civil.

Criminal Laws Associated with Arrest

- ▶ **Assault:** You do not have to actually touch someone to be charged with criminal assault. There only has to be a reasonable fear of being battered.
- ▶ **Battery:** The actual physical touching of a person that is either hurtful or insulting in nature.
- ▶ **False Arrest:** Taking someone into custody without the legal authority to detain.

Civil Laws Associated with Arrest

- ▶ A civil law, also known as a tort, does not carry the same burden or amount of proof necessary to establish responsibility in court.
- ▶ **Assault/Battery:** Same as criminal law.
- ▶ **False Imprisonment:** The unlawful detention of someone for no reason and within fixed boundaries.
- ▶ **Malicious Prosecution:** Occurs when a person is arrested and there is no intention of bringing criminal charges.
- ▶ **Invasion of Privacy:** Unjustified intrusion into the privacy or personal business of another person.

Guidelines to Avoid Liability

The keys to avoiding criminal and/or civil liability:

- ▶ Do your job in a reasonable manner.
- ▶ Conduct yourself in a reasonable manner.
- ▶ Keep detailed notes and records about what happened.
- ▶ Keep your supervisor informed

You will be judged on the grounds as to whether or not your actions were reasonable and necessary.

Reporting

Whenever there is an incident involving physical contact, for any reason, the security professional should sit down as soon as possible after the incident and write a detailed report about what happened and why they felt they had to take the actions they did.

Detention and Apprehension Methodology

1. Get some backup headed your way.
2. Maintain a safe distance and good positioning.
3. Clearly communicate your intentions.
4. Give the person simple and direct commands.
5. Move in with extreme caution.

The Use of Force

- ▶ Security professionals can use the same kind of force as a citizen can: Neutralizing force and nothing more.
- ▶ Ask these questions:
 1. Was I in imminent danger?
 2. Was someone I had a duty to protect in imminent danger?
 3. Was my mission as a security officer in imminent jeopardy?
 4. Did I have any alternatives to using the force I did?
 5. Is the harm I am trying to prevent greater than the harm I might cause?
 6. How will the actions I took be viewed by others?

Dealing With the Aftermath

- ▶ If you are careful and reasonable in your apprehension and detention procedures, you are going to be able to justify what you do.
- ▶ The law does provide rationale for you in building your case. This is called “affirmative defense”.
 1. **Self Defense:** There is no requirement that you have to let yourself be attacked.
 2. **Necessity**
 3. **Mistake of Fact:** When you are acting in good faith. No criminal intent.