

Private Security/Proprietary Private Investigator's
Instructional Manual

INTRODUCTION

All applicants for private security/proprietary private investigator licenses must successfully pass a written examination demonstrating knowledge of the responsibilities and legal ramifications associated with performing private security/proprietary private investigative services. This manual is to assist you in passing the written examination.

This manual is not a comprehensive training manual for all private security/proprietary private investigators. This manual focuses only on those parts of your job that hold the highest probability of civil liability. It will cover such areas as search and seizure, arrest, use of force, firearms, patrol tactics, and handling emergencies. Applicants for a "Class B" license should be aware that your license will not grant you the authority to apprehend, detain or search suspects. Your license does grant you certain powers and authority as set forth in the manual. However, knowledge of search, seizure and arrest law will assist you in understanding your relationship with "Class A" licensees and law enforcement officers.

As for "Class A" licensees, this is not meant to encourage you to make arrests; that will depend on the policy of your employer **and** the situation. We expect that with understanding of this manual and your company's policies, you will become more confident about what you can and cannot do in arrest situations.

Interpretations in the text concerning laws of arrest and searches incident to arrest are intended to aid you, the private security/proprietary private investigator, in making proper decisions, but they are not to be construed as precise or complete summaries of the law.

The term private security/proprietary private investigator is used throughout this course manual. However, this course manual applies to all employees of firms in the private security/proprietary private investigative business including persons licensed as guards, loss prevention agents, patrol agents, airport police and armed couriers.

INSTRUCTIONS FOR LEARNING FROM THIS MANUAL

You will learn faster and easier if you follow these directions:

- Read the content until you come to questions.
- Answer each question by writing your answers and without looking back in the text.
- After completing the questions, check your answers. If you get a question wrong, go back to the text and re-read that portion. At the end of each series of questions are the answers.
- When you have completed the series of questions and checked your answers, go on to the next section of the text.

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PRIVATE SECURITY LICENSEE PROPRIETARY PRIVATE INVESTIGATOR LICENSEE

A private security/proprietary private investigator is not a police officer. You do not have the training of a police officer, you do not have the duties of a police officer, and you do not have the same powers as a police officer according to the law. If you, as private security/proprietary private investigative personnel, pretend or even imply that you are a police officer, you are committing a crime. A person found guilty of impersonating a police officer may be punished by a fine of up to one thousand dollars, imprisonment for up to one year, or both.

1.1 Private Security/Proprietary Private Investigator Classifications

The following is a brief description of several private security/proprietary private investigator positions:

Loss Prevention Agent – Prevents theft by unobtrusive, alert observations. This position is unarmed and non-uniformed. He/she investigates, apprehends and prosecutes shoplifters, etc.

Patrol Agent – Prevents theft, trespassing or damage to and loss of property in a specific designated area. This position aggressively polices their patrol area and designated posts. This position is armed or unarmed and in uniform.

Proprietary Private Investigator – Prevents loss of property by aggressive investigation of illegal activities. He/she may be armed or unarmed and is non-uniformed. He/she is employed exclusively as an “in house” investigator for one company.

Airport Police – Prevents loss of property and additionally possesses the authority to enforce city ordinances and state statues **ONLY** within the boundaries of the Kansas City International Airport and the Charles B. Wheeler Downtown Airport. This position is armed, uniformed and may investigate, apprehend and detain.

Airport TCO is an unarmed, uniformed position that has the authority to control traffic and issues citations for parking violations.

Guard – Prevents theft and trespassing within a designated area. This position is an unarmed, uniformed position with no authority to detain or apprehend.

Armed Courier – Prevents loss of property while it is being transported from one location to another. This position is armed and uniformed.

1.2 Classes of License

The position you will be classified depends on the needs of your employer. However, the **AUTHORITY** you have will depend on the classification of your license. Listed below are the two categories of licenses allowed. You **must** know what classification of the license you hold and the authority of each license. There are two types of licenses, Class A and Class B.

A licensee must carry his/her license with him/her at all times while they are working. The license card must be worn on the outer most garment while on duty. The licensee must produce such license immediately at the request of a police officer; employee of the board; or a person that the licensee has stopped or detained, if the licensee holds a license which allows him/her to stop and detain persons. Failure to comply with any reasonable request of the board shall be grounds for denying, suspending or revoking a license.

Class A

If you hold a Class A license, you have the authority to detain and apprehend people either committing crimes or attempting to commit crimes in your presence when you have probable cause to believe they have committed or attempted to commit a crime. These people would be considered suspects. Your authority is limited to the property you are hired to protect and during the times you are hired to protect it. Your authority does not extend outside the property you are hired to protect except if you chase a suspect, on foot, onto the street. You should not chase if the suspect enters a vehicle and attempts to escape. If you chase at that time you are exceeding the authority of your license. Airport police hold Class A licenses with the additional authority to enforce city ordinances and state statues within the boundaries of Kansas City International Airport and the Charles B. Wheeler Downtown Airport.

Class B

If you hold a Class B license you **DO NOT** have the authority to detain or apprehend suspects. You may ask for identification or the nature of a person's business, however, your primary function is to watch, note and report suspicious activity. A courier is responsible for transporting valuables from one place to another and has authority that is limited only to the protection of that property.

1.3. Primary Function

If you looked at the brief descriptions of the positions above you probable noticed a key word that is in all the descriptions. The keyword for all of these positions is **PREVENT**.

Your **number one** responsibility is to protect the property and persons you are hired to protect. You will act in a preventative role to a far greater degree than a police officer.

If you are uniformed personnel (patrol agent, guard and armed courier), you should be highly visible to deter those who might consider stealing or damaging property. If your position does not require the wearing of a uniform (loss prevention, proprietary private investigator), you will prevent crime by your alertness and unobtrusive observation skills. You will use your eyes, ears and other senses to detect potential threats to property and persons. When you are most effective, violations do not occur. For example, if you observed juveniles trying to climb a fence to enter private property, you should shout at them, turn on lights, anything that might prevent them from coming on the property. You should not hide until they get over the fence so you can arrest them. If a serious violation occurs, you do not charge in without thinking. You must stay calm, observe what's happening and call the police for help.

ANSWER THESE QUESTIONS:

Q1. Which of these is your primary function?

- A. Enforce the law.
- B. Protect client's property.
- C. Preserve the peace.
- D. Arrest lawbreakers.

Q2. Which of these best describes your responsibility before a crime has been committed?

- A. Detain and punish.
- B. Observe and report.
- C. Prevention.
- D. Seizure.

Q3. If you have the authority to detain and apprehend a suspect, you have a Class _____ license.

Class A or B

Q4. Name the three positions that make up a Class B license.

- 1. _____
- 2. _____
- 3. _____

Q5. If you are in a position in which you carry a firearm you have the authority to apprehend, detain and arrest.

True or False

CHECK YOUR ANSWERS:

- A1. B – Protect client's property
- A2. C – Prevention
- A3. Class A
- A4. Guard, Armed Courier and Proprietary Private Investigator
- A5. False

YOUR AUTHORITY

2.1. General

A police officer enforces all local laws. If any law is broken he/she may pursue and arrest that person. This is not the case for private security/proprietary private investigative personnel. You are hired by a client to protect specific people and/or property. This may entail enforcement of some of the same laws that a police officer would enforce such as a burglary or robbery, but not others, such as rules of the road for vehicles or laws concerning prostitution. For instance, if you were on duty at a bank and you observed two teenagers having an auto race down a public street that runs by the bank, you would not attempt to place them under arrest. You may report it to the police, but you are hired to protect the bank, not arrest speeders. In fact, you should always be a little suspicious of any activity that might draw you away from your post. It could be a decoy set by someone who wants to gain access to the place you are protecting while you are distracted. Remember, police officers enforce all laws – you are primarily concerned with those laws that relate to the persons or property you are hired to protect.

2.2 Limits

Again, your authority is limited to the boundaries of the client's property during the hours you are hired. As a Class A license holder, you have the authority to chase and detain a suspect outside the boundaries of the property you are hired to protect provided you are in hot pursuit, on foot and the suspect does not enter a vehicle as he/she attempts to escape. At that time, you should quit chasing the suspect. In any event, as soon as you leave that property or "clock out" your authority ends – you have no authority, other than that of a citizen.

When you act properly, your employer or the owner of the property you are protecting assumes the liability, (i.e., cost of lawsuits), for your actions. If you act improperly, that is **exceeding** your authority; **you** may assume the liability for your actions.

There are 3 questions you need to ask yourself before you act:

- Is the suspect on the property you are hired to protect?
- Is the crime occurring on the property you are hired to protect?
- Are you on duty?

If you can answer, “yes” to these questions, you can be sure that you have the authority to act. If you answer “no” to any of these questions, you should not get directly involved.

ANSWER THESE QUESTIONS:

Q8. You are standing guard inside a store and you observe two men come out of a bar across the street and start fighting. What is your authority in this situation?

Q9. You are hired for an event to check I.D.’s and to generally maintain order at the event. Two men get into a fight on the dance floor. What should you do?

Q10. You are having dinner on your day off at a restaurant where you provide parking lot security. A couple, several tables away, leave without paying their bill. Do you have any authority to get involved?

Q11. You are providing security as an armed licensee in an apartment building. You hear a women scream and see a man running out of the front entrance. You rush toward the screams and observe a man entering a vehicle and drive away. What should you do?

CHECK YOUR ANSWERS:

A8. You should not get involved. You were hired to protect the store. You only have authority on the property you are hired to protect. You should call the police and report the information with physical descriptions and any vehicle information, but do not leave your assigned post.

A9. You are hired to maintain order at the event therefore part of your job is to keep the peace. If you don’t think you can handle it alone, call the police.

A10. You have no authority on your day off. You should call the police and report the offense and give the physical description and any vehicle information. If you act, your actions could result in a civil suit, and you could be liable.

A11. You have no proof that the man committed a crime, and he has left the property you are hired to protect in a vehicle. You should contact the screaming women and determine if a crime occurred, and if so, notify the police with the information you attained.

2.3 Priority

Again, your first priority is to **prevent** loss, damage or destruction of property, or harm to persons you are hired to protect. If you are unable to prevent a crime from occurring, the next step is to **OBSERVE** and **REPORT** it to the police.

If a serious offense has been committed such as a robbery, burglary, assault or arson, you will need help in apprehending the suspect, so call the police immediately. Even police, who are trained to make forcible arrests, do not work alone.

Here are some examples:

- You are patrolling and across the street you observe two males in a fistfight. (You should observe and report).
- An adult male comes running out of a bar. Ten seconds later the owner comes running out and says he has been robbed. You are not employed by the bar. (You should observe and report).
- A shopper loads Christmas gifts into her car and goes back to do more shopping. The windows of the car are open and three teenage boys are gathered around, looking in the car. (You should act in a preventative role. You could walk over and stand near the car or walk the owner out to the car so she could lock the vehicle).
- You are on guard in a jewelry store. An employee showing diamond rings is called to the phone and leaves a customer by himself with the display box of rings. (You should act in a preventative role. You would walk over and stand near the display box to prevent theft).

ANSWER THESE QUESTIONS:

Q12. What is your role before an offense has occurred?

Q13. _____

Q14. While on duty you surprise two men breaking into a vehicle across the street from your patrol area. When they see you they turn and run. What should you do?

Q15. It is 7:00 p.m. and while making your rounds at the plant, you notice two strange cars parked just outside gate 3. It is almost dark and the lights haven't been turned on yet. What do you do?

CHECK YOUR ANSWERS:

A12. Prevention.

A13. Observe and report.

A14. Observe and report.

A15. Turn on the lights. You are not trying to trap suspects you are trying to prevent crime. You may also want to walk over to the gate to let them see that the plant is well protected. Also observe closely and write down the physical description and license numbers in your notebook just in case.

YOU AND YOUR CLIENT

3.1. You as an Agent

In addition to enforcing some public laws you may also be responsible for enforcing certain regulations set up by the client. As private security/proprietary private investigator, you are an agent of the owner of the property and as such can exercise the owner's right to ask people on the property what they are doing, what their names are, etc.; if you have a Class A license. If they refuse to answer your questions or if their answers are not satisfactory, you may ask them to leave. If they do not leave, they are guilty of trespassing, and you may call the police to have them removed.

The owner of the property also has the right to enforce certain regulations that may not be part of the Criminal Code that we will address in later sections. For instance, if an employee shows up for work drunk, he is violating a company rule, but he is not breaking a public law unless, of course, he drives a vehicle. The client may want him sent home or may wish to fire him. That is between the employer, the employee and possibly the union, but has nothing to do with the police or public law. If the owner or the owner's representative asks a drunken employee to leave and he refuses, he is guilty of trespassing.

Another thing you can do on private property, when acting for the owner, is to stand in a person's way to prevent him from entering an area. If, for instance, someone is trying to go into a computer center without authorization, you may physically prevent it.

3.2 Limits as an Agent

Sometimes in a factory or plant, you are asked to inspect employees' belongings. This is not a search from a legal standpoint. Always make sure that the employer has notified the employees first. When inspecting, never touch the employee and never touch the employee's belongings. Ask them to open their lunch boxes or purses and then look inside. If you can't observe the contents because of something in the way, ask the employee to remove the obstruction. Never do it yourself. If the employee should hand you an item, politely refuse. You can look anywhere including cars, lunch boxes and purses, but again, you shouldn't touch anything. This type of inspection is always done with the employee's cooperation. If the employee does not cooperate, you should get his name, badge number, and make a full report to the client in writing.

Your supervisor, and in some cases, the client, will give you instructions as to your areas of responsibility. Be sure to check with your employer regarding the way he/she wants you to handle a violation of company rules and a violation of public laws.

ANSWER THESE QUESTIONS:

Q15. On the client's property, your powers to question are given to you by?

- A. The police.
- B. The owner.
- C. The suspect.
- D. The uniform.

Q16. Employees are told they may not enter the factory without their badges. An employee shows up without his badge and tries to enter. You can:

- A. Block the entrance.
- B. Arrest him.
- C. Fire him.
- D. Do nothing.

Q17. Your employer asks you to inspect personal belongings of employees leaving the plant. He has announced this to all employees. What are the two key rules to remember about inspections?

1. _____
2. _____

Q18. An employee leaving work walks up to you and hands you his lunch box for inspection. What should you do?

Q19. You are walking through the parking lot and observe company equipment on the rear seat of a car. Are you legally allowed to look into vehicle windows in the company parking lot?

CHECK YOUR ANSWERS:

A15. B – The owner.

A16. A – Block the entrance.

A17. 1. Never touch the person.

2. Never touch the person's belongings.

A18. Ask him to open the lunch box so you can look in.

A19. Yes. You can look anywhere as long as you don't touch personal property. You can look all day long but you cannot legally open doors and look inside vehicles in the parking lot to see if anyone has stolen anything.

YOU AND THE POLICE OFFICER

4.1 Police Contact

The rules of the Board of Police Commissioners, Title 17 of the Code of State Regulations, state that persons who perform private security/proprietary private investigative services have police powers limited to the property you have been assigned to protect and only when at work. As this is the case, it is important to recognize your authority as security personnel, as defined in this manual.

- Immediately identify yourself to the police officer, show them your private security license.
- If time and duties allow, attempt to make yourself available to assist the police officer as directed.
- Report all facts to the police officer in a calm manner and in the order in which they occurred. The police officer's report will be based on what you say. Make sure you are factual and clear. To keep an accurate record of events and information, a pen and paper should be kept on your person at all times. Write down all information - do not rely on your memory. Also, a flashlight should be carried at all times, day or night. This will allow you to see in dark places, properly record small numbers, etc.
- Protect any crime scene. A crime scene is an area where a crime has occurred. This is important to help the police officer and the detectives in collecting evidence for court. It is important that anything related to a crime scene is kept and protected. This may be important during a trial and must be included in a written report.
- If possible, politely request witnesses to crimes to remain at the scene until the police arrive. If they do not want to stay, ask them for their name, address, and a phone number so they may be contacted later. If the witness tells you something of importance, make a note of this statement. You may not force a witness to stay at the scene.

ANSWER THESE QUESTIONS:

Q20. Immediately upon contact with a police officer you should:

- A. Show them your private security license.
- B. Identify yourself and whom you work for.
- C. Write the name of the officers on the call.
- D. A and B

Q21. Suspects and witnesses should be kept in an area away from the public view.

True or False

Q22. What items should you carry with you to help you in your duties?

- A. Flashlight.
- B. Pen/Pencil.
- C. Paper.
- D. All of the above.

Q23. You should rely on your memory to remember the facts of a crime.

True or False

CHECK YOUR ANSWERS:

A20. D – A and B

A21. True

A22. D – All of the above

A23. False.

PATROL TACTICS

5.1. Observation

Overall, your primary duty as private security/proprietary private investigator is to deter and thus prevent crime by your presence. Even if your presence does not deter crime, you may be instrumental to the police and the courts to prosecute criminals. Generally, this means making careful observations and reporting unusual activities or areas of potential problems. Like many things, the best way to develop your observation skills is to practice. While on duty be aware of your surroundings. Make mental notes and practice remembering details of your surroundings. Carry a pen and paper to make written notes. You may need this information at a later date. Report any potential safety hazard you encounter.

You probably noticed in the brief descriptions of the classifications of licenses listed at the beginning of this manual that some positions discuss the patrolling of designated areas. It is important that you understand some specific techniques for patrol that are included below. These points are general in nature, and others not listed may apply.

- Note and report **anything** unusual, such as doors and windows found unlocked. Check for lights that are on when normally off, or vice versa, open gates, etc.
- Be aware of illegal or suspicious activity. This means to take note of persons or vehicles you have not seen before. If you are not sure who or what is suspicious, take notes anyway, you may need this information later.
- When describing a person include their race, sex, age, hair color, height, weight, and clothing description, starting with the head moving down to the feet. For example, you observed a white male approximately 40 years old, brown hair, 6'3, 200 pounds, wearing a blue shirt, brown pants and white tennis shoes.
- In describing a vehicle use the "CYMBOL" method of description.
 - C - color
 - Y - year
 - M- make
 - B- body
 - O - occupant (sex, race, and anything else pertinent)
 - L - license number (include letters, state, year and state counties. Also make note of the license plate color.)

For example, you observed a blue, 2018, four door Ford Explorer, occupied by two white males, license number TKG-123, Mo. 2019.

- Be alert to techniques for concealing and removing property from the premises.
- Make your inspections or patrols start and end at different times and vary your route. If possible, check the perimeter. Do not forget to look for safety hazards.

It is impossible to overemphasize the need to be aware of your surroundings. Not only will this make you a good observer and allow you to give the best service, but awareness and alertness are also the keys to your safety.

5.2 Emergencies

Making mental and/or written notes may never be more valuable than after a crisis. You must be prepared in the event of a fire, bomb threat, storm, etc. In any emergency, people will look to a person who knows what to do. Citizens will look to you, in the uniform, as someone who knows what to do. In any crisis, you have the responsibility to take charge. Your actions and behavior will help avoid panic in others.

IN MOST EMERGENCIES YOUR FIRST RESPONSIBILITY IS TO CALL FOR HELP

After summoning help, stay calm and work as efficiently and effectively as possible. To do this you must be in control of yourself and, as much as possible, your surroundings. If possible, you must limit any further damage to property and safeguard personnel. This may include controlling a violent person or suspect, or assisting victims of medical emergencies or violent crimes. You may also need to keep bystanders away from the scene of an incident, or assist in the evacuation of an area. To be as efficient and effective as you can be, you should know in advance the procedure for evacuation and storm or fire procedures. Also, be aware of the location of fire extinguishers and exits. If your cell phone is not available, understand the telephone system and know how to make outside calls if cell service is not available. This is also where you will use the observation skills you have practiced while on duty. If you know the location of equipment, telephone, exits, etc., you will work with confidence. This will help keep you, and those around you, calm.

After arrival of the police, fire or ambulance personnel, identify yourself and assist in any way you can and/or as directed by emergency personnel.

After a crisis or incident, your practice in observation skills will again be useful. As you report an incident to emergency personnel, it is important you are accurate and detailed. Refer to the notes you have taken and explain everything that happened, making sure that it is in the order in which the events occurred.

5.3 Written Reports

You will probably be required to complete a written report. Again, you must explain in your report exactly what happened and exactly in what order it occurred. Be factual and arrange the events logically without drawing any conclusions of your own. The notes you have taken will assist your memory and you should include all names, license plate numbers and any other information you have taken. Your report should include who, what, when, where and how, if available. Remember, your report may be used in a court proceeding.

Q24. What do the letters “CYMBOL” stand for?

C _____
Y _____
M _____
B _____
O _____
L _____

Q25. List two things that are the key to your safety.

1. _____
2. _____

Q26. In most emergencies your **FIRST** responsibility is to:

- A. Call for help.
- B. Contact your company.
- C. Phone home.
- D. Make written notes.

Q27. While conducting your duties you may be called upon to:

- A. Help control a suspect.
- B. Assist victims in medical emergencies.
- C. Help evacuate victims.
- D. All of the above.

CHECK YOUR ANSWERS:

A24. Color, Year, Make, Body, Occupants and License.

A25. Awareness and Alertness.

A26. A-Call for help.

A27. D-All of the above.

ARRESTABLE OFFENSES

There will be instances that while on patrol or while acting in your preventive role, you will encounter people who are or who have committed crimes. Remember, if you are a Class A license holder you have the authority to detain and apprehend those people on, but only on, the property you are hired to protect. Your authority may extend outside the property if you are in hot pursuit on foot and chase a suspect onto the street. Recall, you should stop the chase if the suspect enters a vehicle in an attempt to escape. Class B license holders **DO NOT** have the authority to detain and apprehend.

Since you may encounter people who may be involved in criminal activity, it is important that you know what elements make a crime or offense. In order for you to recognize an offense, you need to be familiar with the ones you are most likely to encounter. You need to know the names of offenses to know when to arrest and to tell the suspect what you are arresting them for. For instance, "You are under arrest for burglary." Once you have said these words the suspect knows he/she is under arrest and the reason for the arrest. It is every citizen's duty to cooperate once placed under arrest.

One common way to classify crimes is **Crimes Against Persons, Crimes Against Property, and Crimes Against the Public.**

One way to remember the difference is that when it is a crime against a person, the victim must be present and personally experience harm or loss. In a crime against property, the victim may be present when the offense occurs, and there is loss or damage to his property. A crime against the public is an offense that adversely affects public welfare.

We will not attempt to cover all crimes. You should receive more detailed training from your employer on the crimes you will deal with on your assignments.

6.1 Crimes Against Persons

Murder – Knowingly and deliberately causes death of another person.

Robbery – Forcibly takes property from another person and causes serious injury or threatens injury with a deadly weapon, dangerous instrument, or physical force.

Assault – This crime includes a range of acts, from inflicting serious physical injury with a weapon or object to behavior that is offensive or provocative. Even if an attempt to inflict is unsuccessful it is still considered to be an assault.

The term “crimes against person” refers to a broad array of criminal offenses that usually involve bodily harm, the threat of bodily harm, or action committed against the will of an individual. Those involving bodily harm or the threat thereof, include assault and domestic violence.

It is important to know that you have legal grounds to intervene at the lower level where only an attempt or touch is involved. In doing so, you may prevent the incident from escalating into a more serious problem.

ANSWER THESE QUESTIONS:

Write the name of the crime committed in the space provided.

- Q28. Two women get into an argument over a parking space. One woman keeps poking her finger into the shoulder of the other woman while she's yelling at her. The second woman is offended by this action.

Crime _____

- Q29. Two persons approach a man leaving a bar and stand in front of him saying, "Hand over your wallet and you won't get hurt."

Crime _____

- Q30. An ex-employee of a supermarket waits in her car until the manager closes up the building and walks towards his car. She steps out of her car, points a gun at him and fires three shots, and kills the manager.

Crime _____

- Q31. Two secretaries get into an argument over pay raises. One of them leaves the argument to go to the restroom. The remaining secretary, still angry, hides behind a large bookcase and as the first secretary returns, attempts to push the bookcase over on top of the other secretary who jumps out of the way as the bookcase comes crashing down.

Crime _____

CHECK YOUR ANSWERS:

A28. Assault.

A29. Robbery.

A30. Murder.

A31. Assault.

6.2 Crimes Against Property

Arson-Knowingly damages a building or inhabitable structure by starting a fire or causing an explosion.

Burglary-Knowingly and unlawfully enters or remains in a building with the intent to commit a crime.

Property Damage-Knowingly damages property of another or with the purpose to defraud an insurer.

Trespassing-Knowingly enters or remains unlawfully in a building or inhabitable structure or upon the real property of another.

Stealing-Takes property or services of another without consent, by deceit or by coercion. Some common forms of stealing you may encounter are;

Price tag switching

Fraudulent refunds

Shoplifting

Leaving a restaurant, bar, motel, etc., without paying the bill.

Fraudulent use of a credit device-The use of a credit card device when not authorized to, that is stolen, or is revoked.

Crimes against property means a crime that destroys or deprives an owner of property, against the owner's will. These crimes are considered less serious than violent crimes or crimes against persons.

ANSWER THESE QUESTIONS:

Write the name of the crime committed in the space provided.

Q32. A man who has purchased a new lawn mower pushed it out to his car and leaves it beside the car while he goes back to get a bag of fertilizer. While he is gone, someone drives up in a van, and puts the lawn mower in the back of the van and drives off.

Crime _____

Q33. A woman is sitting in the lobby of an automobile showroom. At 5:00 p.m. the guard starts to lock up for the night and asks the woman to leave. The woman refuses so the guard asks, "Whom are you waiting for?" The woman replies, "none of your business." Again, the guard asks the woman to leave. She refuses.

Crime _____

Q34. An irate employee pours lighter fluid in a trashcan in the stock room and throws in a match.

Crime _____

Q35. You drive up to a store at 2:00 a.m. and observe two men break open a door and start loading a truck with merchandise. When they see you, they turn and run.

Crime _____

Q36. A teenage girl climbs over the parking lot fence and is prowling around the cars.

Crime _____

Q37. A teenage boy is angry because the private security officer assigned to patrol his neighborhood told him to leave the area. He returned with a can of spray paint and sprayed the windows of the vehicles in the neighborhood.

Crime _____

CHECK YOUR ANSWERS:

A32. Stealing

A33. Trespass

A34. Arson

A35. Burglary

A36. Trespass

A37. Property damage.

6.3. Offenses against the public

Peace Disturbance-includes the following situations:

Unreasonable and knowingly disturbs or alarms others (not you) by;

Loud noise

Offensive and indecent language

Threatening to commit a crime against any person.

Indecent Exposure, (known as sexual misconduct in Missouri). A person commits the crime of sexual misconduct in the first degree if he or she “exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm.”

MAKING AN ARREST

7.1. Limits

A violation of one of the offenses or crimes outlined in Section VI, arrestable offenses may result in arrest. Different security companies have different policies regarding when and if you should make an arrest. It is your responsibility to learn your company's policy and act within the law.

If you attempt to arrest someone while on-duty at the property you are hired to protect, your police powers are limited ONLY to that property. If you are not on-duty or on the property you are hired to protect, your legal powers are no more than that of an ordinary citizen. An arrest made by a citizen is called a citizen's arrest. Citizens who make arrests must reasonably believe that a suspect has committed a crime and the suspect must, in fact, have committed the crime. In other words, citizens must be correct in their belief.

You, as a Class A license holder, may find yourself in a situation where you need to detain a suspect for the purpose of arrest. If you recall, a Class A license holder may detain and apprehend people committing or attempting to commit crimes on the property they are hired to protect. Chase may be given and the suspect detained outside the property as long as you are in hot pursuit, on foot, and the suspect does not enter a vehicle in an attempt to escape. In this situation, the law provides that your property temporarily extends to the location where the suspect is being detained.

7.2. Miranda Warning

The Miranda Warning applies only to police officers and only when they wish to question a suspect who is being held in custody. The warning is not normally used by security officers. You, as a private officer, are not under any obligation to give the Miranda Warning even after you have made an arrest.

When you do make a lawful arrest, you may restrain or detain a person. However, unless you make an arrest, you may not detain someone against their will or forcibly merely for the purpose of questioning.

7.3. Terminology

Missouri case law states that you may make an arrest if you reasonably believe that an offense has been committed and the person you are arresting committed the offense. This belief constitutes probable cause.

The two terms you need to be clear about are **arrest** and **probable cause**.

An arrest is the act of depriving someone of their liberty, usually in relation to an investigation or prevention of a crime, and thus detaining the arrested person as part of the criminal justice system. An arrest occurs when a person is restrained, i.e., his/her freedom of movement is limited. Telling a suspect that he/she is under arrest makes it clear that he/she is under arrest. However, there are also other actions that may make a person feel he/she is under arrest. If because of your uniform, badge, or actions, the suspect concludes he/she is not free to walk away, he/she can claim he/she was under arrest.

Anytime you detain someone, that person may actually be under arrest regardless of whether you have told him/her they were under arrest or not. If, on the other hand, he/she feels he/she is free to walk away, but by choice chooses to wait for the police to arrive, he/she should not consider him/herself under arrest. The distinction is important. Don't tell someone "you wait right here until the police arrive" unless you have sufficient cause to arrest the suspect. An arrest with or without a warrant requires probable cause, which simple means a knowledge of facts and circumstances sufficient for a reasonable and prudent person to believe the suspect is committing or has committed (an) offense.

That brings us to the second term, **probable cause**. Probable cause is the required justification for an arrest. It means that you believe that the person has committed or is about to commit a crime.

Your belief must be based on the evidence and facts that you have before you make an arrest. That means that you cannot justify the arrest with evidence or information found after you make an arrest.

Evidence is something that furnishes proof that the suspect committed the crime. For instance, you see a man prowling a fenced in area in back of a store. You investigate and find out he has no business being there. He claims he was just waiting for a friend and must have gotten mixed up. He thought the back of the store was a public parking lot. You look for additional evidence. There are shoe prints in the mud that led from the fence over to the rear of the store. Some mud is caked on his shoes, there is a hole in the fence at the point where the shoe prints start, and the man is carrying a pair of wire cutters. A car is parked on the other side of the fence. If the car is his, this will be additional evidence. Also, the man's coat is torn and you see a small piece of cloth, the same color hanging on the fence. All of these are pieces of evidence that can be used to support your arrest for trespass.

If you catch a burglar breaking into a store, the evidence would include your eyewitness report of what you saw the suspect doing, any tools at the scene, pry marks on the door, plus anything else that would indicate that the suspect was committing a burglary.

The point is that you should have several good pieces of evidence to support an arrest. In the case of burglary and robbery, there are usually several pieces of evidence that can be used to support your eyewitness report. However, in some cases, you may only have a few pieces of evidence. For example, if a suspect steals something, a critical piece of evidence will be the item he/she stole. If you see someone pick up a diamond ring and walk out the door without paying for it, you should attempt to arrest him or her before they dispose of the ring.

This is why private officers working loss prevention are told to never let the suspect out of their sight. If the suspect disposes of the prime evidence, the case may not hold up in court.

Remember, probable cause must exist to make an arrest. If you observe a person pick up a rock and throw it at a window that person could be arrested because breaking a window is an offense, and you know that he/she committed the offense because you observed the offense. However, if you heard breaking glass, rushed to the sound and saw a group of teenagers laughing, you would not have grounds for an arrest. It appears an offense has occurred, but you did not observe the offense.

ANSWER THESE QUESTIONS:

Indicate whether you have grounds for an arrest.

You are making your rounds at a shopping center and observe a truck parked at the curb. In the back of the truck are two boxed televisions. The two men in the truck look suspicious.

Q38. According to the law, can you arrest these men? _____

You are guarding a factory and you observe a man pouring what appears to be gas on the ground by storage tanks. As you approach, he begins to light a match and throw it on the ground where the liquid is.

Q39. According to the law, can you arrest this man? _____

Q40. According to the law, which of the following conditions must exist before you can make an arrest?

- A. A crime has been committed
- B. You reasonably believe the person arrested committed the crime
- C. You observed suspects running from the store
- D. A and B

Q41. A private officer's powers of arrest when not on the client's property are:

- A. Greater than the ordinary citizen
- B. Same as the ordinary citizen
- C. Less than the ordinary citizen
- D. Same as police

CHECK YOUR ANSWERS:

Q38. No. You think these men have committed an offense, but you do not know if an offense occurred. You should note all the facts you can; license number, description of the vehicle and the occupants. Then check the area businesses for any burglaries.

Q39. Yes. A crime (arson) has been committed and you observed it.

Q40. D; A and B

Q41. B, same as ordinary citizen.

REVIEW;

Take a few minutes to review the following and be sure you understand how the information applies to working private security. Give a brief explanation of what each of the following terms mean:

Q42. Arrest _____

Q43. Probable cause _____

Q44. Evidence _____

CHECK YOUR ANSWERS:

A42. Restrict a person's freedom of movement.

A43. You believe, based on personal observation or other evidence, that the person you arrested committed or was about to commit a crime.

A44. Anything, physical or spoken, which leads you to believe the suspect committed a specific crime.

Now let's look at an example that was not handled well. Decide what you would do using the tools you have learned:

It is 11:00 p.m.; a guard is making his rounds and finds an open gate. There are pry marks on the chain that normally holds the gate closed. About fifty yards from the gate, on a gravel road is a truck. Two men are standing next to the truck.

The guard walks over to the truck and says, "All right you guys, what are you doing here?" One of the men looks up and says, "none of your business." The guard gets angry and demands answers. The men start their truck and start to leave. The guard stands in front of the truck and states, "you aren't leaving until you answer my questions."

Were the guard's actions wrong? What would you have done? Give some examples:

Read the following analysis of the situation. Did your answer include these points:

Finding a gate open with pry marks on the chain does not indicate for certain that a crime has been committed. There are a number of possible explanations, short of forced entry. Next, there is nothing to tie the two men occupying the truck with the gate except that their truck is on the road and that could be for many reasons. The guard cannot demand that the men answer any questions. The guard's attitude, tone of voice, uniform, and badge, could easily make the men believe that they were under arrest.

If the guard refused to let them leave and if it turned out that they had nothing to do with the open gate, the men could sue the guard for false arrest.

This is what the guard should have done.

He should have noticed the condition of the gate carefully, the license number of the truck and a description of the two men. He should have secured the gate, if possible, and reported the open gate to his supervisor. He may or may not have decided to talk with the two men. He could have entered into a friendly conversation and asked if they had seen anyone near the gate. If they were not cooperative, there is nothing the guard could do except observe closely.

He should have avoided reacting emotionally when the man challenged his authority.

Remember the reference to friendly conversation? Although you cannot demand answers from a person, you can always engage in casual conversation with anyone. An example:

“Hello, do you have car trouble?” One of the men replies, “yes, it occasionally shorts out.” The guard says, “have you seen anyone around the gate?” The men reply, “No, we have not.” The guard says, “How long have you been here?” The men reply, “About five minutes.” The guard may have not gained a lot of information, but he engaged and observed each man closely.

7.4 Use of Force in an Arrest

If a suspect resists arrest you are allowed to use reasonable force to subdue him or her. Reasonable force means just that force necessary to prevent the suspect from escaping. If the suspect submits willingly, no force is necessary. If the suspect should resist arrest, remember that only the force necessary to prevent escape and protect yourself is allowed. Examples of excessive force would be knocking an unarmed suspect unconscious when he is only trying to leave the scene. You should place handcuffs on those persons who have resisted or whom you think may resist arrest. You should do this for your safety and for the safety of the person under arrest.

Use of force law in Missouri refers to the law and legal doctrine which determines whether a member of law enforcement in the state of Missouri is justified in the amount of force used to gain control of an unruly situation or person, including situations involving death.

7.5 Factors to consider before you make an arrest

At no time are you, a private officer, obligated to make an arrest. As a matter of fact, unless you are a Class A license holder, you should not even attempt to arrest another person. Class B holders have no authority to detain or apprehend suspects. You may be right at the scene when a violation occurs, but you do not have to make the arrest. This is what the police are trained for. Your first responsibility is to observe and report. The purpose of this training manual is not to encourage you to make an arrest, but to teach you the law as it relates to arrest and search and seizure so that you will know what you can do and what you cannot do under the law.

In addition to the law, there are a number of factors you should consider before making an arrest. Here are a few:

1. Physical size of the suspect. Is the suspect larger than you?
2. Is the suspect in better physical condition?
3. Is the suspect armed? Or could the suspect be carrying a concealed weapon?
4. Is it a major offense? Someone setting a fire, assault in progress.
5. Is the offense on the property you have been hired to protect?

ANSWER THESE QUESTIONS:

Below are four incidents. Place the number of the factor from the list you have just studied beside the appropriate incident.

Q45. An ex-basketball player is damaging property at the location where you are working. He is 6'8 and 250 pounds.

Q46. A male is sitting in a vehicle with the motor running outside a jewelry store. You notice inside his jacket, he is wearing a shoulder holster.

Q47. You are working a dance and while everything is running smoothly, several doors down in the same strip mall, two males began to fight.

Q48. It's the day before Christmas and crowds are everywhere. You observe a male cough and spit on the sidewalk. You happen to know that spitting on the sidewalk is an offense.

CHECK YOUR ANSWERS:

A45. Physical size of the suspect (1) and (2).

A46. The suspect may be armed (3).

A47. Is it on the property you are hired to protect during the hours you are working (5).

A48. Is it a major or minor crime (4)

7.6 Frisk

A frisk is nothing more than a quick check to see if the suspect has a weapon in an obvious place. A frisk occurs when an officer makes contact with the outer most clothing of a person, using a feeling or pat down method to determine whether a concealed weapon or dangerous instrument is being carried.

7.7 Searching a suspect

There are laws that protect the rights of suspects when being searched. It is important that you know what you, as a private officer, may do and may not do according to the law. During a search, after the arrest, you may enter a suspect's pockets, handbags, and packages, thoroughly checking for weapons and evidence.

There are only two factors that justify a search:

1. To protect yourself from any weapons.
2. To prevent the destruction of evidence.

Never search a suspect until he/she has been placed under arrest. You are not allowed to search someone first, trying to find evidence so you can arrest him/her afterwards.

There are two things you look for when making a search:

1. Weapons.
2. Evidence.

During a search, you may find weapons that you did not discover when you did a frisk. In other situations, you may not have conducted a frisk prior to arresting the suspect.

At the beginning of this lesson you were taught to make an arrest only if you have probable cause to believe a person committed a crime. In the section on evidence you learned about those things that you need to prove your charge against the suspect. In searching after a proper arrest, you need to retrieve any evidence of the crime.

If you saw someone steal something and put it in his/her pocket and you make an arrest, you must recover the stolen items for evidence. Therefore, you must either get the suspect to willingly give you the item or you must search him/her and take it. If you don't take the evidence from him/her, he/she may be able to dispose of it.

A search puts you in potentially a vulnerable situation. For one thing, if you don't have another witness to your search, the suspect may claim that you planted the evidence on him/her. For another thing, while you were searching the suspect, he/she may assault you and escape. The exact methods of searching are beyond the scope of this manual and should be demonstrated by your employer.

ANSWER THESE QUESTIONS:

Q49. Before you arrest a suspect, you must have sufficient _____ to prove that he/she committed the crime.

Q50. You are standing guard at a department store when you observe a woman walk in and linger by the jewelry counter and look around appearing to see if anyone is watching her. She doesn't see you. The woman picks up a pair of earrings, drops them into her jacket pocket and walks out the front door. If you decide to arrest this person, what will be your indisputable piece of evidence?

Q51. What must you do before you search a suspect?

Q52. A "frisk" is a limited check to see if a suspect has:

- A. Weapons only
- B. Evidence only
- C. Weapons and Evidence
- D. Anything

Q53. After arresting a suspect, you are permitted to search for:

- A. Weapons only
- B. Evidence only
- C. Weapons and Evidence
- D. Anything

CHECK YOUR ANSWERS:

A49. Probable cause. Before you arrest anyone, you must have probable cause.

A50. The earrings. You will have to find the earrings on the suspect.

A51. B-Arrest the suspect. You cannot search first and then arrest.

A52. A-Weapons only. A frisk is a limited search for weapons only.

A53. C-Weapons and Evidence. A search is for both weapons and evidence.

AFTER THE ARREST

After you arrest someone you must turn him/her over to the police as soon as possible. You should make a note of the time when you made the arrest and the time when you called the police. If you delay calling the police for any prolonged period of time so you can interrogate the suspect, you may be guilty of an illegal arrest. Reasonable delays are all right. For instance, if you had to walk half a mile to use the phone or wait at your post for your partner to come by, these would probably be called reasonable delays. However, if a phone is handy and you let an hour go by before calling, it could be considered an unreasonable delay.

If you expect to make arrests, you should obtain a copy of the Missouri Criminal Code and study those sections that relate to your job. Use the index and look up those sections that cover arrest and also read the sections that describe those offenses which you will most likely encounter.

8.1 Police Responsibility

If you have made a legal arrest, the police generally will take custody of the suspect. Custody means, "to take charge of." If the suspect is charged with a serious offense, the police will probably take him/her to the police station for fingerprints and photos. They may release the suspect if bail is posted. Taking custody of suspects charged with less serious offenses may not involve going to the police station. The police may choose to cite the suspect and then release him/her pending the court appearance. This is still considered taking into custody.

8.2 Police Arrest-Felony (5 Felony Classes; A-E)

If the suspect has committed a major crime (felony), the police will officially make the arrest. This means they will collect the evidence and be responsible for testifying in court when the case is tried.

In criminal law, a felony is a category of crimes that are often classified as the most serious types of offenses and they can be either violent or non-violent. Criminal fines may also be imposed for felony charges, often in the amounts of thousands of dollars.

After the police arrive they will take your statement of what occurred, so you should take care and observe as many factual details as possible. They will also investigate and collect any evidence. You may also be asked to testify in court.

8.3. Police Arrest-Misdemeanor (5 Misdemeanor Classes; A-unclassified)

If the suspect is charged with a minor crime (misdemeanor) such as some assaults, stealing, trespassing, or disturbing the peace, the police will generally take custody of the suspect if the arrest was a legal arrest. If you arrest a suspect for a misdemeanor you will call the police and when they arrive, you will turn the suspect over to them and give your statement, just as you would for a felony arrest.

A misdemeanor is any “lesser” criminal act in some common law legal systems. Misdemeanors are generally punished less severely than felonies, but theoretically more so than administrative infractions and regulatory offenses.

ANSWER THESE QUESTIONS:

Q54. How soon must you turn a suspect over to the police after an arrest?

Q55. It is lawful to hold a suspect for two hours so your supervisor can respond to the scene and question him/her before you call the police? True or False

CHECK YOUR ANSWERS:

A54. As soon as possible. By law you must turn the suspect over to police as soon as possible.

A55. False, Holding a suspect for two hours would be a violation of his/her rights.

FIREARM RESPONSIBILITY AND LIABILITY

9.1 Concealed Weapons

As you look at the private officers positions listed in the beginning of this manual you notice that some positions are granted the authority to carry a firearm. It is important to realize what type of weapon you are authorized to carry and when you are allowed to carry it. The only weapon you are permitted to use is the one outlined on your Form 5409 P.D. – the weapon you qualified with at the KCMO police pistol range. Your firearm qualification will be documented and kept on file and will show your name, the date, description of the firearm and the pass/fail verification. At the range, you will be requested to sign and date the qualification sheet.

You must also know the difference between a concealed and non-concealed weapon. A concealed weapon is one that cannot be seen short of some type of search. A loaded weapon that is hidden and within easy reach is considered concealed. A non-concealed weapon can be viewed without some type of search. An unloaded weapon, out of easy reach, is considered, non-concealed.

You should travel directly to and from work by the most direct route and you should lock the unloaded weapon in the trunk or glove box. If it is impossible to secure your weapon in this manner, you should not make any stops to and from work.

You, as a private officer or proprietary private investigator, are authorized to carry your weapon only in the approved uniform and only after being qualified and have a license card that states, qualified for firearms. AGAIN, you must only carry the weapon you last qualified with the KCMO police pistol range, only while working.

You are responsible for your firearm. You must recognize the importance of safety and have respect for the weapon. Your weapon should always be kept clean, in good working condition and treated as though it were loaded. When at home, the weapon should be placed out of reach and locked in a safe.

In addition you must:

- Qualify annually at the KCMO police pistol range.
- Be prepared to submit to a field inspection, conducted by any police officer, or a member of the POLU, to ensure compliance with Title 17 of the Code of State Regulations.

- Carry only the weapon you qualified with at the range.
- You are ONLY authorized to carry your firearm while you are working and ONLY if you have authorization.
- Carry the weapon only when working in uniform, only on the premises you are hired protect, and only when authorized. Failure to comply with this may result in a suspension of your license and possible an arrest.
- Never carry a weapon into a courtroom, a bar, lounge, government building or other place prohibited by law.
- Never use the weapon to threaten or intimidate. For example, do not make a movement toward the weapon, put your hand on your holstered weapon to give the impression it could be used.
- Never fire at moving vehicles.
- Never carry a weapon you have not qualified with; the only weapon is the weapon on file with POLU.
- Never fire warning shots
- Never fire into a group of people.
- Submit through your company a “Discharge of Firearms” report if your weapon is fired, intentionally or unintentionally, as outlined in Title 17 of the Code of State Regulations with POLU. This excludes firearms training and qualifications.

9.2 Deadly Force

If you are authorized to carry a firearm, you have the potential to take the life of another person. This is deadly force.

- Never fire your weapon, unless it is the only way you can save your life or the life of an innocent person.
- Never fire your weapon if there is any risk that you could hit an innocent person.

This means you never shoot at a suspect who has stolen something and is running from you, or shoot in the area where there are innocent bystanders. You should get a good description of the suspect, vehicle description and direction of travel. Call the police with this information as soon as possible.

The responsibility of competency is shared by the licensee and employing company.

It is the responsibility of the employing company to train all security personnel, whether armed or unarmed and the company policies concerning carrying firearms.

You should become familiar with weapon laws while working security and your company's rule regarding weapons. Your role is crime prevention and your weapon should be used for defensive purposes and not aggressively where there is an alternative method. Remember, your authority is limited.

Your responsibility for your actions, particularly involving your firearm, cannot be over emphasized.

If you are armed, you must be qualified, trained and have the capacity to understand the nature and consequences of your actions. You must also understand that you, and your company will be held accountable for your actions.

ANSWER THESE QUESTIONS:

- Q56. What should you say to the suspect you are arresting for robbery?
- Q57. Once a suspect is placed under arrest, is he/she required by law to be cooperative?
- Q58. Under what conditions may, "reasonable force" be used?
- Q59. In which of the following situations are you permitted to use deadly force?
- A. The suspect refused to obey your order to stop.
 - B. The suspect has robbed and beaten up a store employee.
 - C. The suspect may be armed and has committed a felony.
 - D. The suspect is pulling a gun from his waistband and you believe he/she may shoot you or innocent bystander.

CHECK YOUR ANSWERS:

- A56. You would say, "You are under arrest for robbery."
- A57. Yes, the law says a person placed under arrest must cooperate. If he/she resists, fights or tries to flee, he/she can be charged with resisting arrest.
- A58. Reasonable force may be used to subdue a suspect who is trying to escape or resist arrest.
- A59. D-The suspect is pulling a gun out of his waistband and you think he will shoot you or an innocent bystander.

9.3 Negligence

As in many states, Missouri recognizes the legal doctrine of, “comparative negligence,” in which a plaintiff who is partially responsible for his own injuries may only collect damages in proportion to the defendant’s degree of fault. Liability suits generally arise as a result of negligence or abuse of authority. The numbers of lawsuits are increasing and the monetary requests for damages are for larger amounts. Also, the verdicts handed down for negligence are becoming more frequent. You may also be held criminally and civilly responsible when your actions cause or threaten personal injury or damage to a person or his/her property. From a legal point of view, negligence can be committed by omission, or by commission of a negligent act.

Negligence by omission is demonstrated when you omit doing something that you should have done in order to safeguard a situation. It is failing to act properly, or not at all, when clearly you should have.

You are guarding an apartment complex parking lot. You are tired so you move your marked security vehicle to the back parking lot. An incident occurs, and you wake up to officers tapping on your window. A resident was assaulted in the parking lot, the lot you were hired to protect. You exhibited negligence by not being awake in the parking lot you were assigned to protect. Therefore, this is negligence by omission.

Negligence by commission is demonstrated when an act is committed without thought to the possible consequences. For example:

You are guarding the front lobby of a bank. You remove your gun from the holster and check the weapon. When attempting to re-holster the weapon the gun discharges, and you shoot a customer.

You would be guilty of negligence by commission because a reasonable person would not have removed their gun in a lobby of a bank. You checked your weapon without giving thought to the fact that your actions created danger to others.

Negligence by omission or commission can result in liability in either federal or state court. Criminal liability is generally charged in state court and is punishable by fine, imprisonment or both. Civil liability is tried in either state or federal court and is punishable by a fine. The perceived victims initiate civil liability claims and the state initiates criminal liability charges.

9.4. Authority

Many lawsuits stem from civil rights violations and abuse of authority. You, as a private officer, must understand your authority, know and comply with the law and use good judgment in making decisions under stressful and dangerous conditions. Civil rights violations are tried in federal and state court and are punishable, just as criminal violations, by fine, imprisonment, or both. Everyone is entitled to certain rights and you should understand your limits of authority and avoid the violation of anyone's rights.

For example, if you discharge your weapon and any person is injured, you can be held legally accountable for the injury or death, even if the injured party is a suspect. You may also be held liable for damage to property. A state criminal investigation will commence, and the Prosecutor will make a determination whether the case against you will be prosecuted. Additionally, the injured person may commence a civil case against you and your company. Even if you did not act with criminal intent, but are found to be negligent, a civil court may find against you and you would be required to pay the injured individual money and damages. Because of Missouri's comparative negligence standard, you may owe damages, even if the suspect was more at fault than you.

In addition to state criminal and civil liability, you may also be tried in federal or state court for violations of an injured person's civil rights, which subjects you to fines and/or imprisonment.

ANSWER THESE QUESTIONS:

Q60. Your weapon should always be:

- A. Kept clean
- B. Kept in good working condition
- C. Treated as if it's ALWAYS loaded
- D. All the above

Q61. You should always carry ONLY the firearm you qualified at the police pistol range.

True or False

Q62. Failure to carry your weapon ONLY when in uniform and ONLY while working at your assigned post may result in;

- A. Suspension of your license
- B. Field inspection
- C. Arrest
- D. Both A and B

Q63. List the two areas from which liability suits generally arise.

- _____
- _____

Q64. You may be held criminally and civilly responsible when your actions cause or threaten personal injury or damage to a person or their property.

True or False

Q65. What is negligence by omission?

Q66. Civil rights violations are tried in:

- A. Federal and/or State court
- B. Municipal and People's court
- C. Municipal court
- D. People's court

Q67. Who could be held liable in a case where negligence was found?

- A. The Prosecutor
- B. You, the security officer
- C. Your security company
- D. B and C

CHECK YOUR ANSWERS:

A60. D, All of the above

A61. True

A62. D, Both A and B

A63. Negligence and Abuse of Authority

A64. True

A65. Omit, or failing to do something you should have.

A66. A, Federal and/or State Court

A67. D, B and C

PROPRIETARY PRIVATE INVESTIGATORS

A Proprietary Private Investigator (PPI) is licensed, on the condition and with the understanding that he/she may only be licensed as an employee of a specific company.

PPI's are exempt from the licensing requirements of Section 324.1100 et seq. of the Revised Statutes of Missouri, specifically Section 324.1106 which states that a person employed exclusively and regularly by ONE proprietary employer in connection only with the affairs of such employer and where there exists an employer-employee relationship is deemed to be exempt by state licensing.

PPI's acknowledge they will NOT perform any work for any other entity or individual unless a license from the State of Missouri is obtained. As a PPI licensed by the Board of Police Commissioners of Kansas City, Missouri, you acknowledge that you are licensed with the proprietary company as stated on Form 5409 P.D.

A PPI must have ONE of the following:

- Two year Degree in Criminal Justice
- Bachelor's Degree
- Master's Degree
- Two full time years as a law enforcement officer
- Two full time years with a licensed KCMO private security company.

A Proprietary Private Investigator may or may not be authorized to carry a weapon. Like any armed license, the PPI's authority to carry a concealed weapon, while working as a PPI applies ONLY when working and should not be carried any other time.

10.1 Miranda Warning

The Miranda Warning applies only to police officers and only when they wish to question a suspect who is being held in custody. The warning is not normally used by, PPI's or security officers. You, as a Proprietary Private Investigator, are not under any requirement to give the Miranda Warning even after you have made an arrest.

When you do make a lawful arrest, you may restrain or detain a person. However, unless you make an arrest, you may not detain someone against their will or forcibly merely for the purpose of questioning.

10.2 Role of the PPI's in Police Notifications

You, as a PPI, should be aware that if notified that a crime has occurred, you have an obligation to notify the local police and to report the facts of the crime to the police to the best of your ability. It should be emphasized that any crime noted during any investigation should be reported to the police.

10.3 Electronic Surveillance

Generally the rules regarding electronic surveillance are simple and lend themselves to common sense. Overall, there are two categories of monitoring: Audio and Visual.

Audio recording is permissible as long as one of the participating parties in the conversation is present and consents or agrees to the recording. In any other type of audio recording a court order is needed. If there is any doubt regarding legality, a court order should be obtained.

Visual or Video Recording is permissible as long as it occurs in a place where the party to be viewed would NOT have a reasonable expectation of privacy. If the placement of a recording device would be in a place where a person would have a reasonable expectation of privacy then a court order would be required. Again, if any doubt exists, obtain a court order.

If a court order is obtained, the order will list what you can and cannot do. You should be aware that a violation of surveillance laws is a federal offense and is punishable by imprisonment.

Be sure you use common sense in surveillance techniques, and when in doubt, obtain a court order. You should contact your employer regarding the method to obtain an order.

ANSWER THESE QUESTIONS:

Q68. All PPI's are Class A license holders?

True or False

Q69. A PPI, is authorized to carry a concealed weapon and may carry the weapon:

- A. Any time
- B. Only while on duty.
- C. When he/she feels the situation warrants.
- D. All of the above.

Q70. The Miranda Warning applies only to:

- A. Police Officers
- B. Privilege persons
- C. Persons in custody the police wish to interrogate
- D. A and C.

Q71. During an investigation you discover that a crime has occurred. You should:

- A. Notify the police.
- B. Contact your supervisor.
- C. Conduct your own investigation.
- D. None of the above.

Q72. If any doubt exists as to the legality of an electronic surveillance device, you should contact your employer regarding obtaining a court order.

True or False

CHECK YOUR ANSWERS:

A68. False

A69. B, ONLY while on duty.

A70. D, A and C, Police Officers and Persons in custody police wish to interrogate.

A71. A, Notify the Police

A72. True