

Private security problem areas

[Law](#), [Security](#)



Searches. The law of searches by private security officers is not clear and varies widely. Searches by private security officers, even if unreasonable, are not unconstitutional, and the exclusionary rule (evidence obtained through unreasonable search and seizure is not admissible in court) does not apply. This is because the 4th Amendment prohibition against unreasonable searches and seizures applies only to government action (Button, 2007). Nevertheless, although private security may not be restrained by the 4th Amendment, a lawsuit may result following a search.

A search is valid when consent is given and where, in a retail environment, a shoplifting statute permits the retrieval of merchandise. A search for weapons following an arrest may be justified through common law, which states that citizens have the right of self-defense. The recovery of stolen goods as the basis for search is typically forbidden, except in some state shoplifting statutes. Whenever possible, private security officers should let public police conduct searches in order to transfer potential liability. Arrests.

The justice system puts emphasis on individual citizen rights, which is why private security officers cannot just apprehend a person by whim. Individual citizen right is a vital factor to consider when arresting someone. Public police obtain arrest warrants from an impartial judicial officer. Sometimes, immediate action (for instance, chasing a bank robber) does not permit time to obtain warrants before arrest. In such a case, an arrest warrant is obtained as soon as possible. Private security should contact public police for assistance in securing warrants and in apprehending suspects.

Knowledge of arrest powers is essential for those likely to exercise this authority. These powers differ from state to state and depend on the <https://assignbuster.com/private-security-problem-areas/>

statutory authority of the type of individual involved. Those in the private sector usually have arrest powers equal to citizen's arrest powers, which mean that they are liable for false arrest if a crime was not, in fact, committed – regardless of the reasonableness of their belief. Also, the arrest powers permit felony arrests based on probable cause but prohibit misdemeanor arrests.

It is therefore imperative that private security officers know state arrest law; proper training is necessary. Investigations. Somewhere during the career of a private security officer, he/she will discover a crime scene or come upon the site of an incident or accident that requires further investigation by those trained in investigations. It is not within the scope of responsibilities of a private security officer to conduct investigations, but it is incumbent upon security officers to have an elementary awareness of the requirements for preserving the scene for those who will conduct the investigation.

Accordingly, and since it is impossible to determine in advance who will be first at a crime/incident scene, all private security officers should have an understanding of crime/incident scene management. Most security officers will likely be called upon to conduct a preliminary investigation due to a theft, injury or other type of incident. Most of these investigations will be of non-criminal nature but are, nevertheless, important since they may result in civil litigation.

Firearms. As with the other problem areas, the law regarding firearms use differs from state to state. Most states regulate the carrying of firearms by private citizens. Almost all states prohibit carrying of concealed weapons, whereas only half of them prohibit carrying an exposed handgun. Although <https://assignbuster.com/private-security-problem-areas/>

all states excuse police officers from these restrictions, some states also exempt private security officers. Even in states that prohibit carrying concealed or exposed handguns, there are provisions for procuring a license to carry weapons in this manner.

An important thing that a private security officer should keep in mind is that an error in the use of a firearm will probably have a long-lasting, perhaps permanent, effect, which is why the need for firearms training is generally codified by the state and local regulations. An armed private security officer can face civil and/or criminal liabilities for using excessive force, shooting an innocent bystander, or accidentally discharging a firearm. The burden of proof when a firearm is used to save one's life or that of another lies on the security officer who fired the weapon to justify why it was fired.