



THE ARMED SECURITY GUARD: HELPFUL OR LIABILITY

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Introduction

The armed security guard can be used for various responsibilities within contract security work, including access control, deterrence, and responding to active threat scenarios.

It is easy, on the surface, to make the assertion that armed security creates an unsafe, unwanted, or dangerous situation. Clients are right to ask “why.” Clients should ask, “Why.” Clients may even go to the extent of saying firearms are not permitted. Armed security does not need to create a risk, nor does it need to be an overbearing unprofessional individual who lacks the proper skillset to do the job. An organized and competent security program will address five key concerns:

1. It will engage the client on different levels. It’s not only about enforcing client rules and regulations but involves engagement and opportunity. It’s designed to provide a level of assurance that the client and security company take the safety and quality of the security program seriously.
2. Any risk associated or perceived arising out of armed security can be mitigated through identifiable strategies by the security company on the topics of training, qualifications, risk management, and accountability.
3. Appearance is critical. There is a stark difference in how armed security officers present themselves with how they wear their uniform, duty belt, weapon, and other gear. For example, is it necessary for armed security to walk around hallways wearing drop-leg holsters? A drop leg holster in law enforcement and

security is often viewed as tactically advantageous and will appear heavy-handed. Is it necessary for armed security to wear a tactical vest loaded up with multiple tasers, firearms, and other equipment while patrolling? Again, this type of attire is viewed as tactically advantageous in situations that are not focused on a risk-based program designed to protect client interests. For both examples, it would be very common to see a SWAT law enforcement officer maintaining this attire and being very appropriate for their responsibilities. There is a difference, and it's vital to learn what armed security is proposing to wear.

4. Training and qualifications alone represent the largest flaw and gap in the contract security industry. If the security company cannot present a viable and confirmable training and qualification program beyond just following minimal state standards, then it is a cause for significant concern. Most security companies promote "comprehensive training" for their staff but do nothing. Most security companies tout extensive experience in law enforcement and the military, but most of the time, there is zero investment in training their staff based on that "extensive experience." Clients become vulnerable.
5. Quality assurance and accountability go together. If there is no accountability, management structure, or mechanisms in place to monitor quality assurance, then the public and clients are vulnerable. What type of policies and procedures does the security company have?

The illusion that armed contract security is a sinkhole leading to significant liability can create a frightening and unwelcoming environment for clients. It is not an illusion but is very real. However, when done properly, professionally, and in an organized concept of operation, it will increase marketability, identifies, and deals with the root cause of security problems, engages client concerns, and mitigates the risk of revenue losses stemming from security liability issues.

A problem, but who is responsible for fixing it?

Michael Klein, Leah Ruiz, and Craig Hemmens wrote about the armed security guard industry as a whole in 2019 stating, “When this lack of training is combined with the lack of educational requirements for the hiring of private security guards, we believe a potentially dangerous situation results as security guards, who are sometimes armed with deadly weapons, are operating in an ambiguous occupational environment without the necessary skills to ensure the safety of themselves and the public.”

Klein, Leh Ruiz, and Hemmens (2019) also stated, “Given the coercive powers, and potential dangers of excessive or lethal force, our analysis demonstrates that the lack of statutory requirements of training in the private security industry may manifest in dangerous situations.”

Why is this a problem? For the majority, it may never be a problem because nothing will ever happen. However, when there is an incident and the person entrusted is required to act in response to an active threat, it can be a significant problem. A low bar of qualifications and training can result in negligence lawsuits when there are innocent victims. Joseph J. Jaska (2004) shared this in his article, “Every day, untrained and poorly educated security officers are charged with protecting lives and property.”

The accuracy behind Jaska's quote is phenomenally correct. Armed security guards are charged with various tasks such as preventing crimes of violence, responding to active threats, and enforcing rules yet usually lack the necessary tools and resources to do that job effectively.

The clients that agree to hire the security guard company, who, in turn, hire the armed security guard, are taking on an equal level of liability when it comes to any low standard for lethal weapons training and qualifications. The legal term is called comparative negligence. Cornell Law School defines this as a method used by the court to reduce the amount of damages that a plaintiff can recover in a negligence based claim according to the degree of negligence each party contributed to the incident.

If the purchaser of the security firm's services knowingly accepts the standards that the security company is using and an allegation of negligence is created, then wouldn't both parties be equally at fault? To compound this issue, a study conducted by Vanessa Laureys and Marleen Easton (2019) said, "Security guards report experiencing verbal aggression (39 percent), threats of assaults (19 percent) and physical violence (15 percent at least once a month. In addition, police officers and security guards were found to be equally vulnerable to psychological distress in violent situations. These findings suggest that security guards can be categorized as a high-risk profession." We know security guards can be placed in stressful, potentially dangerous situations, then why are contract security companies not doing more to provide their staff with adequate training and resources?

The U.S. Government Accountability Office found Department of Homeland Security Federal Protective Service or FPS created its own training program for contract

security after dealing with inadequate solutions presented by contract firms. Klein, Ruiz and Hemmens wrote in 2019 “According to the GAO (U.S. GAO, Citation 2009), the FPS does have guard training requirements in place that all its contract guards are supposed to have. These training requirements are divided between contractor-provided and FPS-provided, post-specific training.” This is one solution for the client to design the training they want, but the question permeates, is it really the responsibility of the client? Security guard companies, chiefly, must take on the responsibility to deliver a better training program despite what a state authority may require. If a security guard company is not willing to do this, then it reverts to clients to make material demands that the training occurs or withhold payment, cancel contracts, and find someone who is willing to do it. Laureys and Easton wrote in 2019, “Consequently, resilience training programs were found to be efficient in simulated critical incident scenarios, demonstrating that training programs can be a useful preparation for optimal work performance and psychological resilience.”

The troubling part of the solution comes with a cost. Cost is the largest inhibitor because, at some point, someone or some entity needs to pay for it. However, it is critical to mention, “When this lack of training is combined with the lack of educational requirements for the hiring of private security guards, we believe a potentially dangerous situation results as security guards, who are sometimes armed with deadly weapons, are operating in an ambiguous occupational environment without the necessary skills to ensure the safety of themselves and the public.” (Klein, Ruiz, and Hemmens, 2019).

The ignorance of doing nothing exposes the public to danger, companies to lawsuits, and a shattering of trust that is teetering. It has been proven over and over that nobody ever rises to the occasion, regardless of their profession, including law enforcement, military, and security defaults to their lowest level of training, and if no such training exists, then the results will not be advantageous to anyone.

A solution does exist

Security guard companies must take on the responsibility of training their staff more routinely, effectively, and efficiently because it is not only in their best interest but their clients and the public. The perplexing concerns about someone entrusted with a firearm to protect lives and property must not be disregarded. However, when proper training and qualifications are occurring, the public, the client, and law enforcement concerns begin to get mitigated. If such a security company existed that, without promulgation by a government agency or client, conducted training and maintained standards that exceeded what the industry followed, or government agency required it essentially is the example that others will try to duplicate or follow. It, in theory, is the company that best exemplifies the reasons why armed security exists and is best positioned to protect the client against potential litigation and enhance risk management while delivering competent, measurable results and performance. This company is Valentis Group, Inc.

The principal foundation for Valentis is based on three methodology points: 1. Training and Professional Development, 2. Risk Mitigation, and 3. Command and Control. All three are intertwined as part of a critical, collective, effort that extends beyond traditional contract security guard companies and at levels above most law

enforcement departments. The core component of our methodology is risk mitigation since it explains, at length, how Valentis views and manages risk, policies, procedures, and the vulnerabilities that expose Valentis (Valentis Risk Mitigation Plan, 2023). At the heart of this paper are armed security guards working at client sites and their possession of a lethal weapon.

Possession of a Lethal Weapon

There are three significant threats to Valentis when its staff possess a firearm on duty. The armed security guard is not the only susceptible individual to this threat because it includes those working as law enforcement officers as well. We offer this sample analysis for consideration. If someone hands the same type of firearm to a security guard, a law enforcement officer, and an active shooter, is there a difference? The only difference is the intent. It can be argued that the security guard, the law enforcement officer, and the active shooter have the capability to obtain equal training regardless of their background or experiences. The word “can” is crucial in this analysis because the distinct possibility exists that the active shooter can have better training and be more skilled with the use of the firearm than the law enforcement officer and the security guard. The analysis can prove that mere position, rank, or profession does not equate to better training or skill.

The three threats identified by Valentis when it comes to the possession of a lethal weapon are:

1. Misuse of a firearm resulting in negligent discharge, causing injury to the armed security guard or someone else.

2. The armed security guard discharges a round that does not hit the intended target but strikes a bystander.
3. The armed security guard is disarmed during a physical struggle. In this scenario, the assailant may utilize the firearm against the armed security guard or the public.

How are these three threats mitigated? Critical thinking, training, and duty gear designed to retain the weapon.

Initial Training

Valentis personnel can be trained to utilize their firearm under duress but can also be trained to defeat someone's attempt to take their weapon or avoid the scenario completely. Armed security guards are trained in the Tactical Thought Process ("TTP"). The TTP is a system taught, allowing the individual to constantly observe and analyze their surroundings from the perspective of someone holding great responsibility – the armed security guard. Armed security guards are taught the most tactically advantageous manner to approach a situation or individual. This approach allows them to keep their firearm away from anyone they interact with in the field. In addition, it teaches armed security guards to constantly assess their position, always look for a better one, and immediately move to a more tactically superior position should they feel the need to do so.

Annual training

Annual firearm qualifications are not enough to overcome the firearm liability risk. Instead, it requires annual training placing the employee in live-fire training to work

through shortfalls in weapons handling and refine fundamental skills. Mere qualifications, alone, do not justify the competency of an armed security guard. It is necessary to place armed security guards into a controlled environment that provides exposure to simulated real-world incidents under duress to identify shortfalls. Valentis makes the assumption anyone can fire a round down the range without any stress, but when external stressors exist the dynamics change much like in real life.

Weapon Retention

Training, by itself, is not enough to stop the threat of being disarmed during a physical struggle. The Valentis armed security guard is required to use a minimum of a Level II duty holster for their firearm. These levels mean either two or three distinct and specific steps, or motions, must be taken before the weapon can be removed from the holster. The steps needed to be taken to defeat a Level II or III security holster are not common knowledge among the public citizenries. It is challenging to remove a weapon from a Level II or III duty holster unless one is intimately familiar with the workings of the specific holster. What if the criminal has equal or greater intelligence and training in weapon retention? Such training, included within the Valentis program, demonstrates how to counter physical struggle, or prevent it from occurring. This mindset derives from the ideology that the criminal is always better prepared and more competent than the armed security guard, so we must be aligned with the mindset to think like the criminal to overcome.

Overcoming the armed vs. unarmed challenge

The challenge needs to be addressed by defining what is a *scenario of concern*. It is:

- A plausible incident requiring planning and action steps to be taken.
- Action steps must be taken to reduce the exposure to the scenario and vulnerabilities that may exist leading up to the scenario.
- A scenario of concern is identified when factors exist, promulgating the necessity to plan for mitigation.

Unarmed guard staff without any defensive mechanisms cannot achieve the Client's expectations and are ultimately exposed to potential personal injury. Below are two example scenarios that are one of many likely possibilities.

Scenario No. 1: It is well settled that any armed or unarmed security guard or Law Enforcement Officer at the initial point of contact, in the field, without a noticeable observation of the individual or search for a legal reason, can determine if they possess a weapon.

Scenario No. 2: The first scenario is further exacerbated when there is contact with an unwanted individual at a venue or facility in what can often be described as a close-quarter scenario, i.e., hallway.

A study published in the *Psychology of Violence* Journal involved some of the following findings related to the use of drugs, alcohol, and crime:

- Drug and alcohol use are both linked to violence.

- The highest risk of violence occurs when drugs and alcohol use occur in combination.
- Abusing alcohol seems significantly linked to the risk of being physically assaulted or injured, yet the association with drug use is not as strong.

The influence of drugs or alcohol can exacerbate the situation making it more challenging to address. Risk is often magnified because security personnel will likely be the first on the scene. The reliance on the presence of unarmed security officers to deter criminal activity or mitigate an evolving incident cannot be sustained with practicable measures designed to reduce the most significant exposure for our Client and Valentis. It originates from a legal term called Reasonable Foreseeability.

Reasonable Foreseeability responsibility begets both the Client and the security company to plan for an incident that a person of ordinary intelligence can reasonably foresee and the general consequences that may result from his or her conduct. If the common person can foresee an incident causing a negative impact due to a security flaw or risk, then the Client and security company should also be able to foresee and mitigate a solution. Personal injury lawyers commonly use this term when suing a client and security company if there is evidence of negligence.

If the original staffing model requested unarmed personnel, then a prospective client will most likely say to call the police if the situation becomes dangerous. This ideology presents a quagmire of issues. The most dominant challenge is that law enforcement is not on the scene, and it does take time to respond. The average response time is three minutes and extended from that point to a priority call. This time

starts with contact with 9-1-1 or the agency directly. There can be situational-dependent factors that need to be accounted for with a response time. These include if the law enforcement department is within proximity for a patrol unit to respond, the number of on-duty personnel, and a more defining policy on how that law enforcement department addresses active threat scenarios if there is one. It will only take a couple of minutes, if not seconds, for a criminal opportunist to exploit a weakness.

Security Officers exposed without any benefit of personal defense become a liability. This can expose the Client (who desires and wants the staffing model) and the security company (who agrees to provide the service and directly employs the individual). We identify the second liability in a potential lawsuit that cannot be mitigated, whereas both entities essentially become known as co-conspirators. This allegation can lead to significant liability for failing to address public safety concerns of its personnel, the public, and Client staff because both entities (client and security company) mutually agreed to provide these services. Certificates of Insurance and commonly used indemnification clauses can only meet a risk manager's checklist. Security plans and operations with gaps or shortfalls will expose both parties in a lawsuit.

Conclusion

Valentis affirms and endeavors to model its training to focus on developing a competency that allows performance in higher-stressed situations. The training is focused on engaging the critical areas of the brain that drive the motor skills to react. Staff must continuously be part of training, drills, and exercises to ensure these motor skills are developed over time. There should be no reasonable expectation that training once or twice or never doing it again is adequate in times of high-stress and often challenged environments. This is why the Valentis Group is primed to be the standard because client contracts are not bodies in a uniform. It fuses research and development, training, command and control, and risk management together to provide an approach to delivering the most meaningful value to clients.

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