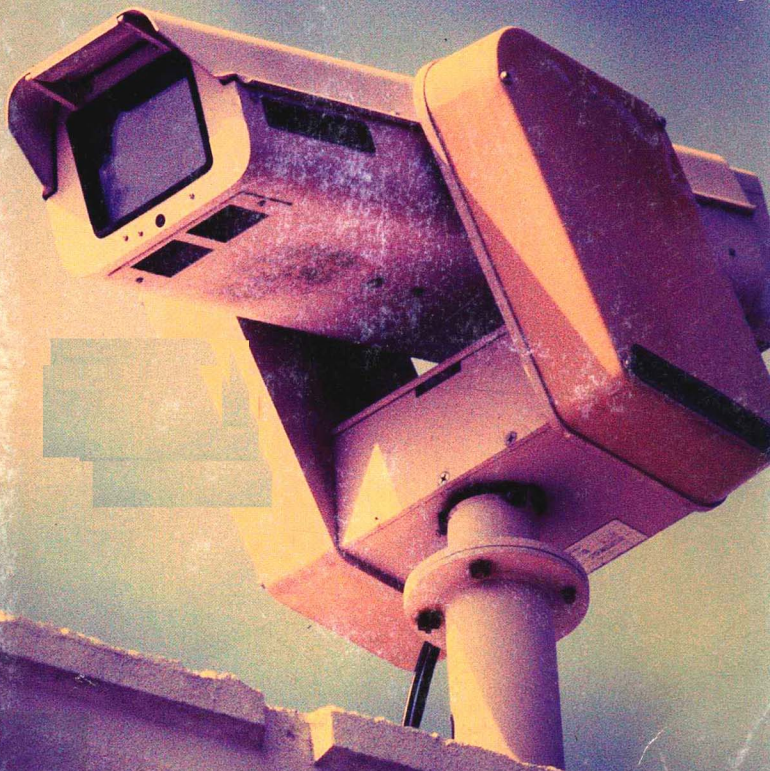


THE RETAIL LOSS PREVENTION OFFICER

The Fundamental Elements of
Retail Security and Safety



ANTHONY D. MANLEY

The Retail Loss Prevention Officer

**The Fundamental Elements
of Retail Security and Safety**

Anthony D. Manley



Upper Saddle River, New Jersey 07458

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*This book is dedicated to my wife, Emily,
who has encouraged me in all my professional and educational endeavors*

PREFACE

The first recorded endeavor regarding retail security took place in England in about 1663 during the emergence of mercantile establishments. Specifically this consisted of a privately paid force of constables designed to patrol and protect business property at night. As the need arose, various private police groups began to concentrate and specialize by taking various forms as merchant police, dock police, and warehouse police. As paid organized police forces in the United States were beginning to appear during the mid-1800s, private security had its beginnings as a recognized entity when Alan Pinkerton formed a private security and detective agency specializing in investigative and security services on a nationwide basis.

Presently, within our society there are two broad areas of security and safety. The first is the legal or public sector, which includes the police, varied law enforcement agencies, and the prosecutors. These institutions along with the courts and corrections share a common goal to preserve the peace, prevent crime, and keep the community and its citizens safe. This public sector is commonly known as the criminal justice system.

Second, there is the private sector, which includes various contractual and proprietary types of private security, private investigators, executive protection and bodyguards, security alarm protection, and security consultants among others. They are employed by business and industry to protect the varied assets of a company. As an alternate to public law enforcement, there are thousands of private security companies that offer "contractual services" to business and industrial establishments. These services may include armed or unarmed personnel, with the hired officers attired in a uniform or not.

In addition, many firms employ their own security personnel as a means of more personal control and supervision. Such a security force can be tailored to a specific need or service. These "proprietary" security forces can encompass a one-person security unit up to a large security guard force that could include hundreds of officers.

For the police to provide protection for all the security needs of private business would entail large expenditures for police personnel, equipment, and ancillary services. The tax base would have to be enormous, and the general public would consider it excessive. Concerning private security, however, the cost of security protection is surreptitiously passed on to the public. Customers may not be aware that they pay for this security service along with loss by theft and damage as part of their purchase price. But if they were mindful of it, they would realize that the cost of service between a police officer and that of a security officer is great indeed. Along with salaries, benefits, and part-time employment, the cost to business in making use of private security is a cost benefit. Moreover, the possibility of conflicts could cause serious problems if there is a sense of favoritism by public officers toward one business over another.

As demands for police services along with their tasks are being increased daily, the need for protection in business and industry, and the community in general has heightened

in proportions that are simply beyond the capabilities of the police alone. The focus on specialization and community policing has created a situation where police presence has been reduced in or toward the business community. In many areas of the country we find that the attention of the police has shifted from the prevention of crime to responding and investigating crimes that have already occurred. The businesses, in an attempt to secure and protect their investment, have turned to private security, so that they have some control over the losses they may suffer both internally and externally. Unfortunately, the cost of this control must be passed on to the consumer.

Because of its size in the workforce and the significance on business establishments, the security industry has drawn the attention of the legislatures, the courts, and the insurance sector. Although the security profession has become more refined technically and professionally in recent years, there are those instances where poor self-restraint and legal considerations are many times neglected.

In the last few years, some states had come to the conclusion that there were too many instances in which security guards were involved in unlawful circumstances, and in many cases, instances where they had little or no training. Numerous situations have come about where guards who were hired had questionable backgrounds, some with very serious criminal histories and who were placed in sensitive security positions. Employers complained that poor selection and training led to an increase in civil liability and litigation, especially so in recent years as the public in general became more forthright and aware of their right to sue, and the protection of their civil rights in particular. Some of these states realized that in an effort to correct this problem there should be some type of background check and training for all security guards employed in that state.

Subsequently, a few legislators found it was in the state's interest to require proper screening and hiring of all security guards, with guards meeting minimum standards in recruitment, investigation, training, certification, and licensing. Security guard companies, guard schools, and instructors have also come under scrutiny and are now obligated to some type of minimum requirements and certification.

Fundamentally, these concerns produced legislation to some degree now found in many states, and affects all security guards, including security officers, loss prevention officers, store detectives, guard and watch companies both contractual and proprietary operating within that state's boundaries.

The author would be neglectful if one particular subject was not covered at this juncture. Those states that have established guidelines and regulations concerning the hiring, training and licensing of security guards are to be commended. However, in recent years the acceptable applicant pool for guards has been reduced because of several factors. The most important factor being low wages, which cause qualified applicants to look elsewhere and find better paying jobs. Entry-level guards with law enforcement or military background are becoming harder to attract because of these low wages and poor benefits.

In many parts of the country, security firms or proprietary guard services offer little more than the minimum wage to begin employment. Moreover, it is not unusual for security guard firms to fall into bankruptcy or be dissolved after attempting to renew a contract at a lower rate, and then failing.

Low pay equals low standards and as long as the business establishment accepts these lowered requirements, the profession will suffer. So it should not come as a surprise for businesses to hear of increasing talk about unionizing security officers and guards. There have been some inroads in the area of proprietary services with

demands of better pay and benefits. Contractual security guard firms will surely follow as guards affiliate with each other for a common goal, especially when enhanced responsibilities are added and hi-tech services and equipment become the norm.

Because business and industry wish to pay as little as possible for security services, excessive competition becomes the standard behavior. Consequently, security firms competing with each other by bidding low for a contract, inevitably result in cutting insurance costs, overhead expenses, and guards' salaries. Because of this competition, the service and the quality of the people offered have remained stagnant, if not lowered. Businesses that attempt to employ guards above the average in education and training soon discover that they may be able to get the "best offered" for the "cheapest price." Unfortunately, in an effort to cut costs and save money, a business soon learns that the security guards offered are poorly educated and trained, meet minimum dress standards, care less for their responsibilities, have little job satisfaction, and have limited loyalty to anyone.

As we have seen during the latter part of 2001, there has been a failure of appropriate safety in airport security checks of airline passengers. Many states have no restrictions or regulations concerning security guards, and until recently there had been no central agency that controls security guards employed at our airport terminals. Because of public exposure of the poorly trained guard at these locations since 9/11, the federal government has taken steps to federalize, train, regulate, and set a wage standard that will attract a higher level of applicant. However, the rest of the industry has failed to encourage the need for broad national or state requirements of trained security officers.

In the State of New York, which has licensing and training requirements for security officers, the New York Security Guard Advisory Council, whose members include security professionals in the field, are attempting to elevate the security industry as a whole. In effect, the council is considering the possibility of a "super guard" designation that would guarantee to businesses an officer with above average capabilities. Wackenhut Security, a national security firm, offers business corporations "traditional," "upscale," and "custom" security officers, with each designation guaranteeing different levels of training and background. Unfortunately, most businesses at this time choose the "traditional" guard and its lower cost.*

Today, technology is advancing at a rapid pace. Along with the ever-changing needs of our society and the possibility of loss due to numerous threats or risks, the security officer must be familiar with a vast category of rules, requirements, services, and criminal and civil law that the sworn police officer never had to experience fifty years ago.

Regulation has given rise to the standards of a security guard. The time of the "warm body" assigned to a fixed post and who is of no use when called upon has been relegated to the past. Business has come to realize, though somewhat slowly, that an inept and poorly trained security guard causes more problems financially and image-wise than not. As responsibility, training, certification, and ethical conduct become the norm, effective security officers will be well regarded and sought after, and the security profession will certainly attain compensation commensurate to their abilities and worth.

*Stephanie McCrummen, "Doing Business with Security Firms," *Newsday*—Long Island Business; Executive Edition, December 14, 1998.

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SPECIAL NOTE FROM THE AUTHOR

Nothing should be construed about how one should act or react based upon what is read or contained herein. The author accepts no liability of any type of damages, real, inferred or imagined, or for any professional injury, personal injury or property damage that might result from the use or misuse of any of the information, techniques, or applications presented or implied in this book. This book is intended as an educational and training publication and should not be considered a substitute for advice and consultation with your own attorney; only an attorney can give legal advice. New laws are enacted routinely, and court decisions are handed down daily. The author suggests that you use this book in conjunction with accepted procedures, current law, and legal advice from your counselor.

The commentary, citations, and case law described in this book have been summarized in most cases to illustrate a point under examination and are taken from previous holdings. For a full review of a particular case, the reader should refer to the published case citation.

Regarding state citations noted herein and elsewhere, precedent may be offered to the court when a holding has been handed down on a previous similar case from another state, and only when that state has no case for precedent, *may* the court defer to a decision from that other state. However, federal holdings or judgments handed down to a state court will be binding on all states.

In an endeavor for clarification, the term *security guard*, although generally accepted as pertaining to the uniformed security guard, is also identical in meaning to the term *security officer* when found in all case notes, law citations, and court decisions represented herein, and will be comparable to both designations unless so noted.

However, about retail security management in particular, there is a distinction concerning the functions and tasks between the security officer and the security guard as indicated in the following narrative.

Note also, that throughout this book, the author has used *italics* or **bold italics** for emphasis in order to highlight certain law citations, words, issues and/or topics of importance.

INTRODUCTION

A society legislates and adjudicates laws to control and regulate behavior for the common good. It is administered fairly with certain rights and recourse granted to anyone facing a legal action, and therefore within our society no one is above the law. Today, society in general and the individual in particular, are more aware and conscious of their personal and civil rights, and ready to impose sanctions on activity that will impair or damage those rights. In response to this, Americans have become much more litigious in the protection of their personage and the punishment of the offender.

Because of their positions and the circumstances that may befall them, the security officer and the police officer may be considered more susceptible to criminal and/or civil action against them and their employer than that of the average citizen. It is hoped that the contents of this book will make the security officer more aware of his or her conduct and actions, and how both may affect the officer criminally and civilly.

This book includes topics that should be part of the retail security officer's training curriculum, and is tailored to that specific field of security. Moreover, it will explain how security functions in a retail business environment, no matter how the retail establishment may differ in service, merchandise, or customer demographics. Think of this book as providing a general background into the retail security profession. More importantly, look upon it as a guide to your objectives, thought process, and performance.

Also, consider this book as a reference work. It is a compilation of the thoughts, ideas and procedures experienced and collected from various professional groups that the author has come in contact with. Along with the criminal intellect and nefarious inclination of some of our citizens, these groups include the police, security professionals, consultants, lawyers, criminal justice professors and security instructors.

In addition, it is hoped that this book will serve a second purpose. As noted above, the text was originally written for the reader who is about to enter or has some prior experience in retail security. It was written essentially as a primer or manual for the retail security officer where the present body of knowledge is lacking. Whether employed as a proprietary or contractual security officer, or as security supervisor, these officers should be able to relate and apply the narration contained in this book to their routine duties in any retail establishment. However, in the enhancement and prevailing interest of private security and its administration, we have seen a growing interest in academic instruction and training in recent years. Accordingly, this book is also directed to the student of security management and administration, who has little or no experience or understanding concerning retail loss prevention or private security in general. Although the student should be able to gain some knowledge and a broad perspective regarding the tasks and functions required of retail security, the law and the security principles described herein may be applied to all security employment. Moreover, it will lend an understanding of the legal process and the perils regarding criminal and civil litigation.

The law, narrative, and commentary described in this book are enumerated for the purpose of clarification in interpreting the law—or the law as it has been adjudicated. The security officer may relate the incidents or interpretations described herein to his or her own particular employment as a reference to mind-set and conduct in similar circumstances. If you wish to delve into a particular area of study, there are many associations, organizations, trade groups, agencies, and public institutions in which the security officer may research in detail any security subject that is contained within these pages. Remember that your eventual decision on how to act or react in a given situation, no matter how serious it may be, should in the final analysis be based on your actions within the law, your training, and your employer's policies and procedures. Other than your actions being subject to civil litigation, consider also that if you act in violation of your employer's directives regarding your actions, though legal and without criminal fault on your part, you may place yourself in jeopardy of termination.

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