

Risk Management & Safety for the Security Industry

General liability exposures

Security personnel must be trained to respond to the routine and exceptional circumstances. In addition, security personnel must conduct themselves in a manner that represents themselves, their company, and the industry's highest standards. Following these general best practices can be a step in the right direction toward minimizing the exposure to litigation resulting from security personnels' actions.



Hiring Practices

The most basic element in the hiring process is completing a formal employment application. In many jurisdictions, security contractors are bound by regulatory requirements to conduct thorough background checks on all prospective employees which may include, Federal criminal history checks for all known and listed addresses, drug screens, motor vehicle record (MVR) checks, credit checks, employment and education verification, as well as personal references. Additional steps may include physical and psychological examinations and polygraph testing.

Best practices should also include an initial interview, as well as at least an additional interview with a manager or supervisor in the field. Many times these secondary interviews can aid in identifying strengths in a candidate, or expose issues that may require a bit more clarification up to and including disqualification from employment. It is also a best practice to discuss the physical and other expectations of the job including scheduling and availability.

It's important to note that many jurisdictions require that armed and/or unarmed security personnel be certified by a local or state regulatory agency. Armed guards must obtain and maintain a weapon permit consistent with authority having jurisdiction (AHJ). Unarmed contract security personnel must be able to obtain and maintain license(s) and certification(s) consistent with AHJ.

Armed personnel should not be hired until all aspects of pre-employment screening and any relevant jurisdictional specific training requirements for armed security personnel are satisfied and documented.

Arrest/Detention Authority

Generally speaking, in many jurisdictions in the United States, unarmed private security personnel have no more power of arrest and/or detention than an 'ordinary' citizen. By way of 'hard uniforms', however, many times security personnel may project the inference of greater authority.

Security personnel must be made aware of the laws in their respective jurisdictions regarding powers of arrest and detention. Given the potential for injury to employees, as well as claims and litigation resulting from claims of false arrest/detention, many contractors' best practice is to simply observe and report, and in no way impede an individual egress from the scene of an incident.

In addition, it is best practice to prohibit the use of any type of restraint devices including handcuffs, zip ties, etc. Nor should personnel be permitted to carry pepper spray, mace, night stick, Mag-lite, etc.

By being aware of and complying with applicable laws and regulations, security contractors and officers may be able to demonstrate due diligence that may potentially result in a reduced exposure for potential injury to security personnel, for claims and litigation related to false arrest/detention, including criminal and civil damages whether physical injuries occurred or not.

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