

Course	SECR 5010/71 Legal and Ethical Issues of Security Management																	
Term	Spring 2, 2008																	
Instructor	Charles W. O'Neal, CFE Office Hours: 30 minutes before class Telephone: 321-536-6998 (cell) 321-432-4547 (cell) email: charlieo@digital.net																	
Catalog Description	This course is an overview of important legal and ethical issues with which the business and organizational security management professional must deal. Students examine such issues as personnel law and obligations; negotiations; contract management; constitutional rights of individuals; legal liability of security professionals and organizations; legal compliance; and ethical standards.																	
Prerequisites	None																	
Course Level Learning Outcomes	After completing this course the student will be able to: <ul style="list-style-type: none"> • Identify legal and ethical issues that affect the security field. • Recognize acceptable behavior patterns of public and private security forces. • Recognize and act in a manner that is legal and ethical while performing security duties. 																	
Materials	<p>REQUIRED TEXTS: <u>Private Security and the Law, Third Edition</u>, Charles P. Nemeth, Elsevier, Butterworth-Heinemann, ISBN10: 07-50677708</p> <p>The instructor will provide supplemental readings, on CD-ROM, periodically during the pendency of the term.</p> <p>Students are expected to keep abreast of the current trends in articles that pertain to this course and report orally and in writing, as directed. Specific assignments may be made in class by the Instructor.</p>																	
Grading	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: center;">COURSE REQUIREMENTS:</th> <th style="text-align: center;">% OF GRADE</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">a. Class Participation</td> <td style="text-align: center;">40%</td> </tr> <tr> <td></td> <td style="text-align: center;">b. Quizzes</td> <td style="text-align: center;">20%</td> </tr> <tr> <td></td> <td style="text-align: center;">c. Term Paper</td> <td style="text-align: center;">20%</td> </tr> <tr> <td></td> <td style="text-align: center;">d. Final Exam</td> <td style="text-align: center;">20%</td> </tr> </tbody> </table>				COURSE REQUIREMENTS:	% OF GRADE		a. Class Participation	40%		b. Quizzes	20%		c. Term Paper	20%		d. Final Exam	20%
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Taking the numerical score from the formula above and converting it to the appropriate letter grade from the chart determine the student's letter grading for the course.

Letter Grade	Numerical Score
A	96-100% (4.0)
A-	91-95% (3.67)
B+	87-90% (3.33)
B	82-86% (3.0)
B-	78-81% (2.67)
C	70-77% (2.0)
F	69 & below (0)
I	Incomplete (0)
W	Withdraw

Activities

Course Requirements: Completion of the following course requirements will indicate the individual's ability to perform at the graduate level.

- A. Examinations: Mid-term and Final examinations will consist of essay-type questions. These exams must not be confused with short answer quizzes. Makeup exams may be different from the original exam. Failure to complete either exam will result in a score of "0" (zero) for that exam. In this course, students will take two exams (Mid-term and Final exams).
- B. Research Paper: Students will prepare a research paper focusing on a current controversial security related topic.
 - a. Some examples would include
 - Ambiguities in the law
 - Private versus public security
 - Standard mandated training and certification of security officers
 - Administrative Regulations
 - Civil liability
 - Pre- and post-9/11 security in America and legal considerations related thereto
 - Posse Comitatus
 - b. The process leading up to the submission of this paper will

	<p>begin in Week #1.</p> <ul style="list-style-type: none"> i. Each student will submit a written research proposal, 1-page in length and double-spaced. ii. This proposal will present the topic for the student's research paper that will be submitted in week #8. iii. This proposal should explain why the student has chosen this topic, iv. The significance of this subject to the security industry and v. The student's early feel of resources that he/she will use in doing this research paper. <p>c. The instructor will review these proposals and reply to each student regarding the approval of the topic and proposed research methods.</p> <p>d. These proposals will also provide the instructor an early opportunity to discuss each student's writing style and possible actions needed by the student to improve their writing skills.</p> <p>e. The research paper will be due in Week #8. Papers will be 15-20 double-spaced typed pages in length. Research papers will conform to the Space Coast Term Paper Guidelines, with the following for clarification: <i>“The APA Publication Manual is intended primarily as a guide to preparing manuscripts for journal publication.”</i> (APA Publication Manual page 321) Journal Publication means the APA professional journal. Sections 1-5 of the APA Publication Manual are the formatting requirements for their APA Journal. Page 322 the APA Publication Manual states, <i>“Graduate Schools should provide students (and typist) with written guidelines that explain all modifications to APA style.”</i> Section 6 in the APA Journal is for the masses that do not plan to publish in the APA Journal. Since 99.99% of Webster University Space Coast Region students will not publish in the APA Journal they do not need to use sections 1-5.</p> <p>C. Class Participation: Class participation will be a critical factor in assigning the final grade.</p> <ul style="list-style-type: none"> i. Students are expected to participate in discussions and assignments. ii. Students are expected to be familiar with the assigned materials prior to each week and participate in the intelligent and sound discussions on the subject. iii. The success of this class depends upon the
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	<p>Contact Hours for this Course</p> <p>It is essential that all classes meet for the full instructional time as scheduled. A class cannot be shortened in length. If a class session is cancelled for any reason, it must be rescheduled.</p>
Course Policies	<p>Attendance at all class sessions is expected.</p> <p>Late weekly write-ups and written case assignments will be accepted if prior arrangements have been made with the instructor, but will be given reduced points based upon the number of class sessions it is late.</p>
Week 1 Schedule	<p>Historical Foundations of Private Security. Discussion of Common Law, self-protection, privatization, vigilantes, Pinkerton, and industrialization; Posse Comitatus, elements of crimes, and other legal considerations in business and organizational security.</p> <p>Reading assignment: Chapter 1</p>
Week 2 Schedule	<p>Regulation, Licensing, Education, Training, and the path to professionalism in the security industry. Reading assignment: Chapter 2 and instructor provided material.</p>
Week 3 Schedule	<p>Legal research, Administrative Law, and the Administrative Procedures Act (5USC et seq.); Florida Administrative Procedures Act, federal Privacy Act, Freedom of Information Act, and Florida Public Records Law (F.S. Chapter 119); administrative rulemaking, hearings, administrative boards, and other administrative law considerations; use of the law library as a security professional's personal career enhancer and to possibly improve corporate profits, cash flow, and return on investment. Reading assignment: Instructor provided material.</p>
Week 4 Schedule	<p>Discussion and examination of the law of arrest, search, and seizure; legal presumptions; judicial notice; applications in the private sector; Law of Agency; citizen's arrest; and other considerations; dissection of real world case studies; considerations in coordinating with your corporate counsel, state prosecutor, U.S. Attorney, opposing counsel, etc.; emphasis on ethics. Reading assignment: Chapter 3 and instructor provided material.</p>
Week 5 Schedule	<p>Discussion of civil liability of security personnel; intentional torts, negligence, vicarious liability, independent contractors, moonlighters, malicious prosecution, abuse of process; federal civil rights remedies; using "but for," public policy; overview of equal employment opportunity law and other considerations; emphasis on ethics. Reading assignment: Chapter 4 and instructor provided material.</p>
Week 6 Schedule	<p>Discussion of criminal liability of security personnel, and ethical considerations; use of force; defense of property; types of intent, felonies, misdemeanors summary offenses; defense of others; briefing a case. Reading assignment: Chapter 5 and instructor provided material.</p>
Week 7 Schedule	<p>Discussion - The enforcement of laws, rules, regulations, and the interpretation of evidence; rules of evidence; hearsay; overview of the Federal Business Records Act; actus reus; mens rea; culpability; specific intent; general intent; Felony Murder Rule; res ipsa loquitur; res judicata; res gestae and spontaneous exclamations; mala prohibita and mala in se crimes. Reading assignment: Chapter 6 and instructor provided material.</p>
Week 8 Schedule	<p>Discussion - Considerations in public and private law enforcement/security; ramifications of privatization; IACP, FBI NA, ASIS, IHIA, ACFE, and other professional organizations; future challenges, and opportunities. Reading assignment: Chapter 7 and instructor provided material.</p>
Week 9 Schedule	<p>Further discussion and case studies of statutory and regulatory requirements and violations related thereto; survival in court and in administrative hearings; methods of recovering and/or rehabilitating yourself if facing imminent impeachment as a witness; moot administrative hearing (time permitting).</p>

PURCHASING TEXTBOOKS--Most textbooks can be purchased through **MBS Direct**. Check the syllabus for textbook information. Give MBS Direct the campus location (for the purpose of ordering books the campus is **Space Coast Campus**, course name, number and section number (i.e. Space Coast Campus, SECR5010/63) and most important, the **title, author, edition, and ISBN** of the book you are ordering. MBS Direct will buy back your book at the end of the term should you elect not to retain it as a reference book. Order by phone or online. Orders should be placed no earlier than 4 weeks prior to the start of the term.

MBS Direct: 1-800-325-3252

MBS Direct Website is

www.mbsdirect.net/webster

Monday-Thursday 7am-10pm(Central Time)

Friday 7am-6pm (Central Time)

Saturday 8am-5pm (Central Time)

Sunday noon-4pm (Central Time)

In order to meet the course objectives this syllabus may be modified at the discretion of the instructor without approval of the students.

Original approved by:

Dr. Calvin D. Fowler Academic Dean Space Coast Region, November 19, 2007

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