



Maryland State Police
Licensing Division
ADVISORY
LD-SSU-15-002



July 14, 2015

SECURITY GUARD – SCOPE OF CERTIFICATION

The Maryland State Police, Licensing Division, has been asked whether or not a security guard is able to make an arrest to protect property, and/or persons located on the property, which the guard has been employed to protect.

Maryland's Business Occupations and Professions Article § 19-101(j) defines a security guard as an individual who provides security guard services to any person on behalf of a security guard agency. Security guard services include any activity that is performed for compensation as a security guard to protect any individual or property. There are no powers of arrest granted to a security guard, certified under Title 19, of Maryland's Business Occupations and Professions Article.

In *Great Atlantic & Pacific Tea Co. v. Paul*, 256 Md. 643, 261 A.2d 731 (1970), the Maryland's Court of Appeals described the authority of a citizen to make an arrest in Maryland. In the State of Maryland, a private person has the authority to arrest without a warrant, only when;

- a. there is a felony being committed in his presence
- b. when a felony has been committed whether or not in his presence, and the person/arrester has probable cause to believe the person he arrested committed the felony
- c. there is a misdemeanor being committed in the presence or view of the person/arrester pertaining to a breach of the peace. Breach of the peace signifies disorderly, dangerous conduct disruptive of the public peace.

There is a narrow exception to the general rules of arrest by a private person pertaining to a property owner. Any property owner has a common law privilege

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Advisory – LD-SSU-15-002
July 14, 2015

to detain against his will any person he believes has tortuously taken his property. This privilege can be exercised only to prevent theft or to recapture property, and does not extend to detention for the purpose of punishment. This common law right is exercised at the peril of the property owner, who could be held liable for false arrest, if the property is not unlawfully in possession of the person detained.

§ 19-501, of the Business Occupations and Professions Article, holds the security guard agency responsible for acts of its employees. As such, licensed agencies are encouraged to provide clear guidelines for its employees when the employee is conducting the business of the agency.