

## Specifically Detail Roles of Security Officers

A recent case in Georgia addressed the issue of owner and management company liability for actions of courtesy patrol officers.

In this case, the owner and management company hired police officers to serve as courtesy patrol officers at a community. Several residents hosted a party by the pool area. They contended that the officers confronted and assaulted them both physically and with pepper spray. The officers arrested several of the individuals. The renters stated they acted lawfully and peacefully and did not provoke the officers in any way.

The residents and their guests brought suit against the owner and manager of the property alleging civil rights violations. They sued on the grounds of assault, battery, false arrest and false imprisonment. The trial court granted the owner's and management company's motion to dismiss. However, the residents appealed and the court reversed the findings of the trial court. It found that the case should proceed to trial.

The appeals court stated that if the residents and their guests could establish that the courtesy officers were actually "employees" and acted within the scope of their employment, the law could hold the owner and management vicariously liable for their actions. The court added that the owner and management company would be liable for willful and intentional acts of the courtesy patrol officers if the officers conducted their actions within the scope of their employment responsibilities. If the courtesy patrol officers' actions did not fall within the scope of employment, the owner and management company would not be liable for their actions.

The court then went on to discuss the potential liability to the owner or management company for violation of the residents and their guests' civil rights. These violations fall under federal law. Since the courtesy patrol officers were actually police officers, the court could deem their actions as ones of a state or governmental entity and allow the residents to pursue a federal claim.

The court concluded that if the police officers acted in conformance with the policies adopted and enforced by the owner and its management company, the renters could pursue a federal claim for civil rights violations.

This case illustrates the potential liability that an owner or management company has for actions of its courtesy patrol officers. If owners or management companies utilize police officers to serve as courtesy patrol officers, they should clearly establish the realm and scope of the position. This includes a statement of what actions would fall outside the scope of their job and be contrary to the policy of the owner or management company.

Such a specific agreement could assist the owner or management company in fending off any lawsuits brought against them for the activities of the courtesy patrol officers.

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