

CASES

CASE 1. *The Reluctant Security Guard*

David Tuff, 24, is a security guard who has been working for the past 17 months for the Blue Mountain Company in Minneapolis, Minnesota. Blue Mountain manages and operates retail shopping malls in several midwestern states. The company has a security services division that trains and supplies mall security guards, including those for the Village Square Mall where Tuff has been employed.

Minnesota state and local laws require that security officers be licensed and approved by the county police department. Security officers are required to obey the police unit's rules. Tuff completed the required training, passed the security guard compulsory examination, and was issued a license. Tuff has consistently carried out his guard duties conscientiously. Previously a four-year military policeman in the U.S. Marine Corps, his commanding officer had praised both his service and his integrity.

Part of his job training at Blue Mountain required that Tuff learn the procedures found in the *Security Officer's Manual*, which uses military regulations as a model. Two sections of this manual are worded as follows:

Section V, subsection D.

Should a serious accident or crime, including all felonies, occur on the premises of the licensee, it shall be the responsibility of the licensee to notify the appropriate police department immediately. Failure to do so is a violation of the provisions of this manual.

Furthermore, the manual permits the following action if the provisions are violated:

Section XI—disciplinary and deportment**A. General**

1. The Private Security Coordinator may reprimand a licensee as hereinafter provided. In cases of suspension or revocation, the licensee shall immediately surrender his identification card and badge to the County Police Department. . . .

B. Cause for Disciplinary Action

13. Any violation of any regulation or rule found in this manual is cause for disciplinary action.

The reverse side of a security officer's license bears these statements:

Obey The Rules and Regulations Promulgated By The Superintendent Of Police.

We will obey all lawful orders and rules and regulations pertaining to security officers promulgated by the superintendent of police of the country or any officer placed by him over me.

Given this language, Tuff believed that his license could be revoked or suspended for *any* failure to report illegal behavior such as drunk driving and selling narcotics. He had sworn to uphold these regulations at the end of his training and had later signed a statement acknowledging that he knew a police officer could ask for his badge if a conflict should arise.

Fourteen months after Tuff joined the company, Blue Mountain issued new rules of procedure outlining certain assigned duties of its security guards. These rules required security officers "to order and escort intoxicated persons, including persons driving under the influence of alcohol, off its parking lots and onto the public roads." The rules did not instruct