

# Buyer Beware: The Truth Behind Security Classes

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## Real Life Problem

I was recently called in as an expert witness consultant in a manslaughter case. The defendant in the case, a security guard, had killed a man by punching him in the throat.

When interviewed, the guard said that the security company had hired a martial arts "expert" (their word, not mine) to conduct an in-house training course. During the course, the instructor told participants that the throat punch was an effective way to stop an aggressor. What the "expert" failed to tell the students is that this technique is a potentially lethal one. The security guard used the technique in good faith without understanding the possible consequences of his actions. This resulted in the aggressor's death and left the officer facing a possible prison sentence.

## Real Life Need

Since the September 11<sup>th</sup> crisis, I have personally seen an increased demand for training. I have also noted that in order to fill this demand more and more martial artists are presenting themselves as 'security/personal protection consultants' (or other similar titles). While providing the service as quickly as possible may be seen as a wise approach (at least in the short term) it will invariably lead to an increase in liability and litigation something that affects the long term viability of all such programs.

I have, over the past 12 years, provided written expert witness opinion; expert witness testimony; and consultation to members of the legal profession. The vast majority of the cases I've been involved in (such as the manslaughter case above) could have been avoided if everyone involved had a better understanding of both the real need and the special circumstances in which people find themselves using these skills. My intention in this article is **not** to give legal advice I'm not a lawyer. What I would like to do however is pass along some of the information I have gathered and presented, as an expert witness, in cases over the years.

## **Perception**

Before you can begin to teach physical skills to security personnel you must first have a clear understanding of what they can and cannot do as part of their 'official' status. Recognizing and defining these limits helps you to determine the types of techniques that are applicable.

In most instances, non-law enforcement security personnel do not have any more "powers" than those of an average citizen. Regardless, these officers are often presented as 'security professionals' or the 'security team'. These labels tend to set them apart from the rest of the populace. The perception is that they are somehow special or more qualified than the rest of us. As a result, the public, and now more than ever the courts, assumes or demands from these officers a higher standard in training; competence; and accountability. The result is an increase in litigation simply because security officers are viewed as being 'different' or more 'professional'.

By extension, you as their trainer are also viewed differently. You are not simply a martial arts teacher, but rather, a 'security consultant'. This results in a higher degree of accountability for your teaching curriculum and techniques.

## **Root Deficiencies**

The next area you should look at is what I (and the statistics) consider to be the 3 "root deficiencies" that lead to the vast majority of injuries and litigation. They are in order of importance:

1. No training.
2. Improper training.
3. Insufficient training.

### **Root Deficiency #1: No Training**

This first deficiency is self-explanatory and is quite common among members in the general security profession especially security guards and 'doormen'. Here people are required to provide security with very little or no understanding of how to perform the job assigned to them. While their intentions may be good, they do not fully understand the consequences of their actions in dealing with the public at large.

### **Root Deficiency #2: Improper Training**

Our second root deficiency has more to do with who is supplying the training than it does with the user. While you may end up being the victim of bad training either through litigation or injury to yourself or others, the actual cause of the



problem usually lies with the course instructor or the material being presented.

The case of the security guard charged with manslaughter clearly illustrates deficiency #2 and brings out several important points. The two most obvious ones are:

1. You will be held personally responsible for your actions. (e.g., The security guard was charged.)
2. The martial arts teacher was clearly negligent in his instruction.

How is the instructor negligent? In the first place he failed to warn the participants of the inherent danger of the throat strike. Secondly, he taught what could be considered an inappropriate and dangerous technique to an unknowing and trusting client. (Remember: You are the martial arts teacher hired to pass your knowledge on to others. What may be a valid technique from your traditional style or in the dojo setting may not be the one to use in the security or protection situation. It is therefore up to you to make sure that your students understand the 'big picture' and what is and is not appropriate.)

### **Physical Technique**

Lack of warnings aside, we know for a fact that there are other situations where improper martial arts training increases liability. They include teaching:

1. Techniques that have a high probability of serious injury. (e.g., Striking on or near the elbow joint when performing an 'arm bar'.) This damage although unintentional could be considered "excessive use of force".

Other common techniques now considered by many to be too dangerous for security work include the rear chokehold and reverse headlock. Both expose the person receiving the technique to serious risk including loss of consciousness and vomiting to death. Additionally, the reverse headlock also holds another danger. It allows the officer applying the headlock to become vulnerable to unarmed and armed attacks to the groin and lower body area.

2. Techniques that are inappropriate.

e.g., You are contracted to teach handgun disarms to bodyguards. The techniques you instruct should take into account the fact you are primarily defending a third party. Disarms that do not rely on direct contact, such as a pistol in the small of your back, or that redirect the weapon back towards the assailant may be preferable over some of the more 'standard' one-on-one techniques.

3. Techniques, which are too complicated to easily perform especially in a high-stress situation.
4. Techniques, which discount the fact that the aggressor may be in an 'altered mental state'. (e.g., Intoxicated; on drugs; etc.)

Response in these situations may not be what you anticipate them to be. For example, if there is a suppressed response to pain due to intoxication or drugs, 'pressure point' or 'pain compliance' techniques may not work as efficiently or consistently or at all .

If you plan to teach these techniques as part of your program you need to know the types of individuals your students may encounter. If their job is handling psychiatric patients on or off their medication, you may need to combine your 'pain compliance' methods with other types of restraints preferably ones that reduce the mechanical efficiency/strength of the patient.

Another possible 'side effect' of improper training is the development of a mind set that sees aggressive physical response as the first (and often only) option. In order to reduce liability, physical response should be seen as the last alternative. In many instances it may be the only alternative, but it is important to know what other options are available.

### **Root Deficiency #3: Insufficient Training**

This problem revolves around two independent yet interrelated problems.

1. No minimum level of competency.
2. Restrictions of time, budget and training/review.

Level of competence. This is a two-part problem. On the one hand you need to be aware of what standards do exist and ensure that your material meets these minimum requirements. On the other, and more likely hand, you will find that there is often no minimum standards for the types of training you, as a martial artist, are trying to provide to your security industry client. I have heard judges

say that security personnel should be trained. However, these same judges do not offer to (and in all honesty are not capable of) defining the type or level of training standards they would like to see.

Some programs do try to offer a standard and even declare that they are the "most court defensible systems" in the industry. Given that practitioners of these systems often end up in court, makes me wish for a system that was the " most court avoidable system" in the industry.

Coupled with this lack of minimum standards is problem #2. Here, the client dictates the terms, or rather restrictions, of the program either through budget (we can't afford much and its expensive to pay our people to train); time (it has to be short because all of our people are busy); and review (we'll see if we can get everyone together next year for a refresher.)

Unlike martial artists who can spend years perfecting their technique, most security/personal protection courses are (by default) short in duration. Additionally, it has been my experience that very few or more likely none of the participants will practice on a regular basis. So, no matter how good the curriculum you have developed is, the program falls apart from external pressure beyond your control.

Compounding your problem further is the fact that by choosing to teach within these client restrictions, you may be placing your career and professional standing in serious jeopardy. If a lawsuit is brought against one of the people you've trained, you could end up spending a lot of time and money demonstrating in court how your teaching methods are actually sound and realistic.

## **And So On**

There are other problems involved in teaching martial arts type skills to non-martial arts clients. Although equally important, they are outside of the scope of what I am trying to discuss today. While some of you may be discouraged reading my comments I urge you not to be. All I'm trying to do is bring some important issues to light. I think that the security/personal protection industry needs more realistic input with regards to training and if we don't give it, who will.

As for the security officer mentioned at the beginning of the article, he was found not guilty of manslaughter. The 'fate' of the martial arts "expert" in all of this however, is another story.