United Nations Office on Drugs and Crime

on

“Civilian private security services: their role, oversight and contribution to crime prevention and community safety”

Abu Dhabi, United Arab Emirates

Planning Meeting
10-11 May, 2010

Background paper

The United Nations Commission on Crime Prevention and Criminal Justice at its eighteenth session (2009) decided in the resolution 18/2 to establish an ad hoc open-ended intergovernmental expert group, inviting experts from academia and the private sector to become members of that group in accordance with the rules and regulations of the Economic and Social Council, to study the role of civilian private security services and their contribution to crime prevention and community safety and to consider, inter alia, issues relating to their oversight by competent State authorities, and invited Member States and other donors to provide extrabudgetary contributions in accordance with the rules and procedures of the United Nations.

In the preparation for the establishment of the above group, this Planning Meeting is invited to chart the road map to meet the mandate of the Commission, by preliminarily discussing the substantive parameters of the mandated request, thus contributing to the preparation of the United Nations’ official documentation to that meeting which should be convened before the twentieth session of the Commission (2011).

1 This paper has not been formally edited. It was drafted by Mr. Mark Lalonde (Canada), the international consultant commissioned by the Host. It is a work in progress intended to help provide background, context and discussion points. This paper is not meant as an authoritative review of the civilian private security industry, its global nature, services, challenges, or governance. Based on feedback and discussions at the expert group meeting, this paper will be revised in advance of an intergovernmental meeting on the above subject to be convened before the twentieth session of the United Nations Commission on Crime Prevention and Criminal Justice (2011). A preliminary annotated bibliography, specific to the topic of private security companies, has been prepared as a separate document, in support of this background paper. It is also a work in progress that will be completed in advance of the above intergovernmental meeting.

The views expressed in this paper are not necessarily those of the United Nations Secretariat. All opinions, errors or omissions found in this paper are solely the responsibility of the international consultant commissioned.
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The mandate

1. The United Nations Commission on Crime Prevention and Criminal Justice at its eighteenth session (2009) decided in its resolution 18/2 (Annex) to establish an ad hoc open-ended intergovernmental expert group, inviting experts from academia and the private sector to become members of that group in accordance with the rules and regulations of the Economic and Social Council, to study the role of civilian private security services and their contribution to crime prevention and community safety and to consider, inter alia, issues relating to their oversight by competent State authorities, and invited Member States and other donors to provide extrabudgetary contributions in accordance with the rules and procedures of the United Nations.

2. In the preparation for the establishment of the above group, this Planning Meeting 10-11 May, 2010, the convening of which was enabled by the generous financial contribution of the Government of the United Arab Emirates, is invited to chart the road map to meet the mandate of the Commission, by preliminarily discussing the substantive parameters of the mandated request, thus contributing to the preparation of the United Nations' official documentation to that meeting which should be held before the twentieth session of the Commission (2011).

3. The adoption of the above resolution by the Commission has come in a time of dramatic and global growth in the size and scope of the civilian private security industry. Increased demand on public police resources has led in many parts of the world to the privatization of aspects of the policing function. In this connection, the crime prevention and community safety dimension of the growth of civilian private security services is one of the most profound developments.

4. The Government of the United Arab Emirates, at the request of which the Commission included in its agenda the above topic, has been vigorously pursuing the topic. The present Planning Meeting has been one of the modalities to implement the resolution.
The context

5. While States take the lead, public safety and crime prevention is not the sole responsibility of government or public law enforcement. Communities, non-governmental organizations, civil society, individuals, and the private sector all play a role in enhancing community safety. The United Nations Guidelines for the Prevention of Crime calls upon Member States to create national policies in the field of crime prevention. This includes cooperation and partnerships with the corporate sector, and increasing the risks to offenders of apprehension. Civilian private security is a part of the corporate sector and through its approach to ‘observe, report and record’ helps prevent crime in communities, enhance public safety and increase the likelihood of police apprehension of offenders.

6. National security policy reform can include a nodal approach to crime prevention along with governance and oversight of the many actors involved, such as civilian private security. Challenges in such a national public policy approach comprise promotion of security institutions which are transparent, accountable and fully cognizant of their roles and responsibilities. Integrated within this approach can be the civilian private security industry, working within established legal frameworks.

7. The report of the Australian Institute of Criminology, member of the United Nations Crime Prevention and Criminal Justice Programme network of institutes quotes the pre-2000 estimate of the size of the civilian private security industry in the then 15 countries of the European Union and 12 other countries. Using European Commission labour force statistics for 1996, they estimated there were 592,050 security personnel in Europe in a population of 369 million; that is, 160 personnel per 100,000 population, compared to 375 police per 100,000. Police still outnumbered security personnel by approximately two to one. The United Kingdom had the most security personnel, with 275 per 100,000 and Greece had the lowest proportion with only 19 per 100,000. Outside Europe, the Republic of South Africa was found to have the highest proportion, with 900 security personnel per 100,000. A second study of the situation in the European Union found that the number of security employees (in the then 25 countries of the European Union) had increased to over one million in 2004. In a recent global review of crime and security, it was estimated in approximate terms that, “[w]orldwide, more people are employed as a civilian private security officer (348 per 100,000) than as a police officer (318 per 100,000).” Today, the civilian private security industry is estimated to have a worldwide market value of over $165 billion US with an annual growth rate of over 8%.

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2 Economic and Social Council resolution 2002/13, annex
8. Civilian private security guards in both public and private spaces is now a common sight throughout much of Africa, Asia, Eastern Europe, Latin, Central America, the Caribbean and the Gulf States. In Northern America, for every public police officer, there are an estimated three or more private guards. In some major North American cities, the ratio exceeds seven to one, or even more in the downtown core. In Australia, the use of civilian private security in crime prevention and law enforcement activities has grown to a point where security personnel outnumber police by more than two-to-one.8

9. The largest global security company alone employs over half a million guards. The presence of uniformed guards in mass private spaces, such as shopping malls, universities, hospitals, gated communities and entertainment zones, or at the doors of hotels and banks, is now ubiquitous. Governments, and even some police forces, have devolved differing levels of security, public safety and crime prevention responsibilities to the private sector, including civilian private security.

10. Part of this trend is based on an ever greater perception of risk in society generally, rising crime rates, and the increasing trend to look to the private sector for the mitigation of risk. It is argued that while personal human security has traditionally been the responsibility of the state, there is a growing belief in some circles that the state, for a number of reasons, can no longer provide security from all risks.9 10 11 12 While civilian private security and public police have traditionally been perceived as parallel systems, the pluralization of ‘policing’ as a function is gaining momentum.13

11. Civilian private security companies and their employees have evolved greatly in the past few decades. The traditional role of uniformed security guards is most often thought of as some form of night watchman, standing guard or patrolling industrial sites, protecting private interests, much as they have around the world for hundreds of years. Today, it is a global and multi-faceted industry, with greatly varying levels of service, governance, and professionalism.

12. While highly regulated, with stringent oversight mechanisms in place in some States, in other States the civilian private security industry is not well regulated and in a few States it appears to operate at times with impunity.

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8 Prenzler et al. 2009.
13. Growth within the civilian private security industry has not been without problems. In some fragile, low income, post-conflict or transitional States, and while not the norm, civilian private security has been linked in some instances to human rights abuses, the trade in conflict resources, organized crime groups, and the illicit trade in small arms and light weapons. Some of these problems have allegedly been at the behest of corporate clients, political or ethnic interest groups, and States. In some States, civilian private security companies may have affiliations with political parties, paramilitary or ethnic groups and criminal elements.

14. While many would accept that civilian private security has a role to play in crime prevention – when viewed as the company taking an active role in preventing crime by third parties, while protecting persons and assets on behalf of clients – it also assumes that civilian private security companies, and their employees, do not themselves engage in criminal acts. To ensure this, there needs to be involvement by responsible government and civil society.

15. Outside involvement most typically takes the form of state regulation and oversight of the civilian private security industry. There are other initiatives, including industry self-regulation, end-user/client industry standards, and the involvement of non-governmental organizations.

16. What is not yet clear internationally is how best to regulate the civilian private security industry, especially as it operates globally, and how best to shape and guide its role in crime prevention and community safety.

17. There are many States, non-governmental organizations and actors within civil society that are working on different aspects of the problem of civilian private security governance and oversight, but as yet, no international principles, guidelines, or standards exist that are widely agreed upon.

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Problems of definition

18. Internationally, some authors and documents combine civilian private and military security companies, generally referring to them as ‘private military and security companies’.19 While each is commercial, and provides a spectrum of services broadly relating to security, they typically differ in the on-the-ground context within which they are deployed.

19. This paper focuses specifically on civilian private security companies,20 to the exclusion of private military companies. In some circles, there continues to be confusion between the two, and there is no definitive and internationally accepted definition that clearly delineates differences between the two. In fact, in some instances, the lines between the two can become blurred. Moreover, given the central focus of this paper on crime prevention and community safety, other aspects of private security policing are not within its purview.

20. Generally, by their very name and nature, private military companies provide military services, most often including military training, intelligence, logistics and combat operations, both defensive and offensive.21 They tend to operate in conflict, post-conflict and transitional States, may be headquartered in developed States, and associated for the most part with peace stabilization efforts, conflict and warfare.22

21. By contrast, civilian private security companies are most often purely defensive, and preventative in nature, although they may in some locales provide an armed response to specific alarms or incidents. Usually, their role is limited to one of ‘observe, deter, report and record’ in relation to crime, fire or disorder. They provide commercial services aimed at protecting persons and physical assets, and may sometimes be armed.23 Civilian private security companies can now be found, to varying degrees, in most States. While the majority are most often locally owned and often have fewer than two hundred employees, some are global and employ tens of thousands of staff.

22. While the lack of a clear and internationally agreed upon definition of civilian private security is problematic, it is not within the scope of this paper to resolve the issue.

23. This paper focuses solely on the uniformed guard aspect of civilian private security, sometimes referred to as ‘manned guarding’.

20 For the purposes of this paper, civilian private security companies include both contracted security services and those that are proprietary or ‘in-house’.
Privatisation of policing and the rise of private security

24. In recent history, policing, and through it the provision of public security and the prevention of crime, has been the responsibility of the state. That is now not always the case. Crime is at present too extensive and complex to be dealt with solely by the police.  

25. If one considers 'policing' as a function of providing order and security, then it can be argued that civilian private security companies do act as private police, separate from the public police, providing aspects of a police service. While civilian private security companies may complement, work with, or in some locales supplant the public police, there are distinct differences between the public and private police. 

26. The public police are largely reactive, while the private police are by nature preventative, future oriented, and focused on risk mitigation. One is funded by the state and supposed to protect the interests of all persons, while the other is privately paid for and focuses primarily on protecting the interests of a client. Usually, but not always, the public police undergo much more rigorous vetting and training than the private police. In most States, it is the norm that public police are governed in some formal fashion by state authorities, and subject to strict codes of discipline and oversight. Meanwhile, the private police are governed by civil and criminal liability, labour laws and contractual liability. The public police are the legitimate agent of the state when using force, while the private police are usually strictly constrained in their force options.

27. In recent years, there has been an interesting evolution in the provision of peace, order and security in public spaces, and how public spaces are perceived. It is common in some States to see mass public spaces that are in fact private property. Amusement parks, gated communities and shopping malls are three common examples. Now, some mass private property is commonly viewed as public spaces. In such venues, it is often the private police that protect persons and property. At the same time, in some locales, it is common to see uniformed civilian private security officers, sometimes armed, patrolling downtown streets on behalf of business improvement associations.

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28. With limitations on public police budgets and hiring, some argue that the rise of private police is a logical evolution in public safety and that, in some instances, private police can play a role in the delivery of front-line police services. Others strongly disagree.

**Evolution of civilian private security**

*Expansion of roles*

29. In some contexts, civilian private security companies used to be viewed as small, often local, firms who supplied night watchmen or guards at gates of industrial sites. That, in many States, is the past.

30. Over the past few decades, the civilian private security industry has undergone a dramatic transformation to the point where its services often overlap, complement, or sometimes even supplant public police services. Firms are often global in nature, with the largest civilian private security company employing over 500,000 staff around the world. Now, in some discussions, the very act of 'policing' is differentiated by who provides the service – the public (state) police or a civilian private security company. In some States, including South Africa, the Philippines, Russia, the United States, the United Kingdom, Israel and the Federal Republic of Germany, the number of people employed by private security companies greatly exceeds the numbers of public police. The same holds true throughout Latin America, where civilian private security workers can outnumber public police seven to one.

31. Civilian private security companies are conceptualized by some as primarily providing night watchmen and guards for access control, which many firms still do, but in differing locales civilian private security firms provide a far wider range of services, including cash in transit services, movement and protection of other valuables, conduct of various forms of confidential investigations, including undercover/covert investigations and complex fraud investigations, provide bodyguard/close protection, witness protection, crowd control, process serving, conduct surveillance, including the use of CCTV and covert systems, collect and disseminate intelligence, monitor, install and respond to various forms of alarms, act as retail loss prevention officers, offer various forms of technical security consulting including countermeasures for industrial espionage, track and recover stolen assets, assess and manage incidents of targeted violence, provide fire and life safety

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31 Krahmann, 2002.
services, and engage in foot/vehicle patrols in public spaces as differing approaches to crime prevention.\textsuperscript{38} \textsuperscript{39} It is not a clearly defined homogenous group, and will vary from state to state in the types of services provided and the classification terminology used. For example, depending on the locale, the terms 'inquiry agent' and 'private investigator' can describe the same occupational task.

32. Civilian private security is visible in many specialized settings, including airports, rail stations, shopping malls, gated communities and high-rises, hospitals, major sporting/recreational events, entertainment complexes, government offices, police stations and jails, and at critical infrastructure sites. In some settings, they are a part of the fabric of urban life.\textsuperscript{40} In many settings, they also provide an armed response to alarms and incidents. Civilian private security typically prevents crime in three ways: deterrence through a visible profile, identifying potential threats early and sounding an alarm, and presenting an elevated risk of apprehension to perpetrators.

33. As public concerns over perceived risks have escalated and some police services have been reduced, or been perceived in some quarters as being incapable of providing full protection from harm, the civilian private sector has moved to fill the perceived void.

\textit{Role in community safety and crime prevention}

34. As previously stated, civilian private security companies, and their employees, have two obligations to fulfill as they provide security services: to ensure their services do in fact provide security in a manner consistent with the protection of people and assets, such that victimization and crime(s) is prevented; and, not to commit crimes themselves, including the violation of human rights as set out in international conventions and standards.

35. As a service provider, civilian private security can, by their very presence provide deterrence to some forms of crime and victimization. They provide an added level of both formal and informal surveillance of private and public spaces, enabling personnel to alert public police and other emergency responders to events that negatively impact public safety and security. As investigators, they enquire into past events with a focus on perpetrator identification and future event prevention. In their role as security consultants, they seek to create built environments, policies and operational procedures that enhance human safety and security, while preventing future crimes.

36. A cooperative and consultative approach between the public police and civilian private security can be a ‘force multiplier’ in the provision of community security and the prevention of crime.\textsuperscript{41} The police cannot be everywhere, and civilian private security can fill many gaps in the collection of real time intelligence on events that threaten public security and safety.

\textsuperscript{38} Deitelhoff, N. (2009). Transformation(s) of the state? The state of (private) security and the security of the state. APSA Annual Conference, Toronto.
\textsuperscript{40} Fieser, 2010.
\textsuperscript{41} Abrahamson & Williams. 2006.
37. In some States, civilian private security is now one of several tiers of ‘police’ service providers at the community level, reporting ultimately to public police authorities.\textsuperscript{42} Such programmes may rely upon informal good will or more formalized types of cooperation. They may take the form of casual networking or regular information sharing meetings, to named programmes such as ‘Operation Cooperation’. In some, the police may provide some training and equipment to civilian private security as one measure of community crime prevention and the promotion of safety and security.\textsuperscript{46} In the United States, suggested guidelines have been created by the federal government for Operation Cooperation, and how it is manifested in local jurisdictions.\textsuperscript{48} This includes addressing levels of cooperation, types of cooperative programmes, and elements of success. In the United States and Canada, which also has the programme in some locales, it is best described as an initiative to encourage collaborative partnerships between law enforcement and civilian private security professionals, with the objective of preventing crime and enhancing community safety.

38. There are challenges to such public/private cooperative ventures, including legal authority, funding, leadership and control, lines of communication, levels of trust and respect, restrictions on information collection, sharing and storage, and public perception. In some locales, organized labour may have concerns over a perceived privatization of public police jobs. In others, there may be public confusion over the demarcation of boundaries between public and private police authorities, responsibilities and accountabilities. Some of these issues are more easily addressed than others, and will vary greatly between and even within States.

39. For many, the most visible manifestation of civilian private security in a crime prevention and community safety role is found at airports. There, civilian private security has several roles, including the provision of security and the prevention of crime, including terrorist attacks. They are also there to assure the traveling public that air travel is safe. This is one measure of protecting the airline industry, which in many states is a vital part of the national economy, and thus indirectly related to community safety. However, there are some security industry experts who argue that some countermeasures, dubbed ‘security theatre’, especially including those at airports, are intended to provide the feeling of improved security while doing little or nothing to actually improve security.\textsuperscript{47} 48


\textsuperscript{44} Johnston, 2003.


40. The notion of security theatre creates an interesting question through which to view the role of civilian private security in crime prevention and community safety: how much of the ‘security’ function is designed and deployed to reassure us, and reduce fears, without actually providing practical tangible countermeasures to the risk of actual threats? And, is this always inappropriate?

Issues and concerns

41. In regards to civilian private security companies, their role and scope of services, there are many issues of concern to States, not all of which can be discussed within the scope of this paper. Some have already been mentioned earlier. Others include the globalization of firms and how state-specific information detailing measures to protect critical infrastructure may be warehoused off-shore, and could possibly be subject to viewing by unknown third parties. Related to this concern is the advent of state laws designed to address terrorism and transnational organized crime, and which permit state access to corporate data, including security infrastructure related data from international clients. While forums such as ISO create standards for processes, there are not yet global standards or broadly supported international agreements regarding the privacy of security related information.

42. A not uncommon activity that draws state, public and media attention to civilian private security companies is the use of force. In low, middle and high income States, well intentioned security officers who use force in the line of duty, such as to apprehend and detain a thief, sometimes find themselves accidentally killing the subject. This tragic event can be the result of improper hiring, training, supervision, policy or procedure, or the absence of state imposed standards relating to practice and scope of authority. While there are United Nations standards regarding law enforcement use of force, there are none specific to civilian private security.48 50

43. There are several United Nations conventions specific to criminal justice that address the role and contribution of the private sector in the broad realm of crime prevention, within which civilian private security would be included. These include for example the UN Convention Against Corruption (articles 21, 22) focusing on corrupt practices, and the ECOSOC Guidelines for cooperation and technical assistance in the field of urban crime prevention (resolution 1995/9, Annex 2.3 (b)) advocating integrated crime prevention action plans, including the inclusion of the private sector. There is also the 2002 Guidelines for the Prevention of Crime (paragraph 9) stating that cooperation/partnerships should be an integral part of effective crime prevention, given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them. This includes partnerships working across ministries and between authorities, community organizations, non-governmental organizations, the business sector and private citizens.

49 Code of Conduct for Law Enforcement Officials
50 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
Defining the role and scope of authority in community safety and crime prevention

44. It has already been acknowledged that successful crime prevention requires a partnering between government, law enforcement, civil society and the private sector.\textsuperscript{51} 52 53 54

45. Given the often varying nature of civilian security services provided by private security in different States, it is unlikely that a broadly accepted and prescriptive set of standards can be designed that addresses all pertinent issues, however, that need not be true of the oversight, scope and authority of civilian private security actors in community safety and crime prevention.

46. One starting point could be to chart current duties of civilian private security that are most common amongst States, and then articulate how these impact – both positively and negatively – community safety and crime prevention.

47. Basic principles could include compliance with all state and international laws, including how employees are treated, be free from practices that are discriminatory, promote the prevention of crime and the enhancement of community safety through the security services they provide, and to cooperate fully and in partnership with public police.

48. While civilian private security, by its very nature, most commonly protects private interests, it still fulfills a crime prevention role, which in turn enhances community safety. However, when one considers the expanding role of civilian private security operatives in protecting gated residential communities and exclusive neighbourhoods, the disparity in access to security and safety between those who can afford to pay for it, and those who cannot, becomes readily apparent. It is this unequal access to security, and the commodification/commercialization of 'security' where it becomes a 'service' to be bought and sold in the marketplace, that troubles some who study the role of civilian private security throughout the world.\textsuperscript{55}

49. Those who often need 'security' the most cannot pay for it, while those who can pay, often need it the least.\textsuperscript{56} Any attempt to create international standards and guidelines for governance of civilian private security, and its relation to crime prevention and community safety, must take this into account, and how this relates to fundamental principles of human rights.

\textsuperscript{52} Guidelines for the Prevention of Crime, adopted by the Economic and Social Council in its resolution 2002/13
\textsuperscript{53} Urban security and community-centered crime prevention: Guidance Note to UNODC Field Offices (2009).
\textsuperscript{54} Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, (2005) General Assembly resolution 60/177, annex.
\textsuperscript{55} Abrahamson & Williams, 2009: 20.
\textsuperscript{56} Van Buuren, 2010.
Standards, principles and governance

50. While many States have a formal framework for public police accountability, such as public complaints bodies, not all provide formal oversight of the civilian private security industry. While the state may regulate civilian private security firms and their employees, there may be gaps in the monitoring of conduct of civilian private security staff. This can include specific direction on how public police and civilian private security are to work together, if at all, in community crime prevention. Deficiencies can result from a lack of clarity in government policy, regulatory framework, shortage of regulatory compliance inspectors, databases of licensed civilian private security companies and staff, or the absence of an industry code of ethical conduct, along with an effective and transparent public complaints process. Combined with the lack of role clarification between public police and civilian private security, conflicts and confusion can arise.\(^{57}\)

51. In contexts where public police and civilian private security work together in some fashion, whether through an ad hoc initiative or some larger scheme, the public good requires clarity on lines of communication and reporting, delineation of authorities over actions, and accountabilities. Generally speaking, the public police are there to protect the public, while civilian private security exists to protect the interests of clients. If these two groups are to work together to prevent crime and enhance community safety, then these apparently differing lines of accountability require further examination and discussion.

52. Some argue that unlike the public police, civilian private security is not accountable for its actions, or the consequences of its actions. Citing Stenning,\(^{58}\) van Buuren\(^{59}\) argues that there are in fact seven distinct accountability mechanisms through which civilian private security can be held accountable:

- State regulation
- Industry self-regulation
- Criminal liability
- Civil liability for torts or delicts
- Labour/employment law
- Contractual liability
- Accountability through the market

53. The most current, and authoritative text on regulating the civilian private security industry argues for a global framework to identify, implement, and enforce relevant standards across the civilian private security industry, including assisting States to achieve effective regulation.\(^{60}\) It goes on to state that global standards already exist, although they primarily relate to international humanitarian law.

\(^{59}\) van Buuren, 2009: 34.
\(^{60}\) Cockayne, 2009.
54. One framework for such standards can be found in the EU. In a Joint Opinion of the European Social Partners in the Private Security Industry on Regulation and Licensing, which was signed by CoESS and EURO-FIET (the predecessor to UNI-Europa) in 1996, a joint declaration set out the following principles vis-à-vis regulation of civilian private security:

- Effective regulation of civilian private security is essential for high standards of professionalism and standards in the private security industry.
- All firms in the civilian private security industry should be licensed.
- Employees should be screened and those with certain criminal convictions should be barred from employment.
- Employees should undertake vocational training.\(^{61}\)

55. In Africa, it has been suggested that the African Union take the lead in establishing a code of conduct for the civilian private security industry as one step towards a regulatory framework and set of standards across the continent.\(^{62}\)

56. A researcher focusing on security industry regulation\(^{63}\) developed a system for rating European country approaches to regulating the civilian private security sector. The quality and comprehensiveness of national legislation and regulation was based on the following criteria:

- Presence of a licensing system for contract civilian private security staff
- Identification of mandatory training for unarmed security guards (with additional points awarded for longer training, such as greater than eighty hours)
- Identification of a minimum level of training and skill for security managers
- Presence of a licensing system for in-house (proprietary) security staff
- Explicit licensing regulations for security firms

The rating system gave highest marks (tied) to Spain and Belgium.

57. It can be argued that global civilian private security companies, which may have strong internal standards, can ‘export’ security practices, policies and technologies respectful of human rights to States that may lack such standards. This can especially be true where a civilian private security company is under increased international scrutiny for their involvement in extractive industries or post-conflict and transitional States. The global firm may create new norms for local civilian private security companies and influence future behaviour.\(^{64}\)

\(^{64}\) Abrahamson & Williams, 2009: 29
58. Broadly suggested basic principles for the civilian private security industry include good governance by States, civilian private security compliance with state and local laws, licensing of companies and staff, including classifications of company/staff operations, objective criteria for the selection and licensing of staff, vetting and oversight to ensure known human rights abusers are not employed, clarification of when active police can, or cannot, be employed by private security, models for cooperation with public police, restrictions on use of force by private security, codes of conduct for companies and staff, systems for public complaints and their proper investigation, some form of vetting of clients and client projects to ensure compliance with state and international laws, working conditions for staff, creation of appropriate training standards based on identification of core competencies, for various categories of licenses, and state support for the creation of robust and mature local industry representative associations. Where robust industry professional associations do not yet exist, States should encourage their formation, and support active police participation.

59. One aspect of public and state security that is gaining increasing attention is the privacy of information, including who collects the personal information of others, how it is stored, shared and access to it is controlled. In the course of their duties, civilian private security companies and operatives often legitimately collect information on private individuals, companies and government. They may do this in the absence of specific regulation or state law, and if the civilian private security company is a multinational, the information could be stored offshore.

60. There are many current and quite different approaches to the creation of state and international standards for the civilian private security industry. For example, the Canadian General Standards Board has developed a national standard for the training of civilian private security guards, based on a forty-hour training course. While it has been the model of several provincially regulated training programmes across the country, it is not national law. Both the United Kingdom and the United Arab Emirates have adopted nationally regulated training standards for civilian private security guards. The UK, through the Security Industry Authority, also created a very robust and comprehensive training standard for close protection officers (body guards), based on articulated core competencies. The UAE in turn created federally regulated training standards for cash in transit personnel and through the Ministry of Interior, took over the delivery of all security training to ensure quality and consistency of delivery. The UAE is also in the process of creating federally regulated training standards for specialty classifications of civilian security guard licenses, including bank security, hotels, airports and hospitals. As one approach to regulating how companies operate, both the UAE and UK require all security companies operating within their jurisdiction to hold ISO 9001 registration. In many States within the United States of America, local authorities have created regulated standards for vetting of civilian private security personnel, their training and licensing, and restrictions on duties.
61. There are differing challenges to effective standards and regulations internationally. While many States regulate civilian private security companies operating within their jurisdiction, and set standards, some lack the capacity to inspect for compliance, and take meaningful enforcement action. Some have weak regulatory mechanisms, and fail to fully articulate standards. For example, some States identify a training standard by duration of training time, but fail to state what the training must consist of. Some stipulate in general terms what mandatory training is to consist of, but do not specify how long the training is to be. For some, low national literacy rates restrict the ability to train or supervise to some international standards. A few States rely heavily on international workers, including civilian private security personnel, which can raise concerns over the ability to fully security screen workers, especially those from low income countries where searchable databases may not be available, or reliable.

62. International efforts to create standards regarding conduct of civilian private security operations include the Voluntary Principles on Security and Human Rights, supported by six countries so far, which focus on adherence to human rights principles in security operations relating to the extractive industries. Recognizing that the rise in prevalence of civilian private security has not been followed by a parallel rise in effective accountability mechanisms, and with a similar focus on human rights, the Swiss government is in the process of creating a Code of Conduct for Private Military and Security Companies. The Swiss initiative makes reference, as do others, to the Montreux Document, which has a primary focus on “private military and security companies”, their activities specific to armed conflict, and the application of international law. As such, the Montreux Document is not generally applicable to mainstream civilian private security companies who do not normally work in conflict zones or provide military-style services.

63. A robust example of a proactive regional set of standards is the Sarajevo Code of Conduct for Private Security Companies, created by the European Union, United Nations Development Programme, and the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons. The Code contains a set of basic standards of professionalism and service delivery for application by all civilian private security employers and employees in the region. The accompanying Sarajevo Client Guidelines outline client responsibilities, including how a civilian private security vendor is chosen and directed.

64. Industry associations have also created standards, most often relating to knowledge, skills and training. For example, the International Association for Healthcare Security and Safety has adopted standardized professional development programmes, unique to healthcare security and safety and spanning frontline staff to supervisors and managers that lead to formal certification. Similarly, ASIS International, the largest membership driven security association in the world, has created formal learning programmes that lead to differing professional certifications. In the European Union, the Confederation of European Security Services (CoESS), an industry lobby group, is working to create standards for private security across the EU. CoESS has co-sponsored the development of a very robust security officer

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training programme for suggested use across the EU.\textsuperscript{67} The International Association of Chiefs of Police has also suggested international guidelines for civilian private security officer selection, training and licensing.\textsuperscript{68}

65. The primarily North American focused International Association of Security and Investigative Regulators has proposed a \textit{Model Statute for the Regulation of Private Security Officers and Their Employers} (2001).\textsuperscript{69} While offering a sound template, such model laws are not always readily transferable to States. Governments may lack the ability to fully devote the resources required to meet regulatory obligations. As well, definitions, terms and processes may not be applicable in differing legal regimes and cultural contexts.

66. While industry associations within States may attempt to self-regulate their membership, they do not always speak for, or represent, all civilian private security companies. Guard-specific associations may not be able to appropriately represent the interests of companies that provide a larger suite of security related services, such as investigations, cash in transit, alarm monitoring, or security consulting. Some associations lack the resources, or will, to act as regulators. As well, there is always the potential for conflict of interest and self-serving actions. There are States where the industry is still in its infancy and lacks the maturity or cohesion to speak as a unified, coherent voice. At the same time, there are many examples of civilian private security companies, both local and international in nature, that have well established internal frameworks to ensure full compliance with all relevant laws.\textsuperscript{70}

67. Standards are also sometimes set by security end user associations, such as sea ports and aviation. These however are most often operationally based, focused on risk mitigation measures related to people and assets, set minimum criteria, and have varying mechanisms to ensure satisfactory compliance. They do not always include a focus on international law and respect for human rights.

68. The International Maritime Organization (IMO), for example, created \textit{The International Ship and Port Facility Security Code} in 2004. It is focused on security planning and physical security, designed to mitigate risk. Within the Code is a requirement for physical security of ports, including access control – a function often contracted out to civilian private security companies. The Code specifies some minimum, measurable requirements for those functions.

69. For the aviation industry, the International Civil Aviation Organization (ICAO) administers the \textit{Convention on International Civil Aviation}, within which Annex 17 (2005) deals with international aviation security. Supplementing this is the \textit{Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference}. State bodies, such as the Transportation Security Administration (TSA) in the United States of America and Canadian Air Transport Security Authority (CATSA) in Canada, are responsible then for implementing the security procedures, many of


\textsuperscript{69} \url{http://www.theicor.org/art/present/gs/shrt/GSPM00010s.pdf}

\textsuperscript{70} Cockayne, 2009.
which are in turn outsourced to civilian private security companies. Given the size of such endeavours at a state level, there are inevitable problems in ensuring uniformity of compliance, and the imposition of some procedures that may give the appearance of security without actually providing tangible security outcomes. One only has to travel the airports of the world to witness first hand the varying security procedures and levels of security officer diligence from one locale to another.

70. Some argue that efforts such as those of the IMO and ICAO are focused more on the mitigation of liability than providing actual hard security measures. The counter to that argument is that true security, which mitigates all threats, is too cumbersome and expensive, and would cripple both business operations and economies.

71. A complaint heard from some civilian private security companies is that they are sometimes regulated by officials who do not know, or understand, their industry. This is at times evidenced by state regulations that do not appear to have the best interests of the public, or the industry, in mind. This is an area where States, through constructive dialogue with the industry, can make positive changes. Such a move is, however, predicated on the belief that a mature and professional industry is able to speak with a unified voice.

Practice Examples

72. There is no one ideal model for relationships between public police and civilian private security, nor is there a dominant example of the role civilian private security plays in crime prevention and community safety. From the literature and actual practice, it would appear that formalized relationships between police and security are largely task or issue focused. In other words, they often come together on an ad hoc basis to address a specific local crime concern or project. The role played by civilian private security in community crime prevention is not always evident at first and can include how States govern the industry to help prevent civilian private security itself from being involved in violations of law.

73. A common example of the role of civilian private security in community crime prevention is “Operation Cooperation” found throughout Canada and the United States. In this programme, police and civilian private security partner to focus efforts, resources and information on a localized crime problem, such as urban theft. Local business and business improvement associations are often involved in Operation Cooperation. The actual role played or service provided by civilian private security in preventing crime and enhancing community safety in this model most often takes the form of a visible presence on private property or mass private property (e.g.: shopping malls, universities, hospitals, gated communities, amusement parks), use of patrols and CCTV to deter and respond to crimes, and use of various strategies to prevent crimes such as theft, property damage, disturbances, disorder, or violence (e.g.: utilization of principles of Crime Prevention Through Environmental Design). It is useful here to remember that the role of civilian private security, largely, is future-oriented prevention, not reaction to acts of crime or disorder.
74. Civilian private security is a part of community policing. Community policing is not a specific programme or initiative. Rather, it builds on the belief that the police are the public, and the public are the police. Community policing is a model of police work that looks to local community partners to identify, address and prevent crimes, using cooperative problem-solving approaches. Private actors are mobilized to provide ‘policing’. This description logically includes the civilian private security industry, especially those personnel assigned to posts in communities where this philosophy is adopted by the police. In the British Government landmark report *Criminal Justice: The Way Ahead*, the role of civilian private security in community crime prevention is explicitly acknowledged.\(^{71}\) As many police agencies around the world embrace the philosophy of community policing and seek partnerships designed to prevent crime and promote community safety, research has shown that while civilian private security is not generally thought of as an immediate and viable partner, those in the security industry are naturally predisposed to want to work with police.\(^{72}\)

75. The Taguig Police, Philippines, have recently taken steps to structure cooperation between themselves and local civilian private security companies as one approach to combating street crime and enhancing public safety. Police created a security handbook, with standard operating procedures for public/private cooperation and communication, and distributed it to all civilian private security operatives in an effort to enhance communications, cooperation, and the effectiveness of civilian private security in preventing crime.

76. It is currently estimated that in Kenya there are approximately 40,000 public police, and 300,000 civilian private security personnel. The industry is a major employer, and fills a vacuum caused by the absence or perceived infectiveness of the public police. In some communities, police posts have been closed in neighbourhoods dominated by civilian private security services. It is feared that the absence of public policy governing the industry could have a destabilizing effect if such a large civilian private security force were ever allowed to be armed.\(^{73}\)

77. Partially viewed by some as a response to rising concerns over terrorist attacks in India, several civilian private security companies are enhancing the nature and duration of training provided to guards assigned to posts which could be targets for future attack, such as hotels and critical infrastructure. Here, the industry has a large population of owners and managers who are retired police or military, and bring with them pre-existing communication networks within state security systems, further enabling the civilian private sector to focus its crime prevention efforts.


\(^{73}\) Mkutu and Sabala, 2007.
78. Recognizing the crucial role played by civilian private security in public safety, the industry is regulated and licensed by the police in Singapore. As one approach to ensuring the capability of civilian private security in crime prevention, the police grade companies as part of a voluntary scheme. Publicly reported results focus attention, and help ensure a more professional and effective civilian private security industry. As the scheme evolves, more companies actively strive to achieve a rating of ‘excellent’ in the public report. Grading criteria used to assess the performance of civilian private security companies include operational planning, leadership, knowledge management, quality of manpower, operations support and delivery.

79. Acknowledging that evolving social and economic factors have led to an increase in property crime and police are often more focused on crime detection than crime prevention, the relatively new civilian private security industry in China has begun rapid growth. To provide oversight to the civilian private security sector, the police ‘guide and supervise’ the industry, according to the 1995 Police Law. While the form and extent of this role varies across locales, the approach helps foster active cooperation between public and private police, with a focus on shared approaches to crime prevention (Guo, 1999).

80. In the United Kingdom, one global private security firm hires many retired police officers to supplement public police investigations, and large public protests. In such instances, the civilian private security officers report to a senior public police commander. In one city, the private sector police staff a murder investigation team, managing much of the administrative work. In this way, higher paid public police are freed up to conduct the more sensitive and complex work.

81. Retail companies prone to victimization through organized theft rings support local police crime prevention efforts by offering grants to purchase equipment, such as CCTV systems, in some cities in the United States. Local professional industry associations help foster formal and informal information sharing networks with local, regional and national law enforcement agencies, all intended to build community safety and prevent crime. Such efforts extend to cooperative approaches to problem-solving strategies addressing local crime concerns.

82. Retail loss prevention, commonly referred to as theft through 'shoplifting' is a crime problem where companies typically look to civilian private security for solutions. This can include uniformed guards controlling entry and exit to shops, CCTV to monitor for theft, installation of electronic systems to alert staff when tagged items are being illicitly removed from a shop, and undercover operatives who attempt to catch thieves in the act. Lost revenue through theft can cripple or close a retailer, and few police agencies have the resources to help in an effective manner.

83. In some countries, crimes of fraud have become so complex, and labour intensive to investigate, that specialized civilian private security now does much of the detailed investigation work on behalf of the victim company. In an effort to recover lost monies, and avoid negative media attention, some corporate victims of ‘white collar crime’ look to civilian private security investigators for solutions, and do not make a formal report to police. Some public police agencies lack enough specially trained investigators to cope with the burden of complex fraud cases. In Canada, some public police agencies now sub-contract many fraud cases to the private sector.
84. In the United Arab Emirates, police work closely with civilian private security, such as at major public sporting events, to ensure proper crowd management and public safety planning. Cooperative plans are created to address possible large public disturbances, with clear delineation of roles and responsibilities. A similar process takes place in Australia with the Capital Territory Police and local civilian private security firms.

85. Dubbed ‘Project Griffin’ in the City of London, and started five years ago, Metropolitan Police bring together the local authorities, the civilian private sector security industry, the emergency services and other agencies to coordinate efforts by working together to deter, disrupt and support pro-active operations regarding terrorist/extremist activity within the local area.74

86. To help secure the 2010 Winter Olympics and prevent various forms of crime, including terrorism, the Vancouver Olympic Organizing Committee hired 5,000 civilian private security guards to help augment the 6,000 police and 4,500 soldiers assigned to security and public safety at the various Olympic venues. Police and civilian private security created a number of formal and informal systems for sharing real time information on protests, traffic congestion, crowd control, and other security and safety concerns and threats. Information sharing included daily confidential security intelligence briefings from police for civilian private security and Olympic corporate sponsors.

87. Concerns over terrorism in some US jurisdictions have led to formalized information sharing programs between police, civilian private security, and private companies in general. Structured meetings, informal networks, and the Internet are all used to facilitate the flow of information designed to prevent crime and support community safety. In this approach, the inclusion of civilian private security is seen as a force multiplier for public police and intelligence officials.75

88. Local business improvement associations in Europe and North America now commonly hire civilian private security to patrol shared public spaces in an effort to address street level “nuisance” public order issues and crimes that may keep shoppers away. In some jurisdictions, this includes homeless persons, drunks, persons begging, shoplifters and persons causing some form of disturbance – perceived or real. Civil liberties groups protest that some persons who are 'moved along' by civilian private security are not breaking any law, and have as much right to be in the public space as anyone else. Some police associations object to what they view as the privatization of a public police function, and the possible threat to police staff positions.

74 http://www.projectgriffin.org.uk/
89. In some South American and South East Asian slums and shanty towns where the
police are overwhelmed by organized criminal gangs, including those involved in
illicit narcotics trafficking, civilian private security at times fills the public safety
vacuum in the absence of an effective public police presence. While they may help
maintain some form of order and resolve disputes, there have been reports of some
civilian private security companies being run by crime groups, involved in extra-
judicial killings and other forms of crime.76 77

90. Civil society groups in Argentina complained about the presence of past human
rights abusers being employed by civilian private security companies, and thus
raising some doubt about the actual role of private security in public safety, have had
their voices heard by government. The city of Buenos Aires passed a measure
requiring civilian private security firms to publish on the Internet the names of all
owners and employees. Human rights groups hope this will help track down those
under investigation for past crimes while enhancing the credibility of civilian private
security in community safety.

Conclusion

91. Throughout the world, the civilian private security industry will continue to grow in
size and scope. In some States, it has even taken on the management of public
prisons. In others, it has been used to fill geographic or manpower gaps
experienced by the public police. More civilian private security firms will become
global, and, especially in fragile and post-conflict States, civilian private security may
at times be the most reliable actor in crime prevention and community safety.

92. There exist differences around the world, including, at times, great disparity in how
civilian private security is regulated and what role it plays in community safety and
crime prevention.

93. Human rights abuses, and other violations of state and international law, may occur
by some in the civilian private security industry if States do not reform their approach
to governance of the industry, including licensing of companies, specific activities,
and individuals, as well as clarifying legal authorities and constraints, establishing
public complaints mechanisms and setting industry standards.

94. The Commission on Crime Prevention and Criminal Justice, emphasizing that States have primary responsibility for public order, safety and security, noted the importance of effective oversight of civilian private security services by competent state authorities to ensure that they are not compromised or misused by criminal elements, including organized criminal groups. Study is required of international good practices in governance and oversight of civilian private security by the state, as well as the role professional trade associations can and do play in ensuring ethical principles and practices are enshrined within the civilian private security industry.

95. At present, there are no broadly accepted international standards and norms specifically addressing civilian private security and based upon the rule of law across the industry. The feasibility and value of creating such standards and norms is deserving a study.

96. Community safety, and the prevention of crime, is the responsibility of many actors, most notably the state and the community itself. Civil society, non-governmental organizations, and the private sector also have roles to play. This includes the civilian private security industry. Further study is required to identify international good practices relating to the role of civilian private security broadly in crime prevention and public safety, including sector-specific functions, and if there are common themes across such practices that are applicable to other contexts and locales.

97. Security is a public good that ought to be accessible to all, equally. The role played in the provision of 'security' by civilian private security and how the needs of disadvantaged communities and particularly vulnerable groups are protected is worthy of further study.

98. Community oriented policing is based on partnerships between the public police and partners from all aspects of the community, which includes civilian private security. Further study examining good international practices which involve civilian private security in community policing is warranted, including how principles of problem oriented policing are utilized by civilian private security.

99. Acknowledging the role of civilian private security in community crime prevention, States need to establish how this group fits within national crime prevention and security policy, the relationship between public and private providers of security, and how such relationships and activities will be regulated in a transparent and accountable manner that further enhances public safety.

100. Given all this, intergovernmental and governmental oversight of civilian private security services will enhance its professionalism, standards, and respect for the rule of law. The Planning Meeting on the role of civilian private security in crime prevention and community safety may be the first significant historical step in this direction.
Annex

Resolution 18/2 on Civilian private security services: their role, oversight and contribution to crime prevention and community safety

The Commission on Crime Prevention and Criminal Justice,

Recalling the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, in which Member States emphasized that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, as well as the recognition of their respective roles and contributions,

Recalling also the Guidelines for the Prevention of Crime, adopted by the Economic and Social Council in its resolution 2002/13 of 24 July 2002 and based in part on the principle that cooperation and partnerships ought to be an integral part of effective crime prevention, given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them, and that this includes partnerships working across ministries and between authorities, community organizations, non-governmental organizations, the business sector and private citizens,

Recalling further that the Guidelines for the Prevention of Crime state that it is the responsibility of all levels of government to create, maintain and promote a context within which relevant governmental institutions and all segments of civil society, including the corporate sector, can better play their part in preventing crime,

Recalling further the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, adopted at the high level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, in which Member States recognized the role of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in contributing to the prevention of and the fight against crime and terrorism and encouraged the adoption of measures to strengthen this role within the rule of law,

Emphasizing that States have primary responsibility for public order, safety and security,

Noting that, in some cases, civilian private security services may, in the course of their duties, contribute to protection for private citizens and commercial and non-commercial entities, where applicable, consistent with national legislation,

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79 General Assembly resolution 55/59, annex.
80 General Assembly resolution 60/177, annex.
Also noting that, in some States, civilian private security services cooperate with and assist the police and may contribute to crime prevention and community safety consistent, where applicable, with national legislation,

Further noting that some civilian private security services may operate nationally and may also seek to operate internationally,

Further noting that, while many States have established mechanisms to regulate civilian private security services, the level of government oversight nevertheless varies widely,

Further noting the importance of effective oversight of civilian private security services by competent State authorities to ensure that they are not compromised or misused by criminal elements, including organized criminal groups,

1. Invites Governments to examine the role played on their territory by civilian private security services, assessing, where applicable and consistent with their national laws and administrative policies, the contribution of such services to crime prevention and community safety, and to determine whether national legislation provides adequate oversight and to share their experiences in this regard with other Member States and with the United Nations Office on Drugs and Crime;

2. Decides to establish an ad hoc open-ended intergovernmental expert group, inviting experts from academia and the private sector to become members of that group in accordance with the rules and regulations of the Economic and Social Council, to study the role of civilian private security services and their contribution to crime prevention and community safety and to consider, inter alia, issues relating to their oversight by competent State authorities, and invites Member States and other donors to provide extrabudgetary contributions in accordance with the rules and procedures of the United Nations;

3. Welcomes the offer of the Government of the United Arab Emirates to act as host to a meeting of the above-mentioned expert group;

4. Requests the United Nations Office on Drugs and Crime to prepare a report on the implementation of the present resolution for consideration by the Commission on Crime Prevention and Criminal Justice at its twentieth session.