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**State Regulation concerning
Civilian Private Security Services
and their Contribution to Crime Prevention
and Community Safety**



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Summary

The growth of civilian private security services and the broadened scope of their activities in many countries require appropriate mechanisms for regulation and oversight to ensure compliance with national and international rules and regulations.

While there are currently no specific United Nations instruments, standards or norms addressing civilian private security services, there is a wide range of standards relevant to the security sector, for example standards relating to the State's responsibility to prevent crime, protect human rights and govern the use of force, detention and arrest, as well as those relating to the relationship between the private sector and human rights and the protection of the rights of workers. These should be consulted and adhered to when developing regulatory systems for civilian private security services.

Experience shows that civilian private security services present States with a resource, which, if properly regulated, can contribute significantly to reducing crime and enhancing community safety, in particular through partnerships and information-sharing with public police. Professional codes of conduct and legislation need to direct and control the sharing of information between public and private security actors.

The civilian private security services sector encompasses a wide range of activities, and regulation should extend to as many of these as is practicable to avoid loopholes, ensure accountability and maximize the contribution of private security to crime prevention and community safety.

The authorizations and limitations of the civilian private security sector should be set out in relevant legislation. If private security workers have special powers or the right to carry weapons, this should be made explicit and regulated as applicable. Areas where private security entities are not expected to operate should be identified in the legislation.

A licensing system for operatives and providers is the cornerstone of an effective regulatory system. Accepted best practice is for licensing to apply to both, so that standards can be raised both in companies and among individual licence holders. Operatives and providers should also be mandated to comply with an appropriate code of conduct as one of the conditions of their licence.

Companies should have documented and formalized standard operating procedures relating to the way security services are provided, including the secure storage of client information and documentation and reporting of all incidents of concern, including any instance where an employee detains somebody or uses force.

The safety and working conditions of civilian private security operatives require specific attention. Even if there is general regulation protecting operatives, the unique challenges of the civilian private security sector may necessitate specialized regulations.

Any civilian private security operatives or providers who breach regulations should be held to account, and there should be appropriate mechanisms in place for the receipt and investigation of complaints by any person against civilian private security companies and staff. Complaints should be investigated impartially by appropriate bodies and, where guilt is established, the body should have powers to sanction operatives and providers.

The procedures for making complaints should be adequately publicized. It should also be made clear what complaints the regulator will deal with. The most serious complaints may need to be dealt with separately by the criminal justice system.

To minimize the risk of corruption with regard to private security services, including their contracting processes, it is vital that States put in place appropriate standards and processes in line with the United Nations Convention against Corruption.

Appropriate training for civilian private security staff is vital in order to raise the standards of the civilian private security sector. States therefore need to ensure that appropriate training standards are established for the sector and consider how these standards are developed and delivered, whether by State or non-State actors or by civilian private security bodies subject to further regulatory controls.

Introduction

Security from crime, fear and victimization at the State, local and personal levels is an important basis for economic and social development. As noted in the United Nations Guidelines for the Prevention of Crime,¹ while States play a primary role, public safety and crime prevention are not the sole responsibility of government or public law enforcement. Indeed, individuals, communities, non-governmental organizations, civil society and the private sector all play a role in enhancing security and community safety.

Recognizing the role of diverse actors and stakeholders in enhancing community safety and the prevention of crime, the Guidelines call upon States to develop national policies in the field of crime prevention. This includes cooperation and partnerships with the corporate sector and action to increase the likelihood that offenders will be apprehended.

Growth of civilian private security services

In a growing number of States around the world, providers of civilian private security services offer a variety of services focusing on the prevention of crime. These include, inter alia, the enhancement of community safety and, in some instances, measures to increase the likelihood of offender apprehension. The security of public places of entertainment and shopping and the protection of residential areas, workplaces and critical infrastructure, are just a few examples of the growing reach of this sector. The reasons for the growth of the civilian private security industry in recent decades are complex. However, there are some factors that can, at least partially, explain the trend, including the following:

- Growth in and fear of crime, which drives individuals and organizations to enhance their security in order to protect themselves more effectively
- The inability of the public police to provide the services that people and organizations demand
- Privatization programmes that expand private-sector involvement
- The growth of mass private property, such as shopping malls, football stadiums, etc.
- The growing risk of terrorism, which means that greater protection is required at places at risk from such attacks

In many countries, such as the United Kingdom of Great Britain and Northern Ireland, the United States of America and Israel, the budgets of private security companies and the number of

¹ Economic and Social Council resolution 2002/13, annex.

personnel they employ exceeds those of the public police.² In India, the ratio of private security to police is estimated to be 4.98 to 1, with the number of private security personnel estimated at over 7 million.³ Latin America is a region where private security is also frequently used. Research shows that there are 1.6 million security guards and private “watchmen” registered in this region, with an estimated 2 million unlicensed guards.⁴ In addition to the increase in the total number of private security personnel, the size of individual private security companies has also increased drastically. For example, the largest private security company employs over 620,000 staff in over 120 countries and had a turnover of around \$12 billion in 2011.⁵ Worldwide, the civilian private security industry was estimated to be worth \$165 billion in 2009, and is likely to be worth \$244 billion by 2016, with annual growth in the region of 7 per cent. The fastest growing markets are likely to be in developing countries.⁶

The growth in size of civilian private security has been matched in many States by an expansion of its role. Indeed, many of the functions traditionally assumed by the public police are now undertaken by civilian private security companies, such as patrolling of public areas, investigation of crimes, the exercise of powers such as search and arrest and the provision of armed guard services, to name a few. The presence of uniformed security 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 in some States, as is their role in protecting government facilities such as office complexes and critical infrastructure, including transportation hubs and energy facilities. In addition, private individuals with the means to purchase personal security where public policing services may be weak or seen as ineffective have helped to grow the industry.

Growth of the industry can also be found in the type of services offered. Civilian private security companies are thought of by some as primarily providing night watchmen and guards for access control, which many firms still do. However, in various locations, civilian private security firms now provide a far wider range of services. These include cash-in-transit services as well as the movement and protection of other valuables. They also conduct various forms of confidential investigations, including undercover or covert investigations and complex fraud investigations.⁷ Private investigators may also engage in background investigations of individuals being considered for sensitive positions, as one measure to protect assets, infrastructure and information from theft, abuse or damage. Other services offered by private security companies include providing bodyguards and close protection, witness protection, crowd control, armed guards for nuclear energy sites, process-serving, conducting surveillance (including the use of CCTV and covert systems), collecting and disseminating intelligence, and monitoring, installing and responding to various forms of alarms. Different forms of technical security consulting are also provided, including countermeasures for industrial espionage and tracking and

² Anna Richards and Henry Smith, *Addressing the Role of Private Security Companies within Security Sector Reform Programmes* (London, Saferworld, 2007).

³ Nicolas Florquin, “A booming business: private security and small arms”, in *Small Arms Survey 2011: States of Security* (Geneva, Small Arms Survey, 2011).

⁴ John Bailey and Lucia Damert, “Reforma policial y participación militar en el combate a la delincuencia. Análisis y desafíos para América Latina”, *Revista Fuerzas Armadas y Sociedad*, vol. 19, No. 1 (2005), pp. 133-152.

⁵ G4S, “Key facts and figures”. Available at www.g4s.com/en/Media%20Centre/Key%20facts%20and%20figures/.

⁶ Rita Abrahamson and Michael C. Williams, *The Ethical Challenges of Security Privatization* (Oslo, International Peace Research Institute, 2009). See also PRWeb, “Global private security services market worth \$244 billion by 2016 says new research report at ReportsnReports.com”, 1 February 2013. Available at www.prweb.com/releases/global-security-services/market-analysis-2016/prweb10387295.htm.

⁷ Typical clients include law firms where investigators may be used to gather data and interview persons involved in civil or criminal matters, or to assist in due diligence background investigations in corporate mergers and acquisitions. Insurance companies also often hire private investigators to gather evidence and interview witnesses and parties to a claim. Other private companies, and even some individuals, may hire private investigators to enquire into thefts or missing funds or persons.

recovering stolen assets. Civilian private security services are not a clearly defined homogenous group, however, and will vary from State to State in the type of services provided and the terminology used.

One important driving force in the growth of civilian private security services is the outsourcing by a growing number of Governments of the protection of State facilities and infrastructure and the provision of some services that were traditionally associated with the public law enforcement sector. Increased pressure on the law enforcement community has resulted in the privatization of some police functions in various places around the world, with the civilian private security industry filling the gaps left by the overstretched police and playing a growing role in crime prevention and community safety. The privatization of the police has occurred at a number of levels. There has been load shedding, where the police withdraw from providing certain functions and private security fills the gap; contracting out, where services are still provided by the police but a contractor is used to supply that service; and the use of private sector practices by the public police, such as charging for services and accepting sponsorship.⁸ Modes of privatization vary, and in some cases the police remain in control and supervise private contractors. For example, in the United Kingdom and Switzerland, the transportation of prisoners between police stations, courts and prisons has been contracted out to the private sector except for the most serious offenders. Additionally, in some countries, failed asylum seekers are transported back to their country of origin by the private sector. Furthermore, some police forces have contracted out security tasks related to their custody cells. Others have signed agreements with civilian private security companies to take on some police services, such as firearm licensing, administration of drug tests, vehicle fleet maintenance, information technology services, front-counter complaint-taking and operation of police cells. Similarly, airports, government buildings (including courthouses), energy facilities and other critical sites that used to be protected by government security forces, including the police, are now sometimes protected by civilian private security companies. This has been undertaken in part both as a cost-saving and as an efficiency measure, thus permitting public forces to be deployed elsewhere.

Given the wide-range of activities in which civilian private security services are involved, it is difficult to define them. In fact, often private military security services are included within this sector. These firms tend to operate in conflict or post-conflict zones, in fragile and transitional States, engaging in military type engagements and providing armed services.

To be quite clear from the start, this *Introductory Handbook* does not concern private military security services operating with expressly or implicitly offensive mandates. Instead, it focuses on civilian private security services, which are predominantly preventive and defensive in nature although in some locations they may include an armed response to specific alarms or incidents. Civilian private security services, as described in this *Handbook*, are provided by companies and individuals whose role is limited to one of “observe, deter, report and record” in relation to crime, safety, disorder or emergency. They provide commercial services aimed at protecting persons and physical assets, and their personnel may sometimes be armed. While civilian private security services are sometimes involved in other contexts, such as the rural extractive industry, offshore piracy patrols and armed security in conflict, post-conflict and fragile States where the rule of law may be weak, those situations are not the focus of this *Introductory Handbook*.

⁸ Mark Button, *Private Policing* (Cullompton, Willan Publishing, 2002).

Oversight of civilian private security services

The growing role of civilian private security services makes it even more important that an appropriate culture and legal structures are created to facilitate respect and adherence to national and international rules and regulations, including human rights standards. Given the extensive regulation and oversight of the public police in most States, one would expect similar arrangements for regulation and oversight to have emerged for civilian private security. In many States, unfortunately, the rapid changes have outpaced State regulatory responses, resulting in a variety of problems. Without effective regulation, the private sector is often not accountable to the public in general, and an unaccountable private security industry may facilitate human rights abuses and organized crime. In addition, the expansion of a private security industry that is available to those who can afford it, may undermine the notion that security is a public good and hinder access to security for the poor.⁹ Finally, there have also been problems relating to quality that have been identified in civilian private security services in a number of areas.

Effective regulation of both civilian private security companies and the individual workers helps to ensure a professional level of service based on standards and delineated operational authority, thus enhancing community safety and the prevention of crime while at the same time establishing the accountability of companies and workers to relevant government authorities and the public. This *Introductory Handbook* is designed to provide practical guidance for legislators and policymakers seeking to regulate the civilian private security industry more effectively. It focuses on the specific role of civilian private security services in crime prevention and community safety, and the measures that States can take to regulate these services effectively and set standards and norms in the best interests of all stakeholders.

Origins of this *Introductory Handbook*

The origins of this *Handbook* can be traced to the discussions in the Commission on Crime Prevention and Criminal Justice and a draft resolution sponsored by the United Arab Emirates and entitled “Civilian private security services: their role, oversight and contribution to crime prevention and community safety”. In that resolution, adopted on 24 April 2009 as resolution 18/2, the Commission noted that, in some States, civilian private security services cooperate with and assist the police and may contribute to crime prevention and community safety consistent with national legislation, where applicable.¹⁰ The Commission further noted the importance of effective oversight of civilian private security services by competent State authorities to ensure that they were not compromised or misused by criminal elements, including organized criminal groups, and established an ad hoc open-ended intergovernmental expert group 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. Member States were invited to examine the role played on their territory by these services, assessing the contribution of such services to crime prevention and community safety, and to determine whether national legislation provides adequate oversight. With a view to supporting the implementation of the

⁹ Organisation for Economic Co-operation and Development, *OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (Paris, 2007). See also Commission on Crime Prevention and Criminal Justice resolution 18/2 (see *Official Records of the Economic and Social Council*, 2009, Supplement No. 10 (E/2009/30)).

¹⁰ See *Official Records of the Economic and Social Council*, 2009, Supplement No. 10 (E/2009/30), chap. I, sect. D.

resolution, a series of meetings took place in which the importance of guidelines and State regulation were highlighted. This process resulted in the Abu Dhabi preliminary draft recommendations on the oversight and regulation of civilian private security services and on their contribution to crime prevention and community safety, which were adopted in Abu Dhabi and brought to the attention of the Commission at its twenty-first session, in April 2012, and which form the foundation of this *Introductory Handbook*.¹¹

When referring to civilian private security services, this *Handbook* therefore uses the set of criteria that were identified in the Abu Dhabi preliminary draft recommendations, namely:¹²

- Civilian private security services provide security-related services with the overall objective of protecting or securing people, goods, sites, locations, events, processes and information from predominantly crime-related risks. Services which expressly or implicitly have offensive mandates are not included in the civilian private security services category.
- Civilian private security services are legal entities or individuals supplying services for payment.
- Civilian private security services are private entities or individuals, not public entities. They may include commercial firms and non-profit organizations, as well as individuals.
- Civilian private security services are officially accredited, regulated and supervised by the State.
- Services provided by civilian private security companies may be preventive, may support public law enforcement agencies and, where permitted, may be complementary to public law enforcement agencies.

In line with the aforementioned draft preliminary recommendations, private military companies and private military and security companies are excluded from the scope of the definition, even though part of their operations may fall within the scope of civilian private security services. Also, although civilian private security companies provide services in private prison and detention facilities in various countries, this is considered to be an area requiring specific attention and guidance, and is therefore beyond the scope of this *Handbook*.

Structure of the *Introductory Handbook*

The *Introductory Handbook* provides examples of self-regulation and other international good practice and is anchored in existing internationally agreed standards concerning human rights, security, crime prevention and community safety, as well as the results of the work of the Commission on Crime Prevention and Criminal Justice to date.

It begins by exploring the contribution of civilian private security services to crime prevention and community safety, reviewing examples from a diverse range of States of the roles and functions of these services. It focuses on a number of case studies to illustrate the type of civilian private security services that are under consideration in this *Handbook*. Chapter I examines how States can enhance

¹¹ See the report on the meeting of the Expert Group on Civilian Private Security Services held in Vienna from 12 to 14 October 2011 (UNODC/CCPCJ/EG.5/2011/2).

¹² Ibid. See also annex III to this *Handbook*.

the contribution of civilian private security services to crime prevention and community safety, from informal to mandatory measures, using the experiences of a number of States.

In chapter II, the regulation of civilian private security services is considered. The chapter considers a variety of issues which are important in creating successful regulatory systems. It begins with the general rationale for regulation and the responsibility for it, before considering the important decision to be made about the extent of civilian private security activities and which of them should be regulated. The chapter then moves on to examine the important issues to consider in creating licensing systems for individuals and for firms. Other important operating conditions that should be considered are also examined.

In chapter III, issues concerning enforcement, inspection and complaints are addressed. In many States, non-compliance with regulations is a major problem, and the chapter explores some of the strategies used by States to maximize compliance. The activities of civilian private security companies invariably lead to issues of breach of regulations and of criminal law. So another important consideration is the way in which complaints and transgressions are dealt with. The chapter also considers the issue of transparency, including the importance of eradicating corruption.

Training is also vitally important to a successful regulatory system, and this is the subject of chapter IV. The chapter begins by exploring the important responsibilities involved in developing training standards and delivering training, and the advantages and disadvantages of different approaches. The chapter also considers the core content of a basic security officer/guard course. The number of mandatory hours, examinations, refresher courses and advanced training are other issues that are considered here.

Lastly, in chapter V relevant international standards and norms that apply to civilian private security services and State oversight are considered, focusing on human rights instruments, United Nations instruments relating to the fight against crime and relevant standards and norms in the area of crime prevention and criminal justice.

I. Contribution of civilian private security services to crime prevention and community safety

Introduction

This chapter will examine the contribution of civilian private security services to crime prevention and community safety. It will start by exploring the experience from a number of States. It will then move on to consider how States can enhance cooperation between civilian private security companies and State actors. In doing so, it will assess some of the challenging issues relating to sharing intelligence- and information.

Ways to involve civilian private security services in crime prevention and community safety

In response to a note verbale sent by the secretariat of the Commission on Crime Prevention and Criminal Justice regarding the role of civilian private security services in crime prevention and community safety, States reported¹³ that the significance of private security services in crime prevention ranged from general to vital.¹⁴ Most typically, these crime prevention services fall into one or more of the following categories:

- Prevention or detection of intrusion, unauthorized entry or activity, vandalism and trespassing on private property
- Prevention or detection of theft, loss, embezzlement and misappropriation or concealment of merchandise, money, bonds, stocks, notes, valuables documents or papers
- Protection of individuals from bodily harm
- Providing a reassuring presence
- Adherence to, and enforcement of, established company rules, regulations, measures, policies and practices relating to crime reduction
- Reporting and apprehension of violators
- Reporting on incidents and calls¹⁵

¹³ See E/CN.15/2011/14.

¹⁴ Argentina, Bahrain, Bolivia (Plurinational State of), Canada, Colombia, Croatia, Cyprus, Czech Republic, Egypt, El Salvador, Germany, Guatemala, Hungary, Jamaica, Liechtenstein, Monaco, Norway, Philippines, Portugal, Republic of Korea, Spain, Sweden, Switzerland, Thailand, Turkey and United Arab Emirates.

¹⁵ See Confederation of European Security Services study, *Private Security in Europe—CoESS Facts & Figures*, which provides a comprehensive overview of the European private security services industry. Available at www.coess.org.

A considerable number of States reported that assisting the police, and especially informing the police of criminal activities, was the main contribution of such services to crime prevention.¹⁶

Civilian private security activities can be considered as a form of situational crime prevention, in that they often target places and specific types of potential victims (e.g. warehouses, manufacturing sites, housing estates, office complexes, critical infrastructure) and seek to prevent crime by increasing the risk of detection of illicit events and identification and apprehension of offenders.

Most typically, civilian private security services are contracted to safeguard property, assets and personnel against various forms of crime. This includes property crime (e.g. theft, vandalism), financial crime (e.g. fraud, intellectual property crimes) and violent crime (e.g. assault, threats, kidnapping). In other words, the role is largely preventive and most often accomplished through a highly visible presence, both static presence and mobile (most often foot and/or vehicle) patrols. CCTV may also be used, as both a visible deterrent and a means of observation of persons and spaces.

Recent decades have seen an explosion in several States in the creation of mass public spaces, such as large shopping malls and sporting and entertainment complexes that, although in private ownership, invite large numbers of the public to gather. This in turn has created a new market for civilian private security services. Civilian private security is also hired by groups of businesses (or private individuals) who come together to share costs and direct services in pursuit of a common goal. In some States this is best exemplified by groups of retail, entertainment or other commercial businesses that form business improvement associations or business improvement districts. Some of these contract the services of civilian private security firms to protect against retail theft (sometimes referred to as “shoplifting”), provide a visible deterrent to other types of crime and project a sense of safety and security to the public using the space. There is research that indicates a positive economic impact on business groups in such circumstances, along with a drop in incidents of criminal or unsafe behaviour.¹⁷ However, on a less positive note, there are reports that indicate that, in some instances, private security services are used specifically to target homeless persons, ethnic minorities and mentally ill persons in order to keep them out of some public areas.¹⁸

In some States, civilian private security firms provide services other than guarding physical assets or locations. This can include the guarding of persons such as dignitaries and celebrities. There are also examples of civilian private security firms being hired to protect witnesses to significant crimes.¹⁹ Civilian private security firms in some States are often engaged in the protection and movement of valuables—commonly referred to as “cash in transit”, for which some States permit the arming of guards. All of these are examples of duties designed to prevent crime.

¹⁶ Azerbaijan, Belgium, Bolivia (Plurinational State of), Colombia, Cyprus, Guatemala, Hungary, India, Jamaica, Liechtenstein, Norway, Philippines, Spain and Thailand.

¹⁷ Phillip J. Cook and John MacDonald, “Public safety through private action: an economic assessment of BIDS”, *The Economic Journal*, vol. 121, No. 552, (2011), pp. 445-462.

¹⁸ Darcie Bennett and others, *Security Before Justice: A Study of the Impacts of Private Security on Homeless and Under-housed Vancouver Residents* (Vancouver, Pivot Legal Society, 2008).

¹⁹ Mark W. LaLonde, “Witness protection in Canada: the current state and suggested state”, paper presented at the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, 2011. Available www.inprol.org/files/Witness%20protection%20-%20LaLonde%2021%20October%202007.pdf.

Case studies

To illustrate further the contribution of civilian private security services to crime prevention and community safety, some case studies of different spheres of security are provided. These selected examples illustrate the wide-ranging roles civilian private security companies are engaged in. They will also highlight both the positive contributions civilian private security services can make to crime prevention and community safety, and some of the risks that emerge as a consequence.

Shopping, leisure and retail facilities

In many States, there are large shopping malls, which include multiple retail outlets, restaurants, bars, banks, etc. These are often areas of private space, but freely open to the public. In many States, this status poses challenges if the public police are to take on the primary security role, as their duty is to serve the public, not the property owners. This can be combined with the sheer challenge of providing the necessary resources. Consequently, for these reasons, combined with the preferences of many mall owners, civilian private security companies have assumed the primary responsibility for providing crime prevention and community safety functions. For example, in one of the largest shopping complexes in the Netherlands, with an estimated 40 million visitors per year and measuring over 60,000 square metres in area, security is divided between civilian private security staff and the police at a ratio of around 4 to 1. In an assessment of this location,²⁰ it was found that civilian private security companies undertook more preventive work, responding to incidents but also arresting and detaining people. The police, by contrast, were more enforcement-driven, intervening in cases of anti-social behaviour, arresting people, excluding unwelcome visitors and imposing fines, among other things. It was also found that there had been strained relations between the police and private security over the years, but with some improvement recently. The experience in the Netherlands illustrates a partnership between the police and private security, with the latter numerically superior, that could have been better. However, in some States, civilian private security staff undertake a much more dominant role in the security of such space. For example, two other studies of shopping complexes²¹ illustrate civilian private security companies providing the primary security functions, including arresting shoplifters, and generally working well with the police.

Entertainment venues

In many States, events and entertainment venues regularly host large numbers of people, including sporting matches (football, athletics, rugby, cricket, basketball, etc.), concerts, nightclubs and religious events, to name some of the most popular. These events vary significantly in their risk profile, but one striking theme across them all is the growing contribution of civilian private security services in the provision of community safety and crime prevention functions at them. In one study from Australia, the researchers investigated a cricket match between Australia and New Zealand held at the Adelaide Oval stadium, where the capacity is around 36,000 people. They found that, on the

²⁰ Ronald Van Steden, *Privatising Policing* (Amsterdam, BJU Publishers, 2007).

²¹ Alison Wakefield, *Selling Security* (Cullompton, Willan Publishing, 2003); Mark Button, *Security Officers and Policing* (Aldershot, Ashgate Publishing, 2007).

main days of the match, there were 40 police officers with more than 90 security officers. The latter undertook mostly access control functions, bag-checking and controlling the perimeter. During the match there were 20 arrests, all made by the police officers. In another sporting event attended by the researchers, between two Australian Football Rules teams at the Melbourne Cricket Ground where the capacity is 100,000 people, there were 20 police officers and 125 security officers. Again, the police dealt with any breaches of the law, but at this event security officers dealt with breaches of stadium regulations, such as contraband brought into the location. In some States, the provision of security at such events is, and has been, shifting from the public police to private security.²²

Residential security

In many States, the high demand for a uniformed presence on the streets in residential areas which cannot be met by the public police, combined with the growth of private gated communities in some States, has fuelled a boom in the provision of residential security. Gated communities, where residential areas are divided off from their surroundings by border fences and are protected by private security which undertakes access control and patrol functions, have grown substantially in North and Latin America and in many African States. This has sometimes proved to be controversial because of the divisive nature and the inequalities exposed in terms of security between those able to afford to live in such areas and those who cannot. One approach to address such gaps has been trialled in South Africa in Zwelethemba, where grants have been made available to the community to spend on security in order to enhance security equity.²³ In Toronto, Canada, one security firm has offered services to public housing estates and assumed a degree of success in addressing crime problems, but controversially using a “para-police” approach which has involved regularly arresting and excluding troublemakers.²⁴ In some high-crime States, rapid armed-response units are frequently offered to those who can afford such services, responding when panic alarms are activated. In some States, the use of armed security personnel has created problems.

Protecting national infrastructure

In some States, public security entities (police, specialist protection services, military) have typically been used to protect national critical infrastructure, including transportation and communication hubs, water supplies, data-storage sites, energy-generating facilities, government offices, ports and health-care facilities from natural disasters, technical failures, crime and sabotage. As concerns over crime, extremist threats, natural disasters, general security and protection of both physical and human resources grows, the cost to public resources of providing such protection poses increasing challenges for State budgets. Round-the-clock security staffing, monitoring of alarms and CCTV is expensive and not always a good use of highly trained police resources. As a result, some States, including Cyprus, Jamaica, Japan, Sweden, Switzerland, the United Arab Emirates and others, now contract civilian private security companies to safeguard some aspects of national critical infrastructure such as air and sea ports, energy installations and government offices.²⁵ A good example

²² Rick Sarre and Tim Prenzler, *Private Security and Public Interest: Exploring Private Security Trends and Directions for Reform in the New Era of Plural Policing* (Sydney, Australian Research Council report, 2011).

²³ Les Johnston and Clifford D. Shearing, *Governing Security: Explorations in Policing and Justice* (London, Routledge, 2003).

²⁴ George S. Rigakos, *The New Parapolice: Risk Markets and Commodified Social Control* (Toronto, University of Toronto Press, 2002).

²⁵ E/CN.15/2011/14.

is in Germany, where the deployment of civilian private security firms has brought about a lasting improvement in the area of public transport security, with security improving in terms of passengers' subjective feelings of safety (especially for elderly passengers and women), and it was proved that cases of bodily injury and harassment had diminished, as had damage caused by vandalism and graffiti.²⁶

The added value of private security in protecting critical infrastructure is in its specialization. Private security companies can develop know-how specific to these entities by focusing on specialized market segments.

Airport and maritime security

The presence of security officers protecting airports and, to a lesser extent, maritime ports is one of the most common manifestations of the growth of civilian private security services that people see.²⁷ In most States, civilian private security companies work in partnership with State policing bodies to provide these functions. In Hong Kong, China, the international airport is jointly secured by the Hong Kong Police Force and a private security company. With over 3,000 staff, the civilian private security company provides a wide range of services across both the public and the general aviation site, including routine patrols, access control, issuance of restricted passes and accreditation, boarding-gate security controls, screening of passengers, crew, cargo and mail, passenger profiling and permit controls.²⁸

In many countries, maritime ports commonly have civilian private security firms staffing CCTV systems, controlling site access, patrolling port facilities, advising on security infrastructure, participating in port security assessments, contributing to emergency plans and crisis response, and sitting on port security committees along with the public police and port authorities.

Regulating civilian private security involvement in crime prevention and community safety

In the area of safety, security and the prevention of crime, the State has primary authority and responsibility. Civilian private security services should thus be subject to government regulation, oversight and programmes that improve standards to enhance the contribution of such services to crime prevention and community safety. Also, it is both an essential role and the responsibility of States to enact measures to protect the security and well-being of their citizens and all persons within their jurisdiction. The safety of one's person and security of one's property are widely viewed as basic human rights and essential to a community's overall quality of life.

²⁶ Ibid.

²⁷ Jens Hainmüller and Jan M. Lemnitzer, "Why do Europeans fly safer? The politics of airport security in Europe and the US", *Terrorism and Political Violence*, vol. 15, No. 1 (2003), pp. 1-36.

²⁸ Aviation Security Company Limited. Available at <http://www.avseco.com.hk/eng/default.asp>.

Article 3 of the Universal Declaration of Human Rights states that everyone has the right to life, liberty and security of person, while article 17 states that no one shall be arbitrarily deprived of his property.²⁹

The safety and security of persons and their property is accomplished, in part, by taking effective measures to prevent crime and enhance community safety. This includes socioeconomic measures to address the risk factors for crime, such as inequality and marginalization, but also changing conditions in neighbourhoods that influence offending, victimization and insecurity, while also enacting measures that will prevent the occurrence of crime, reduce opportunities and increase the likelihood that offenders will be apprehended. Civilian private security can play a role in the latter set of measures, often referred to as “situational crime prevention”.

Effective and responsible crime prevention enhances the quality of life for all citizens. It has long-term benefits in terms of reducing the costs associated with the formal criminal justice system, as well as other social costs that result from crime. Recognizing this, 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.³⁰ This responsibility to take action includes the strengthening of regulatory authorities and the oversight of non-State actors who play a role in community safety and crime prevention—such as civilian private security providers. The United Nations Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention call upon Member States to take into account a number of principles, including the creation of an integrated crime prevention action plan that incorporates a number of actors, including the private sector.³¹

It is clear that there are challenges in cooperative ventures between the public police and private security, including regarding legal authority, funding, leadership and control, lines of communication, levels of trust and respect, restrictions on information collection, sharing and storage, responsibilities and liabilities, and public perception. Public policy, the building of relationships and greater State intervention through formalized frameworks for cooperation can overcome many of these challenges.

Therefore, an important decision for a State to take is the degree of intervention that it wishes to use in order to enhance such partnerships. As stated in the Abu Dhabi draft preliminary recommendations, States may consider prioritizing the development of cooperation between the public and private security sectors and:

- Encourage partnerships between civilian private security services and public security organs
- Provide funding for research into collaboration between civilian private security services and the public security sector and for the evaluation of such cooperation
- Establish and encourage specific training programmes, focusing on cooperation and collaboration

²⁹ General Assembly resolution 217 A (III).

³⁰ Economic and Social Council resolution 2002/13, annex. This message was reinforced in the 2005 Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, adopted at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok in 2005.

³¹ Economic and Social Council resolution 1995/9, annex.

- Establish an appropriate body or mechanism to oversee the implementation of cooperation and collaboration between State security organs and civilian private security services

It is important to note that it is not the role of civilian private security to supplant or undermine the public police, but rather to assist and cooperate with the police, as any other member of the community would be expected to do. At the same time, it has been recognized that 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. Typical examples of relationships between the public police and private security in some States include:

- Networking: informal and organized opportunities to build relationships, share knowledge, discuss common challenges and share opportunities
- Information-sharing: exchange of information on crimes and criminal patterns, criminals, threats and opportunities to collaborate
- Training: joint hosting and delivery of knowledge-based and competency-based training on specialized topics, which, in turn, helps to foster mutual respect and shared understanding of roles, responsibilities and authorities
- Crime prevention: joint participation in crime prevention and community safety programmes, including community policing strategies, and in addressing issues of local concern, as well as shared support of locally organized community efforts
- Legislation: joint support for laws relating to crime prevention and community safety
- Operations: engagement in investigations and crime prevention and suppression initiatives
- Research: designing and carrying out, sometimes in partnership with local universities, research relating to crime prevention and community safety, setting of related standards technology requirements and shared issues of concern³²

To be successful, relationships between the public and private security sectors require leadership, clear definitions of roles and responsibilities, multilevel commitment, guidelines for cooperation and information-sharing and shared goals.

This section will now move on to explore some of the experiences of States.

Examples of local and voluntary cooperation

Cooperative relationships may be based on a specific topic or location, such as commercial break-ins in a warehouse district or disorder late at night in an entertainment district, or may be more general, such as joint work on perceptions of safety and personal security and the root causes of crime and insecurity on a housing estate. The relationships may be highly structured and long-term or ad hoc; they may require shared or external funding, or not require any additional resources.

There are many models around the world of cooperation and information-sharing between the police and civilian private security firms, some more formalized than others. In some, the police

³² Whitney Gunter and Jason Kidwell, *Law Enforcement and Private Security Liaison: Partnerships for Cooperation* (York, Pennsylvania, International Foundation for Protection Officers and York College of Pennsylvania, 2004).

may provide some training and equipment for civilian private security firms as one measure of community crime prevention and the promotion of safety and security.³³ In others, cooperation may take the form of casual networking or regular information-sharing meetings.

For example, an initiative in New York in 1986 to enhance cooperation between public and private security aimed to protect persons and property, encourage exchange of information between the public police and private security, and eliminate issues of credibility and misperception. Also, in Missouri, United States, the Creve Coeur Police Department partnered with St. John's Mercy Medical Center and a private security company in a community-wide project to develop a community crime prevention awareness and educational programme, with a number of local events and seminars on topics such as sexual assault, burglary and traffic safety. One example of networking and regular information-sharing is the Operation Cooperation initiative, found in both Canada and the United States. Under this scheme, resources are provided to promote cooperation between civilian private security companies and law enforcement, such as a guide, videos, case studies and a literature review to provide the tools to encourage local cooperation.³⁴ Typically, the role of private security in such initiatives is limited to one of observing, reporting and recording, rather than direct intervention such as the public police might undertake. For example, the Operation Cooperation joint crime prevention initiative in Vancouver, Canada, aims to share information and resources to help prevent property crime and nuisance behaviour that has a negative impact on the community. The initiative is supported by the police, the Downtown Vancouver Business Improvement Association and the Insurance Corporation of British Columbia (the provincial automobile insurance provider). As part of the project, stakeholders, including private security, meet once a month to share information formally and review strategies, while mechanisms have been created to share real-time information on persons of interest and crime patterns and trends.³⁵ Another good example of cooperation is Project Griffin in the United Kingdom (see box 1).

In Brazil, several residential areas have formed associations which have in turn contracted the services of private security companies to improve security in their area. As one example, in the state of São Paulo, the military police have formed a partnership with civilian private security companies in charge of protecting the area of Parque dos Principes. The police have reported positively on the initiative, saying the role of the private security service is important and that it supports the role of the police by providing data on criminality in the area, contributing to the implementation of crime prevention measures and assisting with police investigations.³⁶

Other examples include those where the police train private security services. For example, in Bermuda the police train private security services to watch out for specific crimes or problems when on patrol or at a static post, what they should note and how they should report it. In some cases, the police may even provide some communications equipment or reporting materials.

³³ Edward F. Connors, William C. Cunningham and Peter Ohlhausen, *Operation Cooperation: A Literature Review of Cooperation and Partnerships Between Law Enforcement and Private Security Organizations* (Washington, D.C., Bureau of Justice Assistance, United States Department of Justice, 1999).

³⁴ See www.ilj.org/publications/docs/Operation_Cooperation.pdf.

³⁵ Vancouver Police Department, 2011 Annual Business Plan: Year-End Report-Back. Available at <http://vancouver.ca/police/assets/pdf/2011-report-back.pdf>.

³⁶ Sindicato dos Empregados em Empresas de Vigilância, Segurança e Similares de São Paulo, "Como a segurança privada pode ajudar no trabalho da polícia". Available at www.seevissp.org.br/noticia.php?not=105.

Box 1. Project Griffin (United Kingdom)

One example of cooperation between civilian private security services and the police which has proved very successful is Project Griffin. This originated in London in 2004, but has now expanded to dozens of cities. The aim of the scheme was to bring together the police, civilian private security companies and the community to detect, deter and counter terrorist activity. Central to the scheme is a channel for the police to share information and intelligence, as well as receive it. Under the scheme, relevant staff and members of the community in a defined area attend events where they receive briefings and training from the police on a variety of issues, including: current risks, issues to look out for, procedures to follow during an incident, how to report information, etc. There is also training which will enable security officers to serve as an auxiliary force in the event of a major terrorist incident. These events are repeated regularly. Project Griffin has expanded beyond the United Kingdom to other countries, such as Australia (www.projectgriffin.org.uk).

Greater State intervention to encourage cooperation

In many States, the importance of cooperation and partnerships has led to much greater State intervention to achieve these aims, inter alia by creating legal structures and other incentives for public and private security actors to become involved. Some of these options are considered below.

In England and Wales, the State has sought actively to encourage cooperation between civilian private security services and the police through the Community Safety Accredited Scheme, created under the Police Reform Act 2002. Under this scheme, chief constables can choose to accredit persons providing community safety functions such as security staff, but also wardens, train guards, park-keepers, etc. In return for these staff doing a recognized training course, they can wear a special badge and have access to special powers such as issuing fixed penalty notices and confiscating alcohol and tobacco. A survey in 2010 found that over 2,000 officers had become accredited under the scheme. The advantage of the scheme is that it enables particular pockets of governance (parks, shopping malls, hospitals) to secure the powers and training required to maintain law and order in these areas effectively, leaving the police to concentrate on more important functions. It also gives reassurance to the police that the security staff are properly trained and more integrated into police structures.³⁷

Some States have considered the contribution of civilian private security services so important to crime prevention and community safety that they have adopted legislation mandating different forms of partnership between the police and civilian private security companies, or are planning to do so. At one level is a situation where bodies are mandated to promote partnerships. For example, in South Africa at the end of 2013 a bill was currently before parliament to amend the original 2001 Private Security Industry Regulation Act, giving an additional responsibility to the regulatory body, the Private Security Regulatory Authority, to promote crime prevention partnerships between the private security industry and organs of the State responsible for crime prevention.

In the specific area of sporting events in South Africa, cooperation has also been formally mandated. The Government has enacted the Safety at Sports and Recreational Events Act (2009) with

³⁷ See <https://www.gov.uk/government/publications/community-safety-accreditation-scheme-powers>.

accompanying regulations. In part, the regulations formalize the role of private security firms and their cooperation with public authorities in assessing risk, devising and operationalizing mitigation measures and providing staffing. The legislation requires the deployment of private security at any event deemed to be medium-risk or high-risk and sets out roles and duties, as well as requiring training and appropriate levels of supervision.³⁸

Spain also provides a good example of a system of regulation and control which allows civilian private security to support the State police in various ways. Indeed, civilian private security companies have a duty to cooperate with and support the police whenever there is a risk to public order. The original regulations also created Mixed Coordination Commissions to encourage cooperation between the State and civilian private security companies, including a central commission and local commissions. Their functions include:³⁹

- Advising the Ministry of the Interior about the general criteria of application, development and coordination of legislation for private security
- Proposing homogenous criteria for administrative proceedings
- Promoting exchange of experiences from different sectors represented in the commission and formulating proposals for new ways to fight crime in the area of private security
- Explaining the criteria for implementation of the security measures of Royal Decree 2364/1994, which develops the Law on Private Security
- Being informed about and explaining technological advances in the security industry in order to replace existing security systems
- Proposing coordination criteria between security companies, security personnel and police forces
- Informing the areas they are responsible for about crime prevention plans
- Analysing and evaluating educational activities for private security personnel
- Recommending legislation on private security to the associations represented in the commission and appearing before these organizations when legally required
- Briefing the Ministry of the Interior or provincial representatives in the areas for which they are responsible

The structures established in Spain permit the exchange of operational information between the public and private sectors on issues such as number plates of cars, information on forthcoming strikes and demonstrations and distribution of photographs of most-wanted terrorists. Early evaluation suggested the exchange favoured the public sector more, but the system did effectively integrate civilian private security services into public security objectives.⁴⁰ Other requirements in Spain demand that all contracts signed between private security companies and their clients must be registered with the police, including the numbers of security staff involved and the services to be offered. In order to communicate more effectively with private security individuals and companies, the police have established 24-hour dedicated telephone lines for rapid communication in emergencies.

³⁸ See <http://www.info.gov.za/view/DownloadFileAction?id=98330>.

³⁹ Andrea Giménez-Salinas, "New approaches regarding private/public security", *Policing and Society*, vol. 14, No. 2 (2004), pp. 158-174.

⁴⁰ *Ibid.*

The legislation and regulations in Spain are in the process of being reformed in order to support and consolidate cooperation further. A new draft Spanish law on private security addresses in detail cooperation between the private security sector and public security forces. Such cooperation and coordination is justified by the need to guarantee public safety. In the preamble, the draft bill states that the security forces of the State must be actively engaged in the development of private security activities. Box 2 illustrates the specific provisions in the draft Spanish law on private security companies that are related to sharing of information between the public and private security sectors.

Box 2. Collaboration and access to information (articles 14 and 15, draft law on private security companies, Spain)	
Private security sector → Public security forces	Public security forces → Private security sector
<p>Private security companies must notify the competent public security forces, as soon as possible, of:</p> <ul style="list-style-type: none"> • Any circumstances or information relevant to the prevention, maintenance or restoration of public security, • All crimes concerning which they have acquired information in the course of their activities or functions, <p>by providing information on criminal suspects as well as the equipment, possessions and evidence relating to them (art. 14, para. 3).</p>	<p>They may provide to private security personnel information that can help to facilitate risk assessment and subsequent implementation of protective measures.</p> <p>However, if this information contains personal data, it may only be shared when there is real danger to public safety or in order to prevent the commission of criminal offences (art. 14, para. 4).</p>
<p>In the interest of the protection of public safety:</p> <ul style="list-style-type: none"> • The transfer of all necessary data gathered by private security companies to the public security forces is authorized. • Public security forces may have access to the systems installed by private security companies that allow the verification of information in real time when necessary to prevent a real danger to public safety or the suppression of criminal offences (art.15, para. 1). <p>The disclosure in good faith of information to the public security forces by institutions and private security personnel will not constitute a breach of any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, when such disclosure is necessary for the prevention of a real danger to public safety or the suppression of criminal offences (art. 15, para. 3).</p>	

There are also other examples of mandatory cooperation. In Mexico, there is an obligation for civilian private security staff to assist public security staff in cases of emergency or disaster or when requested by the competent authority. In the Philippines, at times of disaster or calamity, the city or municipal mayors can recruit licensed security personnel to help maintain order and prevent crime. These personnel must also take direct orders from the Chief of Police.

Challenges and opportunities in information-sharing

One important aspect of cooperation is the sharing of information. This has already been touched upon in relation to the examples from the United Kingdom and Spain cited above, but it is important to explore the issue in more depth. By the very nature of their work, civilian private security companies and workers collect information on individuals, events, government and

corporate entities. This information is sometimes sensitive, confidential and private; it may, at times, even include information that carries some form of State security classification.

Private security companies often hire former police officers, intelligence officers and members of the military, in part because of their knowledge and expertise, but also because these individuals typically retain strong information networks that may benefit private security work. Private security operatives collect information through such means as CCTV monitoring and recording, some of which may take place in public spaces or, although located on private property, afford a view of public spaces, as well as through routine encounters or conflict with the public, strategic networking and through the information provided by clients, such as security plans and infrastructure.

The challenge to States is in regulating the information which private security companies may legitimately collect, and in what manner and from whom it is collected, how it is stored and for how long, who has access to it, and how it may be shared and with whom.

The potential for abuse and misuse requires regulators to link regulatory frameworks and provisions on information-sharing with legislation governing personal privacy and freedom of information. Standards can be set controlling the nature of information collected and the specific instances in which collection and sharing is permitted, how it is stored and shared and for how long (see box 3).

Box 3. Model standards for information-sharing

The Abu Dhabi draft preliminary recommendations set out clearly some of the issues for States to consider when sharing information. These include:

- Specifying the different types of information and level of access to such information by the State and civilian private security services and what may be collected
- Strengthening information-sharing between civilian private security services and public security organs
- Establishing secure networks for information-sharing
- Enacting laws that protect information provided by civilian private security services
- Developing coordination between all levels of public security organs for the sharing of information with civilian private security services
- Including rules concerning the ethical and lawful use of information in any code of conduct for civilian private security service operators

Professional codes of conduct and legislation also need to direct and control the sharing of information by public authorities (e.g. police, intelligence, military and others) and regulated authorities (e.g. telecommunications, energy, health) with actors within the private security industry.

Where States are concerned about private security firms storing digital data offshore or on virtual servers, especially when it relates to the personal data of citizens or security information relating to critical infrastructure such as government facilities, they may enact regulations requiring all such information to be securely stored within the country.

In instances where private security firms have access to classified government information, such as while guarding State infrastructure on contract, it is not uncommon for the State, while acting as the client, to require all relevant security personnel to undergo an enhanced level of security screening and impose additional requirements on the storage of any information or data related to the service and client site.

Holding regular meetings between the public security organs and private security operators is crucial for ensuring a good system of information-sharing. The Department of Homeland Security in the United States advises that collaborative sessions and detailed briefings should take place on a regular basis between private security and public organs. It is advised that these sessions should not take the form of presentations, but rather of a dialogue.⁴¹ In the United Arab Emirates, there are monthly meetings with regulators and the police which leaders of security firms are expected to attend. During the third quarter of 2013, consideration was being given to formalizing this arrangement further. See box 4 for examples of information-sharing.

Box 4. Examples of information-sharing

The Virginia Police and Private Security Alliance is an organization specializing in mall security, private investigations, corporate security and law enforcement. This organization makes use of a “fast fax” system (i.e. receiving and sending faxes via e-mail) in order for information-sharing to take place in a fast and efficient way between the public and private sectors. Fast fax systems are also used by various other partnership organizations in the United States.

www.ifpo.org/resources/articles-and-reports/security-management-and-supervision/law-enforcement-and-private-security-liaison-partnerships-for-cooperation/

The South African Police Service signed a memorandum of understanding with private security operators in one of South Africa’s cities, authorizing private security operators to staff the police call centre. Valuable information can then be called in by members of private security companies. This cooperation also assists police in mapping hotspots for crime.

www.servamux.co.za

In Mexico a functional tool hosted by Platform Mexico is being developed to capture information on incidents and crimes by civilian private security staff. This helps the police in the gathering of intelligence and the prevention of crime, and helps the civilian private security staff to secure police assistance.

⁴¹ Homeland Security Advisory Council Private Sector Information Sharing Task Force, *Homeland Security Information Sharing between Government and the Private Sector* (Washington, D.C., 2005) p. 6.

II. Regulation of civilian private security services

Introduction

An effective regulatory system for civilian private security services is an important element in enhancing the contribution of this sector to crime prevention and community safety. States can be broadly divided into three categories as far as regulation of civilian private security is concerned: those with no State regulation, those with inadequate State regulation, and those with effective regulation. Most States fall into the first two categories, and may therefore find this *Introductory Handbook* useful for developing a new system or guiding reforms to make their system more effective. In this chapter, the key components of such a system will be explored. The chapter will begin with the rationale for regulation and consider the bodies that have responsibility for this function, before starting to review some of the many standards used by States to enhance the quality and accountability of civilian private security services.

Rationale for regulation of civilian private security services

The rationale for regulation of civilian private security services can be broken down into two broad themes. The first relates to the problems associated with a non-regulated or inadequately regulated sector, with regulation seen as a means to address this. In some States, although this is not the norm, civilian private security has been linked with human rights abuses, trade in conflict resources, corruption, organized crime groups and illicit trade in small arms and light weapons.⁴² Some of these activities have, allegedly, been conducted at the behest of corporate clients, political or ethnic interest groups, or States.⁴³ In some States, civilian private security companies may have affiliations with political parties, paramilitary or ethnic groups and criminal elements, or even be controlled by organized crime groups.⁴⁴ Challenges in some States have also included little or no training for civilian private security guards, the abuse of authority and excessive use of force by security personnel, generally low professional standards, inadequate legal accountability mechanisms and non-compliance with the law.⁴⁵

⁴² Mike Bourne and Owen Greene, *Armed Violence, Governance, Security Sector Reform, and Safety Security and Access to Justice* (Bradford, University of Bradford Centre for International Cooperation and Security, 2004); Sabelo Gumedze, *Private Security in Africa: Manifestations, Challenges and Regulation* (Tshwane, South Africa, Institute for Security Studies, 2007).

⁴³ Benjamin Petrin, "Promoting compliance of private security and military companies with international humanitarian law", *International Review of the Red Cross*, vol. 88, No. 863 (2006) pp. 613-636.

⁴⁴ South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, *SALW and Private Security Companies in South Eastern Europe: A Cause or Effect of Insecurity?*, 2nd ed. (Belgrade, 2005).

⁴⁵ United Nations Office on Drugs and Crime and United Nations Human Settlements Programme, *Introductory Handbook on Policing Urban Space*, Criminal Justice Handbook Series (New York, 2011).

The second is driven by the recognition that civilian private security services have a positive role to play in crime prevention and community safety, but that regulation is necessary to achieve this. In many States, there has been a desire to improve the quality of the industry in order to increase the potential for partnership with the police and improve the effectiveness of civilian private security services.

Options for States

Regulation is one of several options States can select when dealing with civilian private security services. At one extreme, a State may prohibit such activities altogether. At the other extreme, Governments may decide to refrain from any special intervention and treat these services like any other industry providing services such as cleaning, catering, etc. In the United States, where regulation is a state rather than a federal responsibility, several states still have no regulation of civilian private security services. Another option is self-regulation. In the United Kingdom up to 2001, this was the preferred way for the industry to be treated. Under these arrangements, the industry created a variety of bodies and standards for civilian private security firms to follow. Such structures continue to exist as the primary measures in some sectors still not subject to State regulation, such as security equipment installers, and they also operate in parallel with some of the State measures. There are, however, significant problems with the self-regulation model which policymakers need to consider:

- Standards have to remain low to encourage participation.
- Many firms opt out of regulation.
- Sanctioning regulated firms tends to be weak, because strong sanctions may lead to the departure of those that have been disciplined.
- Regulation is often designed to meet the interests of industry rather than the broader public interest.
- Clients and end users have little guarantee of quality or professionalism.

The most common option in the civilian private security sector is some form of statutory regulation. It is also important to remember that, often, there is a degree of self-regulation alongside State regulation and the foundations of the former can enhance the latter.

The Abu Dhabi draft preliminary recommendations advocate statutory regulation. This varies in a number of key criteria, namely the responsibility for regulation, the extent of the civilian private security sector which is subject to regulation, the range of standards applied to civilian private security services and compliance with regulation.

As outlined in this *Handbook*, Member States may wish to enact legislation for the regulation of civilian private security services that:

- Defines civilian private security services
- Defines civilian private security activities and responsibilities, including the obligation to maintain a register that transparently and efficiently provides for the control of installations,

arms, ammunition and related equipment and to ensure that this information is made available to the competent authorities

- Defines any associated powers of providers and personnel of civilian private security services
- Defines activities that providers and personnel of civilian private security services are prohibited from undertaking, strictly limits the use of force and establishes a system to enforce sanctions for infractions
- Ensures that effective regulating mechanisms or bodies are established to oversee the conduct of civilian private security services within national borders, including the oversight of certification and training
- Includes the regular review and evaluation of the effectiveness of the regulations and the introduction of reforms to address any weakness
- Includes a code of conduct for personnel of civilian private security companies

Basis for regulation

Once a State decides regulation of civilian private security services is necessary, a decision must be made about how it is to be implemented. Sometimes it is possible to implement regulation through general legislation. For example, in Austria, the foundations of the legislation are general commercial law (the Trade, Commerce and Industry Regulation Act 1994). Changes have been considered to bring in a specific law instituting an identity card and mandatory training, which are not possible under the current law. Such general approaches to introducing regulation are considered less desirable than more specifically tailored legislation.

In most States, however, a specific piece of legislation passed by the national parliament is used to create the regulatory system. Depending upon the legal norms of the State, there will often be secondary legislation, decrees and decisions by the regulator which fill out the finer detail of the legislation.

For example, in South Africa, the current legislation regulating civilian private security services is the Private Security Industry Regulation Act 2001, which is also in the process of being amended. Additionally, a variety of regulations have been issued under this legislation. For example:

- Regulations made under the Private Security Industry Regulation Act 2001 (Act No. 56 of 2001). These set out in more detail the application procedure and standards relating to uniforms and weapons, the keeping of information, etc.
- Improper Conduct Enquiries Regulations, 2003. These cover the complaints process in more detail.
- Regulations relating to Appeals and Applications for Exemptions, 2003. As the name suggests, these regulations set out the appeals process in more detail and are made under the same 2001 Act.

If there is the scope to set up regulation under general legislation, this may be a quick option for a State. However, as this *Handbook* shows, there is a wide range of complex issues which need to be addressed by regulation, and specific legislation and regulations to achieve this are often required.

Responsibility for regulation

Another early decision a State needs to make when designing a regulatory system concerns who will take responsibility for regulation. Experience from States who regulate civilian private security services illustrates a wide range of different models of responsibility for control. In one study published in 2012,⁴⁶ a typology of different systems was identified. First of all, there are monopoly systems, where all parts of the private security industry are regulated by one body, as is the case with the Private Security Authority of Ireland. Secondly, there are divided systems, where regulation is split between different bodies. For example, in Florida in the United States, the Department of State Division of Licensing regulates the manned guarding and private investigator sectors and the Department of Business and Professional Regulation is responsible for alarm installers. In France and Italy, there are divisions between the central government departments, local government and the police. The most efficient regulatory model is monopoly, as this minimizes organizational disputes over responsibilities and different interpretations of rules and processes; however, in some States this is difficult to achieve because of the protected competences of certain bodies, e.g. access to criminal records is often restricted to the police.⁴⁷

It is also worth looking at some of the bodies which commonly assume responsibility for regulation, and their disadvantages and advantages. It is very common for a government department to assume a major role in the regulation of civilian private security services. States utilize a wide range of different departments, as box 5 illustrates. The Ministry of Justice and the Ministry of the Interior are very common choices, but other government departments, such as the Department of Commerce, also sometimes take responsibility. Using a government department provides an advantage in clear independence from the industry, although this can also be a weakness if regulations are created that may be bureaucratic and may not sufficiently take into account the realities of the sector.

In some States, the police have the role of regulating civilian private security services, as in New South Wales, Australia, and several states in the United States. At first sight, this may seem an appropriate means of enhancing partnership. However, the success of using the police will depend upon a number of factors. If the police are committed to partnership, such a measure may work. However, if there is hostility towards civilian private security companies and workers in the police, this may lead to restrictive regulations, which prevent the sector from flourishing. Another risk is that the police may not be well enough funded to undertake these functions and, as a consequence, the regulatory body cannot undertake its responsibilities properly, leading to non-compliance.

Another important aspect of the responsibility of regulation is the degree to which the structures are independent of the civilian private security sector. Generally, in systems where a government department or the police undertake these functions, there is clear independence from the private security sector. However, the risk of such approaches is that the distance from the sector creates regulations that are unworkable and/or frustrate the objectives of regulation. Such regulation can also lead to increased risk of the regulated not complying or seeking to find loopholes to avoid compliance. To counter this, in some systems advisory boards are created.

⁴⁶ Mark Button, "Optimising security through effective regulation: lessons from around the globe", *Policing and Security in Practice*, Tim Prenzler, ed. (Basingstoke, Palgrave, 2012).

⁴⁷ Tim Prenzler and Rick Sarre, "Developing a risk profile and model regulatory system for the security industry", *Security Journal*, vol. 21, No. 3 (2008), pp. 264-277.

In Finland, for example, the regulator is a government department in the Ministry of the Interior, but a key part of the regulatory structure is an advisory board composed of representatives of the security industry (employers and employees), the business world and consumers of security (section 51-2 of the Private Security Services Act 282/2002) who have a formal role in advising the regulator (section 52 of the Act). This advisory board can bring a positive influence to bear on the regulator by ensuring that restrictive regulations are avoided, without actually dominating it. From the regulator's point of view, it also provides invaluable advice. This provides an example of very good regulatory practice.

As another means of addressing the issue, a number of States have created "arm's length" bodies, separate from government structures, to undertake regulatory functions. Such bodies are invariably governed by a board with their own officials to undertake the administration of the scheme. This model varies in the extent to which representatives from civilian private security services sit on the governing board. In South Africa, where the Private Security Industry Regulatory Authority is responsible for regulation, a Council has been created under the Private Security Industry Regulation Act 2001, which undertakes the governance and leadership functions. The Act provides that a person may not be appointed as a member of the Council if such person has a direct or indirect financial or personal interest in the private security industry or represents or is a member of a body representing the interests of employers or employees in the private security industry or security officers or any security business.

In the United Kingdom, the Board of the current regulator, the Security Industry Authority, has members drawn predominantly from business and the public sector, with no current interests in the private security industry. Some current and past members of the Board, however, have been selected because of their past experience of working in the security industry. This is a minority of members, and it is likely to change in the future. As another model, in Ireland, where a similar arm's-length regulator, the Private Security Authority, is responsible, the governing board consists of 11 members, with four taken directly from the private security industry (two representatives of employers and two of employees), with the rest being from either the police or the Government or independent representatives.

There are also risks that the industry will secure too much influence over and control of the regulator. A common problem with regulation is "regulatory capture", where the regulator starts to work more in the interests of the regulated than in the public interest. A risk policymakers need to address, therefore, is creating a structure of governance which is not too independent and not too controlled by industry interests. The actual structure must fit with the State's broader approach to dealing with regulation.

Whichever approach is identified, a model referred to as "responsive regulation" offers a way forward.⁴⁸ In this model, the presence of interest groups is enshrined within the regulatory process, but they do not have ultimate control. The appropriate interest groups are built into the process (often on a consultative or advisory basis), which means that they are able to help to shape the regulations, but not to define them. The benefits of this model are not only that it is likely to result in the creation of more practical regulations, but also that such regulations are more likely to be complied with. Ideally, therefore, the regulatory body should formally integrate the key

⁴⁸ Ian Ayres and John Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate* (Oxford, Oxford University Press, 1995).

groups representing the industry (both employers and employees), the purchasers and the public into the regulatory formulation process to allow for consultation. Alternatively, the key groups should form a minority on any regulatory board or council. Such an approach can be achieved in some of the models discussed above, such as the independent authority in Ireland with industry representation on its Board, or the case of Finland, with a government department and consultative committee. Some of the examples in this section should provide inspiration for possible adaptations to the specific context of the State where regulation is being planned or reformed.

Box 5. Examples of regulators

Arm's-length bodies

Private Security Authority, Ireland

Private Security Industry Regulatory Authority, South Africa

Security Industry Authority, United Kingdom

Board of Private Detectives and Security Agencies, Georgia (United States)

Conseil national des activités privées de sécurité (National Council for Private Security Activities), France

Government departments commonly responsible

Department of Commerce, Germany

Ministry of Justice, Denmark, Netherlands, Norway and British Columbia (Canada)

Ministry of the Interior, Belgium, Estonia, Finland, France, Italy, Poland, Portugal, Russian Federation, Spain, United Arab Emirates

Ministry of Public Security, Mexico

Police regulators

Security Licensing and Enforcement Directorate, New South Wales Police (Australia)

Victoria Police (Australia)

Metropolitan Police Department, District of Columbia (United States)

Abu Dhabi Police Department, United Arab Emirates

Functions of regulators

The founding legislation needs to set out the functions of the regulator. Some of the most important functions include:

- Setting standards
- Licensing of employees
- Licensing of security providers
- Enforcement of legislation
- Complaints and sanctions
- Approval of training standards
- Promoting cooperation with the police

These functions vary across different regulators. Another important decision is the powers which are given to the regulator or government sponsor to change the regulatory system without the need for further primary legislation. In many regulatory systems, regulators have extensive powers to change the finer details of regulation. Some of these powers will be described in more detail as the standards are discussed in this and the following chapters.

Scope of regulation

Earlier, this *Handbook* illustrated the difficulties of developing a commonly agreed definition of civilian private security services. The shape and definitions of the civilian private security sector vary from State to State. There are many sectors covering, among other things, occupations such as security officers, security managers, door supervisors (or crowd controllers, patron protectors or “bouncers”, as they are also known), close protection officers (bodyguards), security managers, private investigators, security consultants, installers of security equipment and locksmiths, employed either contractually or in-house (staff employed directly by the client organization).

A very important decision when designing the regulatory system is, therefore, the extent to which regulation should apply to the various civilian private security occupations. If sectors are not regulated, there is the risk of creating loopholes which the unscrupulous can take advantage of.

Against this must be balanced the fact that, in some sectors, the problems may be negligible and there is a risk of bringing a part of the civilian private security services sector into the regulatory system unnecessarily, creating needless bureaucracy. As an example, many regimes do not regulate in-house security.⁴⁹ Often this is because standards are not low in this sector but it also provides a major loophole that can be exploited. Some States, however, have opted to require licensing of any worker whose primary or principal role is the provision of security, or where a significant portion of the worker’s assigned duties includes providing a security service, including those who supervise, manage or direct others in their security work, or who may play such a role on behalf of the company. This takes into account not only the most obvious audience—contracted security companies and their workers employed by an end user—but also in-house security and others who provide a security service.

Since in-house security workers often have similar duties and responsibilities to contracted civilian private security workers, licensing can ensure consistent compliance with the regulations and standards required of contracted security workers, including vetting, training and being subject to a complaints process.

In examining other workers who provide a security function where there may be a threat to the public through the provision of the service, some States have chosen to license door staff working at clubs, bars and entertainment centres. These workers control access, check identification and sometimes interact with members of the public who are anxious, angry or under the influence of drugs or alcohol. Recognizing that these workers, and the public, may benefit from the vetting of workers and completion of a set training programme, some States have chosen to include door staff within the definition of security workers to be licensed. For example, in Ireland, the Private

⁴⁹ In-house security personnel are persons employed by a company that has not contracted externally for service delivery by a private security company, but instead employs its own security staff or has staff who serve in a security function within a larger set of duties, sometimes including maintenance, custodial, engineering or grounds staff.

Security Services Act (No. 12 of 2004) requires the licensing by the Private Security Authority of “door supervisors”, and defines this type of worker as a person who for remuneration, as part of his or her duties, performs any of the following functions at, in or in the vicinity of any premises or any other place where a public or private event or function is taking place or is about to take place: (a) controlling, supervising, regulating or restricting entry to the premises or place, (b) controlling or monitoring the behaviour of persons therein, and (c) removing persons therefrom because of their behaviour.

Indeed, in Ireland, in addition to door supervisors and security guards, licensing also applies to suppliers or installers of security equipment, private investigators, security consultants, providers of protected forms of transport, locksmiths and suppliers or installers of safes. British Columbia in Canada is another example of a broad regulator, where the following require licences: security guards (contract and in-house); armoured-car security guards; alarm installers, salespersons, monitors and responders; CCTV monitors; locksmiths; electronic lock installers; private investigators; and security consultants. At the other extreme are some regulatory regimes which regulate only contract security guarding and/or private investigators, as is the case in several states of the United States.

Once the scope of regulation has been decided upon, the very important task of defining those sectors in the legislation and regulations needs to be undertaken. This is a key issue, as failure to define civilian private security functions adequately can lead to loopholes which can be exploited by the unscrupulous. Box 6 provides a variety of definitions to illustrate the differences between States.

Box 6. Selected definitions of “security officer” and “guard” used by States

Ireland: Private Security Services Act 2004, section 2

“Security guard” means a person who for remuneration guards or patrols or provides any other protective services in relation to persons or property and includes a person who for those purposes:

- (a) Provides those services exclusively for an employer who is not a private security employer;
- (b) Monitors security equipment;
- (c) Supervises and inspects security guards while they are guarding or patrolling;
- (d) Accompanies a guard dog while the dog is guarding or patrolling; or
- (e) Controls, supervises, regulates, restricts or directs the movements of persons, whether in vehicles or otherwise, in relation to any premises or any other place where a public or private event or function is taking place or about to take place.

British Columbia, Canada: Security Services Act 2007, section 1

“Security guard service” includes a person who:

- (a) Provides or supervises a guard patrol or watch of property;
- (b) Provides or supervises a guard of an individual;
- (c) Performs services to prevent the loss of property; and
- (d) Provides door security at an establishment licensed under the Liquor Control and Licensing Act.

South Africa: Private Security Industry Regulatory Act 2001, chapter 1

“Security officer” means any natural person:

- (a) (i) Who is employed by another person, including an organ of State, and who receives or is entitled to receive from such other person any remuneration, reward, fee or benefit, for rendering one or more security services; or (ii) who assists in carrying on or conducting the affairs of another security service provider, and who receives or is entitled to receive from such other security service provider, any remuneration, reward, fee or benefit, as regards one or more security services;
- (b) Who renders a security service under the control of another security service provider and who receives or is entitled to receive from any other person any remuneration, reward, fee or benefit for such service; or
- (c) Who is or whose services are directly or indirectly made available by another security service provider to any other person, and who receives or is entitled to receive from any other person any remuneration, reward, fee or benefit for rendering one or more security services.

“Security service” means one or more of the following services or activities:

- (a) Protecting or safeguarding a person or property in any manner;
- (b) Giving advice on the protection or safeguarding of a person or property, on any other type of security service as defined in this section, or on the use of security equipment;
- (c) Providing a reactive or response service in connection with the safeguarding of a person or property in any manner;
- (d) Providing a service aimed at ensuring order and safety on the premises used for sporting, recreational, entertainment or similar purposes;
- (e) Manufacturing, importing, distributing or advertising of monitoring devices contemplated in section 1 of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992);
- (f) Performing the functions of a private investigator;
- (g) Providing security training or instruction to a security service provider or prospective security service provider;
- (h) Installing, servicing or repairing security equipment;
- (i) Monitoring signals or transmissions from electronic security equipment;
- (j) Performing the functions of a locksmith;
- (k) Making a person or the services of a person available, whether directly or indirectly, for the rendering of any service referred to in paragraphs (a) to (j) and (l), to another person;
- (l) Managing, controlling or supervising the rendering of any of the services referred to in paragraphs (a) to (j);
- (m) Creating the impression, in any manner, that one or more of the services in paragraphs (a) to (l) are rendered.

United Arab Emirates, Ministerial Decision No. 557 of 2008 for the Executive Order of the Federal Law No. 37 of 2006 Concerning Private Security Companies

“Security guard” includes all security guards with all their categories as stated in the Order who perform, convey or inspect one or more of the following activities wearing either formal uniform or casual clothes:

- (a) Protecting people, property or information;
- (b) Protecting people or property from damage or any other illegal activity;
- (c) Controlling access to the companies that are being protected;
- (d) Preventing the stealing or exploitation of goods, money or any other valuables;

Box 6. (continued)

- (e) Detaining persons who are suspected of committing theft or exploitation of any goods or money or any other valuables;
- (f) Rendering the service of responding to security alarms;
- (g) Maintaining order and safety during sporting activities, concerts or any other public events.

Exemptions

Important as it is to identify the parties to whom security regulation is directed, some States also qualify who or what the legislation does not apply to.

This is usually done to stop occupations already regulated by other measures from having to be licensed twice because their activities may shade into private security, such as lawyers, police officers and journalists. This is particularly important where a State permits and regulates private investigations. The line between an official inquiry which is part of conducting a background check on a job applicant, or a bank or insurance company conducting a credit check, and a “private investigation” may need clarification in legislation. For example, as illustrated in box 7, legislation in Belize contains an extensive list of exemptions. Given the dynamics of the industry, it is good practice to assign the power to make exemptions through secondary regulations.

Box 7. Exemptions: example from Belize

In Belize, section 3 of the Private Security Investigation Services (Control) Act 2003 states that the legislation does not apply to:

- (a) Attorneys-at-law in the practice of their profession, or to their employees while acting in the usual and regular scope of their employment;
- (b) Persons who search for and furnish information;
 - as to the financial credit rating of persons;
 - to employers as to the qualifications and suitability of their employees or prospective employees;
 - as to the qualification and suitability of applicants for insurance and indemnity bonds and who otherwise do not act as private investigators;
- (c) The Belize Police Department or any persons acting in the usual regular scope of their employment;
- (d) Insurance adjusters and their employees while acting in the usual regular scope of their employment;
- (e) Insurance companies lawfully carrying on business in Belize and their employees while acting in the usual and regular scope of their employment;
- (f) A watchman who is not employed by a company;
- (g) Unarmed invigilators employed in shops and business establishments to oversee customers;
- (h) Casual security guards whose employment is less than two days at a time and who do not carry firearms; or
- (i) Any other class of persons exempted by the Regulations.

Authorization and limitations of civilian private security services

Another important element of regulation is to determine what civilian private security services can and cannot do. Frequently, such provisions already exist in other legislation. For example, in many States, citizens have a right of arrest, which is often used by civilian private security staff. Such rights are usually set out in general legislation. It is important to note that, even though in most States civilian private security operatives do not possess any additional special powers, they are figures of authority dressed in uniform, which means that many people will comply with their requests any way. They also possess advantages over general citizens in the following ways:

- In States where civilian private security workers possess general citizens' rights to arrest and use force to prevent a crime, they are often trained and expected to use these powers in specific circumstances.
- Civilian private security staff operating in private spaces can often utilize landowners' rights of exclusion, and can search as a condition of entry and impose sanctions for breach of conditions of entry.
- Civilian private security staff operating in locations where the staff they protect have conditions in their employment contracts which provide for sanctions for non-compliance with security procedures often have de facto powers of stop-and-search.⁵⁰

Sometimes States decide to make clear, however, that there is no additional special authority given to civilian private security staff. For example, article 15 of the Security Services Act (Act No. 117 of 1972) in Japan states that the Act does not entitle security service companies and security guards to exercise any special authority and that they shall not violate the rights and freedom of others or intervene in lawful activities of other individuals or groups. Some States create different categories of personnel, some with more rights than others. For example, in the Republic of Korea, the category of Special Security Officer has been created in legislation, distinct from General Security Officers, who have the right to carry firearms.⁵¹

Depending upon the circumstances of the State, there is a wide range of authorizations and limitations regarding civilian private security services that are often outlined in regulation. Some of the most common ones are listed below.

Authorizations

Provision to carry weapons: In most States, general citizens cannot ordinarily carry weapons and regulation is required to allow certain professions to do so. For example, in both Chile and Ecuador, firearms can be carried only by licensed security workers during working hours and only within the premises and areas in which security services are performed. Once off duty, the firearms must be securely stored on the premises of the security company.⁵² In British Columbia, Canada, as illustrated in box 8, the general carrying of firearms by security staff is prohibited, bar those working in armoured cars.

⁵⁰ Mark Button, *Security Officers*.

⁵¹ Mark Button, Hyenho Park and Julak Lee, "The private security industry in South Korea: a familiar tale of growth, gaps and the need for better regulation", *Security Journal*, vol. 19, No. 2 (2006) pp. 167-179.

⁵² United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, *Control and Regulation of Private Security Companies in Latin America and the Caribbean: A Comparative Analysis* (Lima, 2011).

Box 8. Example from British Columbia, Canada

Security Services Act 2007, Section 26(2) states:

Subject to the regulations, the registrar may permit an individual engaged in security work as an armoured car guard service to carry, while engaged in that security work, a firearm of the type the registrar specifies, if the registrar is satisfied that:

- (a) The individual
 - (i) is competent in using the firearm, and
 - (ii) holds all licences and permits required by law in relation to that firearm, and
- (b) The firearm is registered
 - (i) under the Firearms Act (Canada) and the Criminal Code, and
 - (ii) in the name of the security business through which the individual is engaged in the security work.

Special powers: In some States, the legislation, or related legislation, gives special powers to civilian private security personnel. For instance, in Finland, security officers are given powers for the removal of unauthorized persons from guarded areas. In Bulgaria, officers have the right to use force and devices such as truncheons and handcuffs where it is not possible to fulfil their official duties in any other way.⁵³ In Sweden, a category of civilian private security services has been created which has been authorized by legislation to exercise a series of powers such as arrest and the right to use force and confiscate alcohol, among others. In Israel in 2012, legislation was proposed which would give security officers the power to use force to prevent a person entering a building and to eject a person.⁵⁴ In some jurisdictions, additional powers of arrest are also granted; for instance, in Virginia, United States, Title 9.1-146 of the Code of Virginia gives armed security officers greater powers of arrest than an ordinary citizen on the premises they guard. In some States, certain categories of civilian private security staff have been given special powers. For example, security officers working in courts in England and Wales have been given a wide range of powers under the Courts Act 2003, which includes powers of search, powers to exclude, remove or restrain persons, and the power of surrender and seizure of articles.

Prohibitions

Legislation often prohibits civilian private security companies from undertaking certain functions. For example, in some States, criminal investigations are seen as the sole responsibility of the State, and civilian private security companies are excluded from them. For example, in Mozambique, the Regulamento das Empresas de Segurança Privada, which regulates the private security industry, specifically prohibits security workers and companies from becoming involved in criminal investigations.⁵⁵

Other activities which some States prohibit for civilian private security services include:

- Intervening in political or labour disputes

⁵³ Confederation of European Security Services, *Private Security in Europe*.

⁵⁴ See www.haaretz.com/news/national/knesset-passes-bill-to-let-security-guards-use-reasonable-force-1.451801.

⁵⁵ Juliet M. Berg, "Overview of plural policing oversight in select Southern African Development Community (SADC) countries", paper prepared for the Open Society Foundation for inclusion on the police accountability website, 2005.

- Intercepting communications
- Making video or audio recordings or taking photographs on the site being protected unless special authorization is given
- Unauthorized use of uniforms
- Using information on clients in an unauthorized manner
- Acting in a way that might harm the rights, freedoms, life, health, reputation, dignity, property or lawful interests of natural persons⁵⁶

Some regulatory systems where there are concerns that civilian private security companies could become too powerful set limits on their size as well. For example, in the Philippines, no agency operating in Manila and its suburbs can employ more than 1,000 security guards or watchmen.

Licensing

The cornerstone of most regulatory systems is a licensing or registration system. This imposes conditions which must be met in order to obtain authorization to operate in this sector. One important decision is whether to apply licensing to either operatives or providers, or both. For example, in the United Kingdom, only operatives are licensed, although this is currently being reformed to create provider-driven licensing as well. Best practice is for licensing to apply to both categories, so that standards can be raised both in companies and among individual licence holders. There is, however, wide scope in the criteria which can apply to licensing. Options for policymakers will be considered below.

Licensing of security operatives

One important aim of regulation is for a competent authority to screen and control private security workers and providers in the public interest, in order to exclude criminal and other unsuitable persons from acquiring a position of trust as employees in the industry.

In many States, it is the regulatory authority that conducts and has responsibility for the vetting of licence applicants—both companies and individuals—to ensure their suitability measured against the criteria established by the regulations. Given that part of the vetting process includes a check for any potential history of criminal involvement or conflict with the law, there may be links to police systems for this part of the check.

Vetting is one way to guarantee the accountability of civilian private security companies and their employees and to enable effective control of the companies and their workers by the authorities and the public. Some States require all employees to be licensed, regardless of position or title, while others require only operational field personnel to be licensed. The list below sets out criteria for operatives which are used by many States (see also box 9). Some of the criteria are more commonly used than others.

- Workers must be above a minimum age (often 19 years; some States also list a maximum age).

⁵⁶ See E/CN.15/2011/14, para. 35.

- Workers should be legally entitled to work in the country (some States restrict security worker licences to citizens only).
- Workers should not have a criminal record (some States permit persons with minor records to be licensed if they have no recent convictions).
- Workers must be in good physical and mental health.
- Confirmation of residence, and in some instances, past places of residence must be provided.
- A specific level of formal education must have attained.
- Workers must be able to read, write and speak the national language(s) adequately.
- Workers should not be a current or recently serving member of the police, military or other State security or intelligence body.
- Social security number or other national identity number must be verified.
- Past employment and references must be verified.
- Workers must provide proof that they hold a firearms licence if the position is armed.
- Workers must submit to having their fingerprints taken to accompany a criminal record check.
- Workers must undergo pre-employment drug screening.
- Workers must undergo a credit check.
- Workers must possess the physical ability to perform essential job functions.

In an effort to avoid potential conflict of interest, favouritism in awarding government contracts to former colleagues and the possibility of corruption, some States prohibit specific categories of government workers (e.g. police, military, other State security or intelligence body) from being employed in the civilian private security industry for a set period of time after leaving government employment.

For example, in Belgium, the national legislation regulating civilian private security services requires security-worker licence applicants to have been out of public service (police, military, secret service) for a minimum of two years. In Bolivia (Plurinational State of), Colombia, Honduras, Mexico, Panama and Uruguay, active members of the armed forces and public officials are prohibited from securing a licence.⁵⁷ There are many States where this does not occur, and critics of such policies argue that it deprives the civilian private security sector of skilled personnel with good recent links to the police, which enhances the chances for cooperation.

Box 9. Examples of licensing criteria for operatives

In Spain, the Law Regulating the Private Security Industry, Act 23/1992 (a new draft law is currently under review) requires individual security licence applicants to have no criminal convictions in the past five years, possess European Union or European Economic Area citizenship, not have been dismissed from the armed forces or State security forces, not have been in charge of the inspection of private security companies in the past two years, pass physical and mental examinations, not have been condemned for improper conduct related to fundamental rights in the past five years

⁵⁷ United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, *Control and Regulation of Private Security Companies*.

(right to honour, personal or family privacy, personal image, private communications, other fundamental rights), be between 18 and 55 years of age, possess basic compulsory education, and not have held managerial positions in bodies, services or proceedings related to private security, surveillance or investigation in the two years prior to application.

In British Columbia (Canada), the Ministry of Justice has a publicly stated policy of conducting a risk assessment on security workers and each controlling member of a security business (all of whom must be licensed) at the point of initial licence application and subsequent renewals, to determine whether there is a risk that they might not fully comply with the requirements of a licence or that they might otherwise pose a risk to the public. Under sections 4, 15 and 28 of the Province of British Columbia Security Services Act, the Registrar may refuse to issue, suspend or cancel a security licence when criminal charges, convictions or other reliable information which questions the applicant's or licensee's conduct, mental condition, character or repute makes it undesirable to license them. Licence applicants can make written submissions to explain aspects of their history, and any decision of the Registrar can be publicly appealed in a transparent manner (see www.pssg.gov.bc.ca/securityindustry/risk/index.htm).

In the Law on Private Security and Detective Services (2007), the Russian Federation requires that applicants for civilian private security employee licences are Russian citizens, at least 18 years of age, have no mental deficiencies (as stated by a court), not suffer from an illness as specified by government regulation, and not have been convicted for committing a crime or currently be charged with a crime. Former employees who have been dismissed from public service, courts, a prosecutor's office or other law enforcement bodies on the basis of compromising those bodies are not permitted to be licensed as security workers.

In Kenya, the Private Security Industry Regulation Bill (Draft 2011) states that a person shall be eligible for registration as a private security provider if that person is a citizen of Kenya or a person who is ordinarily resident in Kenya, is over 18 years of age, submits a certificate of good conduct issued by the Criminal Investigations Department, in cases of having previously served in any of the disciplined forces, produces a certificate of discharge from such force, and is of sound mind.

In the United Arab Emirates, the Private Security Business Department (PSBD) requires both security companies and security employees, e.g. managers, supervisors and guards, to be licensed by the PSBD Authority. The Authority carries out due diligence and also imposes a bond on security companies to ensure that they also carry out due diligence on expatriate security employees in their home countries. This process is subject to random checks and enforcement by PSBD. The Department requires the following conditions to be met: *(a)* security companies must become compliant with the relevant standards of the International Organization for Standardization (ISO) within 12 months of the issue of a licence; *(b)* no person with a previous criminal history may be employed; *(c)* guards must speak either the national language (Arabic) or English; *(d)* minimum education standards of high school diploma (grade 12) or equivalent; *(e)* previous experience (two years) in military, police or security or other relevant experience; *(f)* age between 21 and 55; *(g)* fit to carry out the duties and functions of a security employee; *(h)* pass the tests set by the Authority and attend and pass required mandated training for the category in which they are employed; *(i)* provide evidence of insurance; *(j)* maintain records of company activities; and *(k)* security guards to make daily entries in their officially issued notebooks (failure to do so will result in either warning, fines or cancellation of licence).

Some States may also enquire into education, family background, health, personal life, use of drugs and alcohol, financial status, affiliation with certain organizations and personal and professional references. This is more common where security workers are guarding State buildings, assets or critical infrastructure. Another important requirement is a minimum standard of training. This aspect of licensing will be dealt with in chapter IV.

In places with a recent history of instability or conflict, some States may exclude persons known to have been past human rights abusers or armed militia members from receiving a security licence—either as

a worker or company owner or official. While some States conduct vetting of licence applicants through a centralized government apparatus, some may permit security companies to perform some aspects of the vetting themselves as part of their pre-employment process.

To help to check that licensed security workers have not been involved in criminal acts since they were initially licensed, it is good practice to require periodic licence renewals that, as a minimum, also include a criminal record and police check. It is also common to place time limits on licence validity to assist this process. Some States permit temporary licences for security workers, e.g. for mass public events or emergency response, where full training may not be required or be practicable given the circumstances.

Different licences

States may set up different licences for the distinct occupations in the civilian private security sector. Some of the most common licences include security officer or guard, CCTV operator, private investigator and manager. In some cases, security officers or guards are also distinguished by the settings they can work in. The criteria often change for different licence categories, most notably in terms of any mandatory training. In some States, there is also incompatibility between licences. For example, in Belgium, cash-in-transit services cannot be combined with door supervision services. This issue of different standards of training will be returned to in chapter IV.

Licence card

One important outcome of the licensing process is the issuance of a licence card. These cards usually contain a photograph, the worker's name, the scope of licensing and the expiry date. Sometimes, there are conditions attached to holding a licence, such as having to display it. This is important for the public, who can see that the operative is licensed and report any misconduct more easily, as the name, number and other details of the operative can be noted. Such rules are also good for preventing non-compliance, as those without a licence are more exposed if they are working and not displaying a licence, or using the licence of someone they do not resemble. In Jamaica, under the Private Security Regulation Authority Act (1992), the regulatory authority provides a registration card for licensed security workers which they are obliged to carry with them at all times while engaged in security work and return to the Authority when they leave that employment. As an independent body with a guaranteed budget from the State, the Authority has the authority to grant, deny, suspend or cancel security worker registration cards.

Licensing of security providers

Licensing standards for security providers or firms cover two main areas. Firstly, the owner or the senior managers of the firm usually face some form of licensing, as their employees do (see box 10). The criteria discussed for operatives above usually apply for these staff too, and often there will be more criteria, as well as higher standards covering standards relating to the firm, such as finances, insurance, etc.

Box 10. Examples of licensing criteria for security providers

In Brazil, Law 7, 102 (1993) on Private Security Companies and the Security of Financial Institutions provides rules on security for financial institutions and is clarified and complemented by Decree No. 89.056, the Private Security Service Decree Law, which gives responsibility to the Ministry of Justice, through the Federal Department of Police, to authorize, control and oversee the functioning of any specialized private security company. A security certificate authorizing a security services company to operate is issued on a time-limited basis subject to annual renewal. The issuance of the security certificate and subsequent renewals depends on the owners, partners, directors and managers providing proof that they have no criminal convictions.

In the United Arab Emirates, the federal law regulating the security industry and recognizing the unique features and requirements of different security services, in addition to licensing individual security workers, separately licenses companies or provides individually tailored services, including general security guarding, cash-in-transit, cash centres, hotel security, hospital security, airport security, bank security, VIP security, event security, critical infrastructure security and security training. Measures are also in place to require individual security workers to have specialist training, certification and licensing, in addition to the basic level, for each of these unique areas where they would work (Federal Law No. (37) of 2006, Ministry of the Interior, United Arab Emirates).

The Republic Act No. 5487, also known as the Private Security Agency Law (1969), in the Philippines sets out the basic requirements for licensing an operator or manager of a security agency, including:

The operator or manager of an agency, including managers of branch offices:

- Must be a Filipino citizen
- Must be not less than 25 years of age
- Must be a college graduate and/or a commissioned officer not in active service or retired from the Armed Forces of the Philippines or the Philippine National Police
- Must have no previous record of any conviction of any crime or offence involving moral turpitude
- Must be of good moral character

To obtain a licence as a security firm, in addition to existing legislation regarding establishment and licensing of a private business, States tend to require, in addition to the types of criteria discussed above, that a variety of other standards are met, such as:⁵⁸

- Proof that senior managers have security industry experience and/or relevant educational qualifications
- Proof that security personnel are free from drug use and both physically and psychologically fit
- A listing of the security services the firm plans to provide
- Proof of sufficient economic resources or financial viability to ensure the adequate performance of the proposed security services
- Proof of sufficient and appropriate insurance
- Ensuring and providing evidence that operational personnel are duly acquainted with existing relevant legislation and human rights law
- Proof of a formalized quality assurance system

⁵⁸ See E/CN.15/2011/14.

- If firearms are to be issued to operational personnel, proof of appropriate training regarding their use, records for issuance, storage and retrieval and adherence to relevant State firearms licensing requirements
- Approval by a competent authority of the uniform and mobile patrol vehicle design to be used

Licensing of a company may further require:

- Registration of a physical street address for the company, or individual operator
- Appropriate equipment
- Secure storage of client information
- A minimum level of resources
- Keeping lists of licensed employees
- Maintenance of records
- Reporting to competent authorities of specific kinds of incidents
- Displaying or carrying of a licence (carrying of a licence while engaged in security activities is also commonly required of security workers)

While States do not typically concern themselves with the day-to-day details of a company's operation, they can, do and should ensure that companies comply with all existing laws and have operational standards in place that both assure this and promote the delivery of services that are in the best interests of all stakeholders.

In the area of licensing civilian private security firms, good practice in some States requires companies to have documented and formalized standard operating procedures relating to the way security services are provided, including the secure storage of client information, documentation and reporting of all incidents of concern, including any instance where an employee detains somebody or uses force.

A very few States, the United Arab Emirates being one of them, also require licensed civilian private security companies to have a formalized quality assurance programme that is audited to an international standard, such as ISO 9001.⁵⁹

Operational standards in the provision of security services sometimes address the physical boundaries where work may take place, such as being restricted to the client site the firm is contracted to protect, or being permitted to patrol in public places only when working under the supervision of public police at mass public gatherings, such as festivals or parades.

To prevent confusion over roles and identity, some States pass regulations prohibiting security companies from using the term "officer" on uniforms, and stipulating that marked patrol vehicles should not resemble public police vehicles, including specifying that guard patrol vehicles should not have red or blue flashing rooftop lights. Some States also use regulations to control the look and style of security uniforms, partly to eliminate any confusion on the part of the public about

⁵⁹ ISO 9001 is an internationally recognized standard for a quality management system, further information on which can be found at www.iso.org.

who is a public police officer and who is, in fact, a private security worker. In Uganda, the Police Act (section 72) governs civilian private security companies and individuals. Addressing operational standards, the Act states that regulations may be made regulating the use of uniforms and other equipment by a private security organization. In some States, distinguishing civilian private security workers from the police also necessitates the wearing of distinguishing badges. For example, in the Netherlands, all civilian private security staff have to wear a special badge on their uniform to distinguish them from the police.

Codes of conduct

Codes of conduct provide guidance on behavioural principles that can range from the specific to the general and often address precepts of ethical behaviour.

In the context of civilian private security services, jurisdictional legislation governing security workers and companies can include a code of conduct or a code of ethics. Within a clear legal framework, codes of conduct can provide a degree of control and accountability, especially when tied to a formal oversight mechanism.

Codes of conduct can prescribe aspirational behaviours for security workers such as to:

- Act in a manner that is in compliance with all laws, including those relating to human rights.
- Act with integrity.
- Project a professional presence.
- Protect the privacy and confidentiality of all data collected while in the course of assigned duties.
- Cooperate with government and law enforcement authorities.
- Report all clear or alleged violations of the law promptly to a competent authority.

Codes of conduct can be worded positively, like the points above, or be phrased so as to prohibit certain actions or behaviours. For example, some States may have specific requirements in their codes of conduct that security workers should not use or abuse alcohol or drugs (licit or illicit) while working and prohibiting other similarly unprofessional behaviours. The Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/169 (see box 11), provides useful inspiration in this regard, since civilian private security staff may exercise similar powers to the police in many States.

Box 11. Code of Conduct for Law Enforcement Officials

Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Box 11. (continued)

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them. Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Where elements of codes of conduct are incorporated into government regulation, the legislation typically defines specific offences for the breach of each behavioural expectation. Penalties may include a fine, suspension of a licence (of workers or the company), remedial training, a period of probation with monitoring, or licence cancellation (of workers or the company). In Singapore, the Private Security Industry Regulations (2009) include a code of conduct regulating the behaviour of both security workers and security companies, including deportment, requisite knowledge, ethical conduct and treatment of workers.

States are encouraged to establish, in consultation with the security industry, a code of conduct that is enshrined in legislation and is also enforceable.

Sample codes of conduct can be found in box 12 below.

Box 12. Sample codes of conduct and ethics included in legislation

Private Security Industry Act (chapter 250A) (2009), Private Security Industry (Conduct) Regulation S170/2009, Singapore. Code of Conduct

1. A licensed private investigator must not give any false representation to any person regarding his level of training, skill or qualification as a private investigator.
2. Any officer of a licensed private investigation agency who is managing the affairs of the agency must provide a private investigator employed by the agency with adequate information and equipment to enable the private investigator to carry out any function assigned to him.
3. When carrying out his function as a security officer, a licensed security officer must
 - (a) Not sleep;
 - (b) Not consume alcohol or be under the influence of alcohol;
 - (c) Not be absent from the place where he is deployed without valid reasons;
 - (d) Not use any threatening or abusive language;
 - (e) Keep his uniform clean and tidy;
 - (f) Respond promptly to any request for assistance by any person within the premises where he is deployed if the person has suffered any personal injury, or any damage to or loss of his property, within the premises.
4. A licensed security officer must not give any false representation to any person regarding his level of training, skill or qualification as a security officer.
5. Any officer of a licensed security agency who is managing the affairs of the agency must provide a security officer employed by the agency with adequate information and the requisite uniform to enable the security officer to carry out any function assigned to him.
6. A licensed private investigator, a licensed security officer, an officer of a licensed private investigation agency who is managing the affairs of the agency and an officer of a licensed security agency who is managing the affairs of that agency must have a reasonable knowledge and understanding of the provisions of the Act and of this Code that are applicable to him.
7. An officer of a licensed private investigation agency who is managing the affairs of the agency, and an officer of a licensed security agency who is managing the affairs of that agency, must take reasonable steps to ensure that the licensed private investigators and licensed security officers employed by the respective agency comply with the applicable provisions of the Act and of this Code in relation to that agency.

Virginia Private Security Services Advisory Board—Private Security Code of Ethics

As a member of the Virginia Private Security community, I pledge:

To accept private security responsibilities and obligations by protecting life and property; preventing and reducing crimes; upholding the law; and respecting the constitutional rights of all persons.

To conduct myself with honesty and integrity and to adhere to the highest moral principles in the performance of my security duties.

To be faithful, diligent, and dependable in discharging my duties, and to uphold at all times the laws, policies, and procedures that protect the rights of others.

Box 12. (continued)

To observe the precepts of truth, accuracy and prudence, without allowing personal feelings, prejudices, animosities or friendships to influence my judgments.

To respect and protect confidential and privileged information except in those instances contrary to law or to this Code of Ethics.

To cooperate with appropriate criminal justice and government agencies concerning matters within their purview.

To accept no gratuity, promise or other favour which would compromise my integrity.

To strive continually to improve my performance through training and educational opportunities to better prepare me for my duties.

To conduct myself professionally at all times and to perform my duties in a manner that reflects credit upon myself, my company, and the private security community.

In addition to State efforts to enhance accountability, the private sector can also be encouraged to establish voluntary codes of conduct. As an example of a regional voluntary standard that broadly embodies appropriate standards of professionalism and service delivery, although focused on a specific area of eastern Europe, the Sarajevo Code of Conduct provides a set of basic standards for application by all employers and employees in the private security industry. It covers a wide range of areas, including the selection and recruitment of workers, vocational training, health and safety at work, non-discrimination and relations with clients, the police and other security companies. The Sarajevo Client Guidelines set out a three-stage voluntary procurement procedure that client organizations are advised to follow when contracting private security providers. Another voluntary standard, the International Code of Conduct for Private Security Service Providers offers principles for private security companies operating in complex environments (e.g. fragile, conflict and post-conflict States) and both articulates and reinforces their obligations, particularly with regard to international humanitarian law and human rights law. The Code, to which private security companies and private security service providers may make a voluntary commitment, includes principles for the conduct of personnel and the management and governance of companies.

Confidentiality of client information

By the nature of their work, civilian private security companies often possess detailed information on client security systems, structural plans, staff lists containing personal information and other sensitive data. This may relate to individuals, transportation or energy systems, manufacturing sites, health-care or government buildings.

Legislation needs to set out what information civilian private security operatives and companies can collect and by what means, and what they cannot collect. Some States already have statutes and civil laws that govern the confidentiality of client information and measures a company and/or individual must take to safeguard such information. A few States further include this in the legislation governing civilian private security services, some stipulating that client information must be released confidentially to competent State authorities on demand.

Given their role, it is not uncommon for civilian private security actors to discover or routinely gather information that may be of interest to State authorities. This may include information about suspicious or criminally involved persons, crime patterns or imminent threats to public safety. At the same time, the public police may have information they want to pass along to private security workers, in limited circumstances, that could contribute to crime prevention and the enhancement of community safety.

While ad hoc and informal relationships may already exist between State authorities, such as the police, and private security for the sharing of such information, it may be in the best interests of competent authorities to formalize this process. This can help to prevent breaches of privacy, protect individual rights and freedoms and prevent potential abuse. Protocols and formalized agreements would need to be drawn up, identifying the information which can be shared, by and with whom and in what manner, and how the information is both communicated and stored.

One area where States may wish to expand their approach to confidentiality of client information is in the area of offshoring of data. This can occur where a security company is a multinational and stores digital data on servers in a third country, or where a security company chooses to store digital data on virtual servers, which may likewise involve a server in a third country.

Where this may be of concern to States is the security of such storage, including ease of unauthorized access by third parties, or where the data relates to national security interests or critical infrastructure. In such cases, States may consider prohibiting client information storage in third countries and setting measurable, verifiable standards for data protection.

Weapons and the use of force

In many States, civilian private security staff are not armed with firearms or other weapons, but in a significant number of States they are. In States where some of these workers are armed, they usually represent a small proportion of the total civilian private security personnel. For example, the Small Arms Survey of 2011 found that for every 100 civilian private security staff, 2 workers would be armed in Croatia, India and Sweden and 6 would be armed in Germany. Some States where the ratio was higher were Turkey (22 armed workers out of 100), the Russian Federation (23 out of 100) and Spain (24 out of 100), with the highest rates found in Bulgaria (40 out of 100), the Dominican Republic (80 out of 100) and Colombia (85 out of 100).⁶⁰

Where security workers are permitted to carry firearms, some concerns have been expressed about training and proper use, safe and secure storage, leakage into the black market, criminal groups targeting private security personnel in order to steal their firearms by force, and the fact that, if the actual worksite is some distance from the company offices, some workers will take firearms home, where unsafe storage may pose a hazard, especially when children are present.

With regard to the use of firearms, there is international guidance covering this issue for the public police, such as the *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*.⁶¹

⁶⁰ Small Arms Survey, *Small Arms Survey 2011: States of Security*, chap. 4 (Geneva, 2011).

⁶¹ United Nations publication, Sales No. E.91.IV.2.

In States where civilian private security staff are allowed to carry weapons, providers and operatives should work within these same broad principles and the regulations governing these areas should be guided by such standards and norms.

States are encouraged to consider regulatory approaches to civilian use of firearms, including regulations relating to firearm safety and storage; appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms; unsafe or unwanted firearms; a licensing system, including the licensing of firearm businesses, to ensure that firearms are not distributed to persons convicted of serious crimes or other persons who are prohibited under the laws of the Member State concerned from owning or possessing firearms; a record-keeping system for firearms, including a system for the commercial distribution of firearms and a requirement for appropriate marking of firearms at the time of manufacture or import, to assist criminal investigations, discourage theft and ensure that firearms are distributed only to persons who may lawfully own or possess firearms under the laws of the Member State concerned.⁶²

It is also advisable to enact measures to control and regulate the manufacture, sale, distribution and storage of firearms consistent with public safety and the prevention of crime, including their possession and use by civilian private security firms, and consistent with the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime.

In regulating the private security industry, some States have addressed these concerns in greater detail than others, including the type of firearms allowed, licensing of the firearms and those they are issued to (both company and individual workers), recording and management of firearm inventories, guidance on proper use and training.

These issues may be addressed in the broader framework of security industry regulation, or in separate legislative regimes, such as a national firearms act. Such legislation can incorporate guidance developed by the United Nations Coordinating Action on Small Arms Mechanism, which has developed, in collaboration with partners worldwide, the United Nations International Small Arms Control Standards (ISACS). For example, guidance set out in ISACS 05.20 (Stockpile management: weapons) and, more specifically, ISACS 03.30 (National controls over the access of civilians to small arms and light weapons), which provides guidance on licensing and safe storage of firearms, including the licensing and regulation of private security companies, and training and licensing of personnel who are armed.⁶³

Where States permit some civilian private security firms and workers to be armed, and consistent with the ISACS, States would be well advised to consider, at a minimum:

- Licensing of the companies to own, possess, store and transport firearms.
- Licensing of individual workers to own, possess, store and transport firearms.
- Setting of standards for company record-keeping in relation to firearms.
- Setting of standards for safe storage of firearms.

⁶² Economic and Social Council resolution 1997/28, para. 5.

⁶³ Section 8.12 of ISACS 03.30 defines a private security company as a non-governmental, legal person that offers physical protection services in return for a fee and whose employees (some or all) possess, carry or use small arms in the course of their work.

- Setting of standards for use of firearms and reporting of all such events to a competent State authority.
- Setting standards for training in storage, use, maintenance and transport of firearms.

In addition to firearms, States may consider regulating the use of other weapons such as truncheons and related devices, pepper spray and gas, restraint devices and guard dogs, including basic standard operating procedures.⁶⁴

While this issue is not addressed in the context of this *Handbook*, in some States civilian private security companies operate jails and detention centres on behalf of the Government. As such, the Standard Minimum Rules for the Treatment of Prisoners (1955), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988),⁶⁵ and the Basic Principles for the Treatment of Prisoners (1990)⁶⁶ each apply.

The nature and frequency of force used by civilian private security workers varies greatly depending on their role, mandate, authority and operational context. In their approach to regulation of the security industry, some States require that all licensed security workers avoid the use of force save in exceptional circumstances, and even then only to use the bare minimum of force required, such as in the case of self-defence or defence of others. This can be articulated in the powers and authorities section of a regulatory approach to governance.

In addition to restricting any use of force, some States require security businesses to maintain records and report incidents to a competent authority when a security worker employed or engaged by the business, or a dog authorized for use by the business, uses any type of force against another person. The State may set parameters for such reporting, for example any arrest or incident when a member of the public is injured by an act committed by a licensed security worker or their agent. Alternatively, the State may choose to require reporting only when an injury is received that requires medical attention.

These types of reports are necessary for a number of reasons. The reports allow the regulator or another agency to review the details of the incident if a complaint is received and to track incidents for statistical purposes. They also allow the security business to determine whether the use of force was appropriate in the circumstances and, if required, provide additional training for workers in the appropriate use of force, or review or revise company policies and procedures, or discipline a worker.

In British Columbia, Canada, in order to ensure that reports are written and kept for all use-of-force incidents involving security workers, including incidents where a security worker who is employed by a non-security business uses force against another person, the registrar has imposed a licence condition on all security workers that requires workers to maintain use-of-force reports. Also, in the United Arab Emirates there is a requirement for security officers to carry a pocket notebook and record details of incidents in it.

⁶⁴ In most cases, dogs are used only as a prevention or detection measure.

⁶⁵ General Assembly resolution 43/173.

⁶⁶ General Assembly resolution 45/111.

Working conditions

There is a great deal of evidence from many States of the dangers of working as a civilian private security operative and the poor conditions they may endure.

While States typically have legislation and standards relating to labour and working conditions (pay, hours of work and rest, health and safety), there are contexts where the civilian private security industry requires additional attention in the form of security-specific regulations.

Some security workers may be deployed in an area where it is dangerous to work alone or without immediate access to some form of communication device in the event of an emergency. As another example, workers may be assigned to an industrial setting where they are exposed to hazardous chemicals or gases, or work in close proximity to dangerous heavy equipment. Specialized training, workplace procedures and personal protection equipment such as respirators, high-visibility vests, safety boots and eye and ear protection may be required to ensure personal safety and prevent lasting injury, or even death. Additionally, security guards operationally deployed as cash-in-transit workers may require bullet-resistant body armour for their personal safety.

In some States, security work is typically performed for a low rate of pay, often over long hours and sometimes without overtime pay. If security is to be a valued service and one that attracts a higher calibre of worker, this cannot be allowed. States may wish to consider setting minimum rates of pay for security work and regulating the maximum number of hours a worker can work per week (see box 13).

There are reports in some locations of security workers being required by their employer to work such long hours that their health suffers and they are unable to stay awake at work to fulfil their duties properly. In such instances, in addition to this being a risk to the worker, there can also be negative impacts on community safety and crime prevention.

In many States, there are often general regulations on minimum standards for working conditions, such as pay and hours, and where these exist, they should be applied to civilian private security workers. States that do not have legal provisions addressing human rights in the workplace (e.g. discrimination, harassment, pay, working hours) may wish to enact them, taking into account the fundamental conventions of the International Labour Organization (ILO).⁶⁷ As set out in the ILO Declaration on Fundamental Principles and Rights at Work,⁶⁸ States may wish to address worker safety needs through additional regulation, coupled with complaint and field inspection mechanisms. Regulation may address:

- Minimum wage
- Maximum working hours per week
- Prescribed rest breaks
- Provision of personal protective equipment

⁶⁷ Forced Labour Convention, 1930 (No. 29), Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Equal Remuneration Convention, 1951 (No. 100), Abolition of Forced Labour Convention 1957 (No. 105), Discrimination (Employment and Occupation) Convention 1958 (No. 111), Minimum Age Convention 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182).

⁶⁸ As adopted during the eighty-sixth session of the International Labour Conference (Geneva, 1998).

- A requirement that individual workplace hazards be identified and assessed and measures put in place to mitigate associated risks

Box 13. United Arab Emirates specific security regulations relating to working conditions

In the United Arab Emirates, under article 34 of Ministerial Decision No. 557 of 2008 for the Executive Order of Federal Law No. 37 of 2006 concerning Private Security Companies, detailed provisions are set out concerning the pay and working conditions of security employees.

Article 34

The company must observe the following rules when contracting with the security employee:

1. [...] The basic salary shall not include overtime, accommodation fees or transport fares, or end-of-service benefits or any other benefits.
2. Daily working hours must not be over 9 hours unless written approval of the security officer is obtained, in which case each hour of overtime shall be charged at two times the ordinary working hour.
3. Security employees shall work only six days a week to get a day off and it is not allowed under any condition to let them work on holidays (i.e. their day off), even with their written approval.
4. End-of-service benefits.
5. Providing a return ticket once every two years.
6. Providing a paid one-month vacation for each year.
7. Decent accommodation or accommodation allowance.
8. Providing health insurance.
9. Providing transportation from and to the place of work or a transportation allowance.
10. Paying all the necessary costs for issuing visas and residence permits and completing necessary procedures to start working.

III. Enforcement, inspection and complaints

Introduction

In some States, civilian private security companies are assuming roles and exercising powers comparable with those of the police, including the use of force, carrying weapons and detaining people. Mechanisms to hold State law enforcement officials to account are very common, although they vary in effectiveness. It is therefore very important that there are appropriate oversight and complaint mechanisms. Compliance is also essential in order for regulation to work, and this requires enforcement and inspection. This chapter will therefore start by considering how best to enforce regulations, followed by considerations relating to complaints. The chapter will further consider the important role of civil society and trade and professional associations to enhance the enforcement of regulation and complaint systems, as well as the issue of corruption in connection with the private security industry.

Enforcement and inspection

In the previous chapter, it was shown that one of the first decisions required when regulating the civilian private security industry is to decide who has responsibility for regulation. In some States, the regulatory body also has responsibility for complaints, inspection and enforcement. In other States, however, it is common for other bodies, in particular the police, to be involved in these activities as well.

Whichever model States decide upon, it is important that there are appropriate resources for the regulator to undertake its responsibilities. Frequently, regulatory bodies lack the resources needed to perform their role. In Canada, one study found low numbers of staff employed in regulatory agencies, with some struggling to cope with the large number of licence applications. Limited or no strategies to uncover non-compliance were also found in some provinces, with a tendency to focus upon reactive investigation of complaints, rather than proactive random inspections.⁶⁹ Finally, the study found that sanctions were, in some cases, very mild and unlikely to act as a significant deterrent. Research from the United States⁷⁰ suggests that this is still a problem, since in New York it was found that 12 per cent of officers interviewed had had no training at all, and a further 17 per cent had received less than the eight hours mandatory in the state, with an average of 19 hours

⁶⁹ David Hyde, "The role of 'Government' in regulating, auditing and facilitating private policing in late modernity: the Canadian experience", paper presented at the In Search of Security Conference, Montreal, Canada, February 2003.

⁷⁰ Betsy Gotbaum, *Undertrained, Underpaid, and Unprepared: Security Officers Report Deficient Safety Standards in Manhattan Office Buildings* (New York, Public Advocate for the City of New York, 2005).

of training in 2.3 years of employment. The state law requires a further 40 hours of training in the second year, and only 6 per cent of officers interviewed had received even this minimum. Some examples of active enforcement are given in box 14.

Some States rely on security firms to submit annual reports documenting compliance with relevant legislation. Others conduct random inspections in the field and audits of office records, either arranged, unannounced or complaint-driven. These inspections check that the firm and workers are in full compliance with the governing legislation and regulations, and the inspectors typically have full authority to demand and inspect all pertinent records on site.

Box 14. Examples of active enforcement in the United Kingdom, Singapore and Chile

The United Kingdom provides a good example of proactive compliance and appropriate resources to enforce the regulatory regime. The Security Industry Authority regularly conducts blitz inspections of specific areas. During 2010, there were 770 random inspections with 2,387 individuals checked, of whom 97 per cent were properly licensed—well above the 90 per cent target. The majority of the Authority's 113 staff are also engaged in compliance and enforcement.^a

In Singapore, the Police Licensing and Regulatory Department conducts an annual grading exercise of all licensed firms. The results are publicly posted on the Singapore Police website to help service buyers discern service quality, motivate security firms to improve their operational capability and strategically elevate the standards of the private security industry in Singapore. Reporting is based on the "three pillars of operational excellence": operations, training for operations, and support for operations.

In Chile, one of the supervisory authorities which monitor private security services is the Carabineros (national police), which has a subdirectorate for the area of private security. It performs audits, including periodic site visits. Also, working on-site in a company, they spend a certain period of time monitoring all activities carried out in the area of security.^b

^aSecurity Industry Authority, *Annual Report and Accounts 2009/10* (London, The Stationery Office, 2010).

^bLucia Dammert, *Private Security: An Answer to Public Security Needs in Urban Centers?* (Washington, D.C., Organization of American States, 2008).

If the regulatory body has enforcement and inspection staff, it is usually necessary for the legislation to give them certain powers so that they can do their job adequately (see box 15). Some of the powers required include powers of entry to premises that may hold materials, documents or individuals relevant to a civilian private security company, powers to search and powers to seize documents.

Box 15. Example of legislation concerning powers of enforcement and inspection staff

In the United Kingdom, inspectors of the Security Industry Authority have the following powers under section 19 of the Private Security Industry Act 2001:

1. Subject to subsections (3) and (4), a person authorised in writing for the purpose by the Authority may enter any premises owned or occupied by any person appearing to him to be a regulated person other than premises occupied exclusively for residential purposes as a private dwelling.

2. A person authorized in writing for the purpose by the Authority may require any person appearing to him to be a regulated person to produce to him any documents or other information relating to any matter connected with:

(a) Any licensable conduct which has been or may be engaged in by the person so appearing;

(b) The provision by the person so appearing of any security industry services;

(c) Any matters in respect of which conditions are imposed on the person so appearing by virtue of a licence or of an approval granted in accordance with arrangements under section 15.

3. A person exercising the power conferred by subsection (1) shall do so only at a reasonable hour.

The legislation in the United Kingdom also protects the inspectors by establishing criminal penalties for those who fail to comply, or who obstruct them in their work.

Complaints and transgressions

The functions performed by civilian private security companies involve the risk of mistakes and abuses in the exercise of legal powers and the use of force, breaches of security and theft of data, to name but a few possibilities. A system to receive complaints of a certain gravity should therefore be part of the general oversight of such services and operators, as it is for law enforcement officials.

Complaints against civilian private security personnel should be investigated impartially and, when severe enough, tried by an appropriate impartial body. States may wish to consider establishing a degree of independence in the processing of complaints, with an independent department or even a separate body to oversee their adjudication. Linked to this is the desirability of having an independent appeals process.

Complaints such as violence, abuse of human rights and racist behaviour should be dealt with by the criminal justice system; low-level complaints such as rudeness can be addressed by the security provider rather than the regulator. Examples of legislation establishing complaint mechanisms can be found in box 16.

Box 16. Examples of legislation setting out complaint mechanisms

British Columbia, Canada Security Services Act 2007, Complaints process

Section 34

1. In accordance with a process established by the minister, the registrar must deal with complaints from the public in respect of matters that relate to this Act.

2. Despite subsection (1), the registrar may refuse to investigate a complaint, or may stop investigating a complaint, if, in the opinion of the registrar, any of the following apply:

Box 16. (continued)

- (a)* More than one year has elapsed between the date the complainant knew of the facts on which the complaint is based and the date the registrar receives the complaint;
 - (b)* There is a remedy available in law that is adequate for the complainant and there is no reasonable justification for the complainant's failure to take advantage of the remedy;
 - (c)* The complaint is frivolous, vexatious or not made in good faith;
 - (d)* Further investigation is not necessary in order to consider the complaint;
 - (e)* Investigation would not benefit the complainant.
3. The registrar must promptly give written notice to the complainant of the registrar's decision whether or not to investigate the matter, and may indicate any other recourse that may be available to the complainant.
4. The registrar may exercise the powers described in section 29 (Summary action to protect the public) as a result of information obtained in the course of the investigation of a complaint under this section.

Administrative penalties

Section 35

1. After giving a person an opportunity to be heard, the registrar may impose an administrative penalty on the person if the person contravenes:
- (a)* A prescribed provision of this Act or the regulations, or
 - (b)* A condition of a licence.
2. Before the registrar imposes an administrative penalty on a person, the registrar must consider the following:
- (a)* Previous enforcement actions for contraventions of a similar nature by the person;
 - (b)* The gravity and magnitude of the contravention;
 - (c)* The extent of the harm to others resulting from the contravention;
 - (d)* Whether the contravention was repeated or continuous;
 - (e)* Whether the contravention was deliberate;
 - (f)* Any economic benefit derived by the person from the contravention;
 - (g)* The person's efforts to correct the contravention.
3. If the registrar imposes an administrative penalty on a person, a prosecution for an offence under this Act for the same contravention may not be brought against the person.
4. A person who has been charged with an offence under this Act may not be subject to an administrative penalty in respect of the circumstances that gave rise to the charge.
5. If a business entity contravenes a prescribed provision of this Act or the regulations or a condition of a licence, an officer, director or agent of the business entity who authorized, permitted or acquiesced in the contravention is also liable under this section, whether or not an administrative penalty is imposed on the business entity.

Ireland, Private Security Services Act, 2004

Section 39

1. Any person may make a complaint in writing to the Authority against a licensee in relation to the conduct of the licensee in the course of providing a security service, including an alleged contravention by the licensee of any provision of this Act or regulations made thereunder.
2. On receipt of such a complaint, the Authority, if satisfied that the complaint is made in good faith and is not frivolous or vexatious, shall investigate it, giving the licensee and the complainant an opportunity to be heard during the investigation.
3. On completion of the investigation:
 - (a) The Authority may decide not to uphold the complaint;
 - (b) If the Authority is satisfied on reasonable grounds that the licensee:
 - (i) Has been guilty of misconduct in the course of providing a security service, or
 - (ii) Has contravened any provision of this Act or regulations thereunder (whether or not the licensee has been convicted of an offence in relation to the contravention), it may take whichever of the following actions in relation to the licence or licensee is in its opinion appropriate in the circumstances of the case:
revocation of the licence,
suspension of the licence for a specified period,
reprimand,
warning,
caution,
advice,
and shall notify the complainant and licensee of its decision;
 - (c) If the Authority is satisfied on reasonable grounds that the safety or welfare of any person or persons is or may be at risk from the continuance in force of the licence, it shall revoke the licence or suspend it for a specified period and notify the complainant and licensee of its decision, and in such a case section 27 does not apply.
4. For the purposes of investigating a complaint, an inspector may enter the premises of a person providing a security service and inspect the books, documents and records of the person, and section 15 shall apply, with any necessary modifications, in relation to such entry and inspection.

Another important dimension of a complaints process is the provision of good publicity about the nature of complaints, which complaints can be made, how to complain and the possible outcomes. In British Columbia, Canada, an example of good practice is the website “Security and you: know your rights”.⁷¹ This provides information on the role of security guards, people’s rights in relation to them and how to make a complaint, including the necessary forms. This website is run by the British Columbia Human Rights Coalition, rather than the regulator, which also provides a positive example of the role of civil society in ensuring the accountability of civilian private security firms and workers.

⁷¹ Available at www.securityandyou.ca/index.html.

Good practice for regulators would be to provide the following information on their websites and by other means where usage of the Internet is low:

- Publicize information about complaints which the regulator and others will deal with in an easily understandable style (rather than legal language).
- Make available appropriate forms.
- Set out likely outcomes and timescales.
- Publicize results of hearings and investigations.

Some examples of regulator websites relating to complaints can be found in box 17.

Box 17. Examples of websites of regulators offering information on complaints

State of Ohio, United States
<https://ext.dps.state.oh.us/pisgx/>

Ontario, Canada
www.mcscs.jus.gov.on.ca/english/PSIS/PublicComplaints/PSIS_complaints.html

United Kingdom
www.sia.homeoffice.gov.uk/Pages/contact-complaint.aspx

Washington State, United States
www.dol.wa.gov/business/securityguards/sgcomplaint.html

Oversight can also include parliamentary inquiry committees and an ombudsman, who often have far-reaching powers to conduct independent research into complaints and scandals. Oversight may also derive from other bodies, such as labour standards, health and safety, or human rights bodies. For example, in the United States, a House Committee on Homeland Security covers a wide range of security-related issues that touch upon civilian private security services. In the United Kingdom, the Home Affairs Select Committee of the House of Commons considers a wide range of policing and criminal-justice-related issues which include civilian private security services. It has regularly conducted inquiries into aspects of the sector and made recommendations to the Government.

Sanctions of a regulatory body

To encourage compliance, regulators often have a wide range of sanctions as tools.

States should consider giving regulators the power to apply sanctions and publicize the breaches which may lead to them. Some of the most common sanctions are listed below; they may relate to individual operatives and/or providers:

- Issue a warning

- Suspension of a licence
- Restrictions on a licence
- Revocation of a licence
- Confiscation of a bond
- Imposition of a fine
- Criminal prosecution

In the United Kingdom, where the regulatory system is under review, the regulator—the Security Industry Authority—does not have the power to fine licence holders. It can only achieve this through a successful criminal prosecution, which is costly and labour intensive to pursue. The consultation on the new regulatory regime in the United Kingdom raises the prospect of filling this gap to give the regulator the power to impose fines. The United Kingdom regulator has, however, been utilizing its other sanctions. For example, over 35,000 operatives have had their licences revoked in the United Kingdom since the implementation of the legislation. During 2010/11, there were 3,124 licence revocations, 268 written warnings and 36 improvement notices issued against more than 360,000 valid licences. Prosecutions of those who contravene the regulations also occur, with a total of 89 prosecutions during 2008/09, including of 13 entities.

Civil society, trade and professional associations

In some States, civil society, non-governmental organizations and professional and trade associations that represent the civilian private security industry also have an important role in the regulation of civilian private security services. This may take the form of helping to develop standards, commenting on regulation and supporting enforcement and compliance with regulation.

In the European Union, at both the Union and the member State level, there has been much work done by trade and professional associations and trade unions to develop higher standards, promote compliance and bring employers and employees together. The Confederation of European Security Services is a confederation of national trade associations for the security industry in the member States of the European Union (and several non-European-Union States). It has worked with its trade union equivalent, UNI Europa, to develop standards, encourage compliance and lobby the European Union and member State Governments. Some of its achievements include vocational training standards, regular social dialogues between employers and employees, developing plans for harmonization of regulation, a code of conduct and ethics for the private security sector, the responsible awarding of security contracts, a health and safety risk assessment tool and a declaration on reducing work-related stress.

Public advocacy groups may also survey particularly vulnerable populations in an effort to determine the nature and extent of their interactions with civilian private security personnel, and the legality of the latter's behaviour. This can highlight human rights abuses and other potentially illegal actions that may lead States to modify training standards and delivery.

Transparency

State concerns about transparency in the civilian private security industry often relate to issues of both ownership and corruption. Some States require that all civilian private security companies be owned by a named local citizen, while others permit a minority share of the company to be held by a foreign person or entity. Still others simply require that the company be legally registered within the country. Similar mixed approaches apply to the company officers and directors. For example, in Jamaica in 2010, one section of the Private Security Regulation Authority Act (1992) was amended to provide an exception in the Companies Act which would lift the corporate veil and ascertain the identities of private security company corporate directors and shareholders.

To help with transparency, some States have created Internet websites that list all licensed civilian private security companies, their owners, addresses, recent infractions of the regulations and penalties levied, whether their licence is valid or expired, the size of the licensed workforce and, in some instances, the clients of the companies.

An expanded approach to transparency aimed at the security industry, user groups and the broader public is to publish standards openly for the licensing of security companies and individuals, fees and processes and the way compliance with regulations takes place, and to include online access to the policy and procedures manual that guides the regulating authority. A searchable database of licensed security companies can also be made accessible to the public.

Additionally, some States require licensed security companies to submit annual reports on management changes, services offered, operations, incidents where force was used (if not required to be reported at the time) and other events or concerns of note. For privacy and competitive reasons, States may choose not to make these reports public or structure them in such a way that they could become publicly available. Bringing both good and bad practices into the public arena in a transparent manner can be a positive approach to enhancing compliance and encouraging greater professionalism within any regulated industry.

Corrupt practices

As civilian private security is commonly a service that is paid for following the award of a contract, there are opportunities for corrupt practices. As with police officers, there is the risk that corrupt officers in positions of authority will take bribes in return for favours. Additionally, given the competitive market in most States for the provision of security services, there is the risk of bribery and corruption in tendering processes. Given these risks, there is a need for measures that both prevent corrupt practices and respond when allegations of impropriety are submitted to the competent authorities.

The United Nations Convention against Corruption⁷² calls for measures by States to combat corruption, including preventive policies and practices, the establishment of anti-corruption bodies, codes of conduct for public officials, transparency measures, procurement guidelines and integrated corruption prevention action plans, including the involvement of the private sector.

⁷² United Nations, *Treaty Series*, vol. 2349, No. 42146.

Specifically in relation to the private sector, article 12, paragraph 2(b), of the Convention says that States parties shall, among other actions, take measures that may include promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State. Furthermore, article 12 offers guidance to the private sector on additional measures that can be enacted to mitigate the threat of corruption, including:

- Promoting cooperation between law enforcement and relevant private entities.
- Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities.
- Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.

Understanding that, in some instances, State officials may leave government employment to work in the private sector and that a future career change and/or past ties may provide opportunities for corruption, the Convention suggests measures to prevent conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure. Consistent with this, some States prohibit the holders of some government positions from entering the civilian private security industry for a period of time after leaving government employ.

To avoid real or perceived conflicts of interest, it is not uncommon for States to prohibit currently serving members of the police, military and other State security apparatus workers from owning shares in or holding any financial or operational interest in a civilian private security company, in addition to not being allowed to be an employee of such a company in any capacity. Some States prohibit anyone currently in a public service position to have any formal or informal role in a civilian private security enterprise. For example, the Private Security Services Act (No. 12 of 2004) in Ireland requires the disclosure of any potential conflict of interest by the Authority, the Chief Executive, a member of the staff of the Authority or a member of an advisory committee, a consultant or an adviser appointed by it where somebody may have a pecuniary interest or beneficial interest in, or material to, any matter considered by the Authority.

In addition to the aforementioned article 12 of the Convention against Corruption, articles 21 and 22 are relevant with regard to regulation of civilian private security services, as they address bribery and embezzlement of property in the private sector and encourage States to consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities, corrupt practices for benefit within and between private sector enterprises.

With the aim of combating corrupt practices with regard to the operations of private security services when providing services to Governments, States should ensure that procurement guidelines and contracts the Government enters into with security companies contain specific no-bribery rules and include sanctions for non-compliance, and that public organs contract civilian private security service providers according to transparent fair-tender and other procedures (see box 18). More broadly, States may consider:

- Prohibiting bribery and defining the concept in national laws and training manuals;
- Appointing an appropriate corruption investigation body or similar external monitor to ensure the transparency of contracts between public security organs and civilian private security companies, and ensure that no-bribery clauses are added to such contracts. These contracts should, furthermore, contain provisions about information regarding agents and intermediaries, publication of some of the documents involved in the contract process and the appointment of an independent monitor with access to all materials involved in the contractual process. The independent monitor should be an independent technical expert, should review all documents for corrupt practices and bias and should be available to hear and decide complaints from all parties to the contract;
- Ensuring that all training programmes of civilian private security companies include topics such as recognizing potential conflicts of interest, avoiding bribery, corruption and other unlawful practices, and ethical business behaviour;
- Ensuring that the codes of conduct for the civilian private security industry strictly prohibit bribery, embezzlement, corruption and other unlawful practices, including unethical business practices;
- Issuing clear guidelines, to be updated periodically, to private security operators about the appropriate responses to make when offered a bribe, gift or hospitality by a government official;
- Issuing clear guidelines on appropriate behaviour for persons in a public security organ directly involved with a civilian private security service body regarding having financial interests or any personal involvement in that body;
- Issuing clear guidelines on the resolution of conflicts of interest in general;
- Ensuring that appropriate post-separation regulations are created for employees of public security organs and civilian private security service bodies and establish a period of time (1-2 years) before they can be employed by a civilian private security company;
- Ensuring that public security organs have adequate safeguards to prevent the abuse of procurement processes, such as through unauthorized single source procurement (i.e. procurement without due bidding processes) of civilian private security services.

An area of rising concern in some States is where the police operate a fee-for-service security enterprise that bids for contracts, such as security at a major public sporting event, in competition with private security firms. Where this occurs, States may wish to examine the potential conflict between public and private entities competing in the same market and the potential for conflict of interest, corruption or public harm, especially in instances where the police also regulate or license the private security industry.

Box 18. Sarajevo Client Guidelines for the Procurement of Private Security Companies

The Sarajevo Client Guidelines for the Procurement of Private Security Companies set out weighted criteria for awarding and signing contracts for civilian private security services and address selection criteria such as officer experience, training and professionalism, employment conditions, selection and recruitment, use of force and firearms, among other things. The document also suggests indicators for performance monitoring, some of which relate to training outcomes, including misuse of force or firearms, violations of human rights laws and violations of codes of conduct. This provides a good starting-point for States wishing to develop such guidelines.

Available at www.seesac.org/res/files/publication/545.pdf.

IV. Training

Introduction

One of the most important issues in raising the standards of civilian private security services is training for staff. There is a wide range of issues to consider and there is huge variation between States in the way they approach training of civilian private security personnel. In some States where there is regulation of civilian private security services, there are no mandatory training standards and this is left for the industry itself to regulate. This is common in the United States, for example. At the other end of the spectrum, some States mandate hundreds of hours of training and set individual standards for the different licensed occupations. For example, in Hungary basic security officer training is mandated at 320 hours.

A mandatory training standard can help to mitigate the risk of workers acting in a manner inappropriate to public safety and the prevention of crime, and at the same time enhance efforts to increase professionalism and the quality of service delivered. It must also be noted that, in many States without mandatory training in sectors where there is intense competition, providers often cut training to the bare minimum to secure a competitive advantage. Therefore, by establishing mandatory industry standards, the State establishes a level playing field for companies and mitigates against the downward competitive forces which often create a “race to the bottom” in which professionalism and service quality suffer.⁷³ Establishing minimum mandatory standards of training for civilian private security staff is, therefore, an important part of any regulation.

There are many other issues which need to be resolved by States, such as responsibility for setting standards, deciding who conducts training, establishing whether there is refresher training and deciding on the content of training, to name but a few. This chapter will explore these and other issues important to States in creating an effective training regime for civilian private security services.

Responsibilities

There is a wide range of responsibilities relating to the training of civilian private security personnel, and it must be decided who will undertake them. States have varying experience of the way these functions are undertaken, and this section will explore some of these differences. The main functions are covered below.

⁷³ P. D’Arcy, “Civilian private security services: new challenges”, presentation at the side-event hosted by the Academic Council of the United Nations during the twentieth session of the Commission on Crime Prevention and Criminal Justice, Vienna, 2011.

Developing training standards

In some States, the regulator sets the training standards. As discussed previously with regard to positive working relationships between the State regulatory authorities and the private security industry, the creation of training standards is yet another example where the industry can offer significant positive inputs to the regulatory authority, as can public post-secondary educational institutions that may already offer training in criminology, criminal justice, security and crime prevention. In some States, representative advisory committees have been set up to identify learning objectives and categories of instruction, while some such groups have provided inputs on the entire curriculum and selection standards for potential instructors. Some States have even adopted industry standards as the mandatory requirement.

Several decisions need to be made by States with regard to training standards. One of the first is the actual content of the course, which is considered below. Other decisions relating to the standards include whether there are different standards for the different occupations regulated, whether standards need to be developed for supervisors and managers, the extent to which the course should take place before recruitment or “on the job”, whether there is refresher training and whether there is a final test.

Delivering training

As for the delivery of training, some States allow civilian private security providers and specialist contractors (colleges, associations, institutes, etc.) to deliver the training, subject to various forms of authorization. This is the case, for example, in Colombia, Costa Rica, Ecuador, Mexico, the United Kingdom and Uruguay. In some States, such an approach has led to abuses of the processes, such as the curriculum not being properly followed, reduction in the mandated hours and cheating in examinations. As a consequence, some States have mandated a single training provider, as in El Salvador where the National Public Security Academy provides the training. This is also the case in the United Arab Emirates. For a description of selected State systems, see box 19.

Where multiple providers are delivering training, with standards mandated for providers and contractors, other models exist. In some, the regulator has adopted various industry standards for training, and the quality of these is ensured by other bodies with general responsibility for maintaining training standards. In another model, the regulator for civilian private security services takes on this role in addition to its other enforcement functions.

Box 19. Training responsibilities in selected State systems

In Canada, where the regulation of civilian private security services is a provincial responsibility, the province of British Columbia created a standardized 40-hour pre-employment basic guard training course, which it licensed for delivery to civilian private security firms, colleges and other training institutions. To ensure the integrity of the training and subsequent licensing of individual guards, the Government gave the provincial police academy the responsibility of controlling and

administering the training examination process through a network of vetted invigilators who deliver the paper examination to the schools, check student identification, invigilate the examination and then send the examination papers back to the police academy for scoring.^a

Through the Sector Education and Training Authorities in South Africa, security training providers may have their training programmes accredited as meeting an articulated Government theoretical and practical standard that, in turn, is linked to the larger South African National Qualifications Framework.

The government of the United Arab Emirates has set a standard of a mandatory 40-hour training programme delivered by specialist instructors at the National Security Institute, an independent government body, with the examination separately and independently administered by the police.

^aSee www.jibc.ca/programs-courses/schools-departments/school-public-safety-security/justice-public-safety-division/security-training-programs/basic-security-training.

Linked to the delivery of the training is the examination or testing of the learning acquired, if that is a requirement. Some States permit the trainer to administer this, some require another independent body to do so; in others, the regulator itself actually undertakes testing. There is clearly a risk, if training is undertaken by civilian private security firms and contractors, that examinations may not be conducted in accordance with the highest standards. In the United Kingdom, where some contractors may conduct training and examinations and are regulated by general qualification-awarding bodies, there have been some exposés of systematic cheating in the examination process. Such problems have also arisen in the United Arab Emirates, which led to a State-backed institute being created to deliver all training.

Although they are the easiest to administer, tests that ask true/false and multiple choice questions mainly test recall rather than actual knowledge or ability to apply learning appropriately in the field. Testing that goes beyond basic recall of information and ensures, to some degree, that learners not only know the necessary information but also understand it, can apply it appropriately and can explain the reasoning behind their decision-making, can be challenging in respect of time and resources of testing bodies. However, given the sometimes sensitive nature of the role of civilian private security personnel and their interaction with the public, powers and authorities, the additional effort required to ensure learners not only understand their role and limitations, but can also perform their duties in a manner consistent with good practices, can be worthwhile and in the best interests of all stakeholders.

States are encouraged to design and implement an approach to post-training testing that ensures integrity of both process and results, while also being a meaningful test of knowledge and competency. States will also want to consider what an appropriate minimum pass score is for the training.

Licensing trainers

While some States take some form of regulatory approach to the delivery of security training by way of setting training standards, actual training content or licensing of schools, a few take the

additional steps of licensing or setting standards for the actual trainers and the institutions that deliver training.

For trainers, this can include a requirement for some related experience (e.g. police, military or security) and some documented experience as an educator or trainer in a similar field. As an example, the Private Security Act of the Australian state of Victoria requires that all registered training organizations wishing to deliver training for security licensing purposes must hold a Private Security Business Licence for the activity “trainer”. Additionally, all individual trainers engaged by a licensed training organization for security licensing purposes must hold a Private Security Individual Operator Licence for the activity “trainer”. The Act defines a private security trainer as:

- (a) A person engaged by a registered education and training organization to provide or assess private security training; or
- (b) A registered education and training organization that provides or assesses private security training.

Under this regime, applicants seeking to be licensed as a trainer must supply a list of the competencies, course(s) or licence activities the trainer will be training and/or assessing, and a detailed current résumé which contains sufficient information and evidence to satisfy the government regulator that the trainer applicant has relevant and current industry experience in the competencies for which training or assessment will be provided. Applicants must demonstrate documented compliance with federal Australian Quality Training Framework standards relating to vocational skills.⁷⁴ Security trainers delivering courses in advanced first-aid and firearms require additional Government certification and licensing.

Whoever delivers the training, some States take responsibility for issuing certificates of completion of training, with individual serial numbers which are then linked to the individual security worker’s Government record and licence.

Training standards

When States are considering training standards for civilian private security staff, there are a number of issues they need to consider. First is the content of the basic training curriculum. Frequently, a mandatory number of hours of training is stipulated. Some of the other issues to consider include refresher training, testing, specialist training and managerial training. All of these important issues will be considered in this chapter to enable States to make the best decisions in creating the most effective training regime for civilian private security staff.

Basic training curriculum

Generally, the nature of civilian private security services requires front-line operational personnel to have some level of theoretical knowledge and practical competencies in a number of areas.

⁷⁴ Available at www.police.vic.gov.au/content.asp?Document_ID=38045.

It is advisable that, at a minimum, basic training covering the following should be provided before a civilian private security operative can start work:

- The role of civilian private security services and their contribution to crime prevention and community safety
- The relevant legislation relating to and regulating powers of arrest, evidence and the use of force
- Communication skills relating to oral and written reports
- Conflict resolution and de-escalation skills, which may include practical physical intervention skills for self defence
- Use-of-force continuum
- Code of conduct, ethics and professionalism, including the use of whistle-blower legislation and tools
- Dress and deportment
- Customer and client service skills
- Emergency procedures for natural disasters, accidents and other emergencies.
- Human rights and adherence to applicable national and international human rights standards and norms
- Record-keeping (e.g. notebooks, reports, cameras)
- Working with the public and dealing with vulnerable groups
- Consequences of failure to abide by legislation and training
- Firearms, if applicable: use (when, how, limitations), range practice, safety, safe storage, transport

Box 20 compares five examples of basic training curricula for unarmed security guards, going into more depth in these subjects, which should provide the foundations for a basic course for States to develop. There are differences in the subjects covered, such as the extent of health-and-safety-related training, customer care and conflict management.

Box 20. Comparison of basic unarmed training curricula

Australia: Certificate II in Security Operations (National standard)

Industry/enterprise requires qualification and skills such as:

Communication, teamwork, problem-solving, initiative and enterprise, planning and organizing, self-management and learning technology

To achieve the qualification, the candidate must demonstrate competency in:

Seven core units

- Communicate effectively in the security industry
- Follow workplace safety procedures in the security industry
- Work effectively in the security industry

Box 20. (continued)

- Respond to a security risk situation
- Work as part of a security team
- Provide security services to clients
- Apply first aid

Five elective units

- Control and direct traffic
- Screen people
- Screen items
- Give evidence in court
- Protect safety of persons
- Control access to and exit from premises
- Monitor and control individual and crowd behaviour
- Protect valuables in transit
- Operate basic security equipment
- Patrol premises
- Contribute to investigative activities
- Protect self and others using basic defensive techniques
- Monitor electronic reporting facility
- Monitor biometric equipment and services
- Load and unload cash in transit in a secure environment
- Manage conflict through negotiation
- Manage dogs for security functions
- Handle dogs for security patrol
- Control persons using empty hand techniques
- Monitor security from a control room
- Maintain and use a security database
- Carry out vehicle inspection
- Use communication systems

Canadian General Standards Board (National standard)

- **Unit A1. Administration, introduction and evaluation of candidates' knowledge:** Brief candidates on the administrative arrangements related to the training course (3 hours).
- **Unit A2. Introduction to duties and responsibilities:** Security officers protect people, property and information. This session provides an overview of the principal duties and responsibilities involved in these security requirements (2 hours).
- **Unit A3. Professionalism and public relations:** Security officers must be able to direct the media to the appropriate spokesperson and occasionally deal with media representatives. This session provides an overview of the role of and relations with the media (3 hours).

- **Unit A4. Legal authority, duties and responsibilities:** This session reviews the sources and extent of authorities and the legal confines within which they may be exercised. The potential legal consequences of wrongful exercise of such authorities are also covered (6 hours).
- **Unit A5. Alarm and protection systems:** This session provides candidates with a basic understanding of the principles of protective and fire alarm systems that they are likely to encounter, with some information on the functioning of such systems (2 hours).
- **Unit A6. Traffic movement:** This session covers the correct way to direct vehicular and pedestrian traffic and the proper use of hand signals (1 hour).
- **Unit A7. Personnel and material access control:** Security officers control movement of personnel and material into, out of or within a facility (movement that is essential for normal operations) to prevent unauthorized access and egress. Security officers must understand access controls and measures involving the interaction of human resources in conjunction with other supporting security elements such as electronic systems and physical barriers (3 hours).
- **Unit A8. Report writing, note taking and evidence and crime-scene sketching:** This session will assist candidates to prepare reports, to present facts about the protection of evidence and to conduct themselves appropriately in court (4 hours).
- **Unit A9. Response to emergency situations, fire detection, prevention, safety, explosive devices, bomb threats and suspicious packages:** Security officers are expected to react to the unexpected so as to minimize the negative impact caused by emergency situations occurring at the work site. Security officers may be required to protect a scene because of a criminal or civil action; they should therefore understand the importance of scene management. This session stresses the organization's processes and the security officer's responsibilities in relation to those processes. The candidates will also be instructed in the correct and safe method of searching, identifying and securing the area containing the suspicious object until the police arrive (9 hours).
- **Unit A10. Patrol procedures:** Security officers perform patrols (4 hours).
- **Unit A11. Labour disputes:** In performing their duties, security officers must know the essential features of the employer-employee relationship and the implications for their work. In this session the general principles of labour-management relations relevant to a security officer's work and the role and responsibilities of security officers during industrial disputes are reviewed (2 hours).
- **Unit A12. Relations with the police:** It is essential that security officers understand the respective roles of private security and the police and the general principles governing their relations (1 hour).
- **Unit A13. Use of force:** There are a number of use of force guidelines that have been developed to assist law enforcement and security practitioners with the complex issues of "decision" and "articulation". This session introduces those guidelines (Minimum duration 6 hours).
- **Unit A14. Effective communications:** Security officers consistently face situations that require a certain amount of skill to defuse situations, especially when responding to a crisis. It is important for them not only to communicate properly but also to use communication to their advantage (8 hours).
- **Unit A15. First aid and CPR (additional hours as required for certification):** Security officers must complete first aid and cardiopulmonary resuscitation (CPR) training courses, and obtain certification.

Box 20. (continued)**European Vocational Training Manual for Basic Guarding**

- Unit 1. The private security industry
 - Culture and history
 - Sectors and services
 - European Union consultative process
 - Regulations and standards
 - Legislation for the security industry
 - Definitions and terms
- Unit 2. The security guard
 - Profile of a basic guard
 - Licensing requirements
 - Common duties
 - Beneficial skills
- Unit 3. Security equipment
 - Personal equipment
 - Duty equipment
 - On-site documentation
 - Electronic systems
- Unit 4. Practical security procedures
 - Patrolling for security
 - Patrolling for safety
 - Patrolling for fire
 - Gate duties
 - Control room duties
 - Observation skills
- Unit 5. Emergency procedures
 - What is an emergency?
 - General response
 - Fire
 - Alarm activation
 - Break-in
 - Accident or incident
 - Major incident
 - Emergency first aid
 - Conflict
 - Emergency services
- Unit 6. Law and the basic guard
 - Legal system
 - Overview for security
 - Distinction between criminal and civil
 - Categorize codes
 - Relevant legal codes
 - Court systems and procedures
- Unit 7. Fire
 - Effects of fire
 - Principles of fire
 - Fire extinguishers
 - Workplace procedures
- Unit 8. Health and safety
 - Legislation
 - Role of social partners
 - Terms and definitions
 - Personal protective equipment
- Unit 9. First aid
 - Emergency first aid
 - Regulations
 - First aid kit
 - Common causes of injuries
 - Precautions
- Unit 10. Customer care and quality
 - Principles of customer care
 - Customer care and security
 - Principles of quality system ISO 9000
 - Quality and security
 - Customer responsibility for quality
- Unit 11. Communications
 - Communication skills
 - Recording and reporting
 - Conflict defusing
 - Information to the public
 - Following instructions
 - Teamwork

- Unit 12. Labour relations
 - Historical developments
 - Common terms
 - System structures
 - Social partners' impact
- Unit 13. Labour regulations
 - Labour legislation
- Collective labour agreements
- Rules in the company
- Individual labour contract
- Employee checklist
- Unit 14. Assessment criteria
 - Performance criteria
 - Grading

United Arab Emirates (National standard)

- Unit 1. Introduction to private security
 - Lesson A. Course administration
 - Lesson B. Understanding the United Arab Emirates
 - Lesson C. Security company and guard licensing
 - Lesson D. Understanding private security
- Unit 2. Roles and responsibilities of a security guard
 - Lesson A. Professionalism and teamwork
 - Lesson B. Security awareness and crime prevention
 - Lesson C. Radio communications
 - Lesson D. Reporting and note taking
 - Lesson E. Crime scenes
 - Lesson F. Verbal communication skills
 - Lesson G. Workplace safety
- Unit 3. Law and legal authority
 - Lesson A. Police in the United Arab Emirates
 - Lesson B. Courts in the United Arab Emirates
 - Lesson C. Powers of arrest
 - Lesson D. Powers of search
 - Lesson E. Use of force
- Unit 4. Dealing with the public
 - Lesson A. Customer service skills
 - Lesson B. Cultural diversity
- Unit 5. Protecting property
 - Lesson A. Security patrols
 - Lesson B. Conducting searches
 - Lesson C. Alarm systems and alarm response
 - Lesson D. Access control
 - Lesson E. CCTV
 - Lesson F. Traffic control/traffic accident reporting

Box 20. (continued)

- Lesson G. Information security
- Lesson H. Bomb threats
- Unit 6. Emergency situations and responses
 - Lesson A. Fire detection and response
 - Lesson B. Hazardous material response
 - Lesson C. Disaster response and public emergencies
 - Lesson D. Evacuation and crowd control

United Kingdom (Basic national standard)**Unit 1. Roles and responsibilities of a security guard**

- Identify the requirements for effective patrolling, responses to incidents occurring during a patrol, practical record of a patrol log or register, identify the requirements for controlling access:
 - Purpose, types and information required for access control
 - Main tasks carried out by the security guard in relation to access control
- Identify the requirements for search procedures:
 - Reasons for carrying out searches
 - Practical searches of vehicles, people and their property
- Identify security and emergency systems and procedures:
 - Elements of an alarm system in a fire situation
 - For an intruder situation
- Recognize requirements for dealing with fire:
 - Methods of operating fire extinguishers
 - Common causes of fire in the workplace
- Identify requirements of the Health and Safety at Work Act:
 - Common causes of accidents in the workplace
- Identify the role and powers of the security guard in law:
 - Arrests and powers of arrest
 - Law of trespass
 - Security guard's responsibilities under the Data Protection Act with reference to CCTV and records
- Identify requirements for dealing with emergencies:
 - Emergencies a security guard may encounter
 - Actions required in the event of a bomb threat

- Identify requirements for customer care:
 - Importance of customer care
 - Role of the security guard in customer care.
- Identify requirements for effective communication:
 - Methods and process of communication
 - Importance of the handover procedure.
- Recognize equality and diversity in the workplace:
 - Equal opportunities, prejudice and stereotyping when dealing with colleagues, visitors and others
 - Legal enforcement of the following acts:
 - Equality Act, Race Relations Act, Sex Discrimination Act and Disability Discrimination Act

Unit 2. Conflict management for security guards

- Assess and reduce the risk of violence in the work environment:
 - Assess the risks of violence that exist in the work environment
 - Prepare and plan to reduce the risks of violence before undertaking a work activity involving specific risks and assess a situation, as it is developing, to identify risks of violence
- Identify behaviour that indicates an escalation towards violence and take appropriate measures to avoid or calm and defuse the situation:
 - Skills and behaviours which will calm and defuse the situation
 - Action in a high risk conflict to minimize the risk of injury
 - Demonstrate the skills needed to signal non-aggression
- Identify post incident support and report the circumstances to provide information for personal and organizational learning:
 - Report and record an incident of workplace violence to provide information to increase the prevention and reduction of risk across the organization
 - Review the incident, including the sequence of events leading up to it, to provide personal learning and the sharing of good practice with work colleagues

In creating a national training standard, in addition to reviewing other State standards and those developed by regional and international industry trade associations, some States convene advisory councils representing the regulator, the security industry, user groups, the police and education specialists to offer guidance on the content and mode of delivery, assessment criteria and desirable instructor qualifications. An inclusive group like this can help to ensure the utility and appropriateness of a training programme, security industry support and that the needs of the regulator and user groups are met.

There are a number of security bodies with an international reputation which have sought to develop more detail in the basic training standards for civilian private security staff. These include the ASIS Security Officer Selection and Training Guidelines (which can be purchased from ASIS) and the European Vocational Training Manual for Basic Guarding⁷⁵ (see box 20), which was created in the

⁷⁵ See www.eesc.europa.eu/self-and-coregulation/documents/codes/private/138-private-act.pdf.

belief that vocational qualifications will help the development of professional standards. The Manual was sponsored by the European Commission Directorate General for Education and Culture and prepared jointly with UNI Europa and the Confederation of European Security Services. The manual covers 13 key subject areas, which include the private security industry, the role of the security guard, security equipment, security and emergency procedures, law, fire, health and safety, first aid, customer care, communications, labour relations and labour regulations. It provides a basis for the development of specific State-level input relating to law and covers a wide range of subjects relevant to most States. This European model focuses on practical training and, unlike some security industry association standards, it proposes a detailed curriculum with specified learning objectives and performance measures. It further emphasizes experiential learning over the more common “stand and lecture” approach, in the belief that adults are more likely to retain new knowledge and be able to apply it appropriately in the field using that learning approach. States looking for inspiration for a curriculum for basic guarding will find the European Manual, along with elements of some of the others, a sound foundation to build upon.

Exemptions from training requirements

In creating standards for security worker training, some States have also created exemptions for certain groups of people in the belief that their recent experience, training and knowledge is equal to or greater than the current security worker training. Often, this class of people includes currently or very recently retired police officers or military personnel. However, such exemptions seem to assume that policing and military service are sufficiently similar to security work that no new knowledge and skills are required. Exemptions neglect to take into consideration the fact that some exempted persons may not be current in their knowledge of guiding legislation or security practices that differ from those of their recent employer. One solution may be a modified and abbreviated training programme for exempted persons.

Number of hours of training

One important part of the standards of many States with regard to training is mandating the number of hours of training. In the United States, where the responsibility for setting a training standard is a state responsibility, in those states which mandate a set number of hours it is usually one day or less. For example, in Washington State, the mandatory number of hours of training for a security guard is eight hours, of which at least four must be in the classroom. The State of California, on the other hand, requires 40 hours of mandatory training. In Europe, there are large differences between countries. For example, a security guard needs 320 hours of training in Hungary, 288 in Sweden, 180 in Spain, 127 in Belgium; 70 in France and 40 in Bulgaria and Germany. Austria and Poland, on the other hand, require less than 10 hours (7.5 and 8 hours, respectively).⁷⁶ Some States simply set standards which need to be met, rather than mandating a set number of hours, for example in Australia, where the national CPP07 Property Training Services has become the national norm.⁷⁷

⁷⁶ The data for this section are taken from the Confederation of European Security Services, along with references to specific regulator websites.

⁷⁷ Available at <https://training.gov.au/Training/Details/CP07>.

Refresher training

It is also important that civilian private security staff keep their skills and knowledge up to date. There are a variety of models used by States to ensure this happens. In the Republic of Korea, the Security Services Industry Act (1976) requires each security guard to undergo monthly in-house training and refresher training in subjects such as the Security Services Industry Act, crime prevention, terrorism countermeasures, self-defence, information security, marksmanship, explosives disposal and other topics. In Belgium, there is mandatory refresher training related to the law every five years, lasting eight hours. In the United Arab Emirates, guards must come back every year for a two-day annual refresher course.

Specialist training

The diversity and challenges of the increasingly complex civilian private security sector has led some States to create mandatory training specific to different roles.

States may wish to create standards for training for granting specialist security licences and for positions where the operational context is unique and requires additional knowledge and expertise, especially where the nature of the work exposes both the worker and the public to greater risk. Examples include:

- Critical infrastructure security (e.g. energy facilities, government offices)
- Emergency and disaster planning and response (e.g. as a component of State planning and coordinated response)
- Transportation security (e.g. airports: public areas, passenger screening, emergency response, secure areas)
- Mass public event security (e.g. access and crowd control at major sporting events).
- VIP security (e.g. executive protection)
- Cash in transport security (e.g. armed security)

Just as a consultative approach has been taken to the design of basic security worker training standards, States may wish to follow a similar path in developing specialist training programmes. In Belgium, for example, there are specific training standards linked to licences for a variety of licensed civilian private security occupations, most of which are listed below:⁷⁸

- Basic guard (127 hours)
- Beat patrol (40 hours)
- In-house manned security (132 hours)
- Door supervision (32 hours)
- Bodyguard functions (51 hours)
- Alarm and CCTV monitoring (70 hours)
- Aviation security (40 hours)

⁷⁸ Confederation of European Security Services, *Private Security in Europe*.

- Maritime security (16 hours)
- Private investigation (250 hours)
- Middle managers (52 hours)
- Higher managers (100 hours)

Another State with such an approach is the United Arab Emirates⁷⁹ which, on top of the basic security guard training of one week (40 hours) which all civilian private security staff must undergo, also stipulates specialist training for:

- Special events security (2 days)
- Security supervisor (5 days)
- Cash-in-transit security (5 days)
- Hotel security (3 days)
- Bank security (3 days)
- Hospital security (3 days)
- Firefighting security (2 days)
- X-ray screening (2 days)
- CCTV (5 days)
- Critical national infrastructure (5 days)
- Customer service (5 days)
- Oil and gas security (10 weeks)

Both South Africa and the United Kingdom⁸⁰ have identified the core knowledge and competencies required before a licence can be granted to provide VIP and close protection security services. The South African standard states that competent learners will be capable of researching protective risk-related information; formulating a risk profile; planning and preparing for close protection operations; implementing close protection measures; and communicating with role-players within the context of a protective operation. Licensing depends on proven existing competency, with standards relating to vehicle and firearms use and administration of emergency first aid.

Supervisory and managerial training

In setting mandatory security worker training standards, some States require all licensed security workers to complete the training successfully as a part of their licensing. This can include frontline personnel, supervisors and managers, in the belief that anyone directing the work of a frontline security worker must have the same operational security knowledge as the worker, as a minimum. Some States even require company owners and directors to have this training, but exclude administrative support personnel who have no operational authority over frontline workers.

⁷⁹ Documents supplied by the United Arab Emirates.

⁸⁰ See <http://allqs.saqa.org.za/showQualification.php?id=58696> and www.sia.homeoffice.gov.uk/Pages/licensing-close-protection.aspx.

There is a strong case for States to set basic minimum standards of managerial and supervisory skills training for managers and supervisors.⁸¹ Firstly, they provide inspiration for the lower ranks to achieve higher standards. Secondly, as leaders and managers, it is important that they have the required levels of competence, particularly in the guarding sector, where in many States there is a high labour turnover, which means that some guards may not have extensive experience. Therefore, in addition to the basic training, States may consider establishing a mandatory course of study in supervision and management specific to the security services industry, which can include topics such as risk management, human resources, ethics and professionalism.

This may include an emphasis on matters such as corruption, human rights and whistle-blowing. In Belgium, in addition to a requirement to complete the mandatory 127-hour basic guarding course, security middle managers must undergo a further 52 hours of compulsory training, while top managers undergo a further 100 hours.⁸² In another example, in Singapore, as a part of the national Security Workforce Skills Qualification framework, the Security Industry Institute (an arm's length public institution) offers a tiered approach to publicly certified training of security workers, including a Certificate in Security Operations (32 classroom days), an Advanced Certificate in Security Operations (31 classroom days) and a Diploma in Security Management (46 classroom days).⁸³

In some States, the importance of developing managers in the civilian private security sector has led to the promotion of university-level courses. In some countries, Spain for example, there are specific university-level courses made available for security managers to support specialization. In the public health-care sector in the United Kingdom, there is a mandatory system where all security managers have to undergo a five-week training course, embedded in a distance-learning university degree. In some states of the United States, owners of security companies are required to have a certain level of university or college-level education. For example, in Michigan, a person can only obtain a private security guard agency licence with a baccalaureate degree in police administration or industrial security from an accredited college or university and two years of full-time experience in a licensed security guard agency or as a security administrator in private business.

Where security workers are armed, States may wish to consider standards and training for supervisors and managers in relation to security and management of weapons stockpiles and related record-keeping, in addition to whatever licensing is required. As with the advanced specialist training discussed above, States can work with local partners to create supervisory and management training standards in the areas of risk assessment and management and national and critical infrastructure security planning and management.

There are a variety of internationally recognized security management and supervisory training qualifications which States can look to. The ASIS Certified Protection Professional and Physical Security Professional and the United Kingdom Security Institute Certificate and Diploma in Security Management are some examples. Recognizing that security is a growing profession, many post-secondary institutions now offer advanced education and training, including graduate degrees in security-related disciplines such as policy, critical infrastructure, counter-terrorism and security

⁸¹ Mark Button, "The Private Security Industry Act 2001 and the security management gap in the United Kingdom", *Security Journal*, vol. 24, No. 2 (2011), pp. 118-132.

⁸² Confederation of European Security Services, *Private Security in Europe*.

⁸³ See www.sii.edu.sg/sii_home.htm.

leadership, in addition to certificate and diploma programmes focused on more technical and tactical areas, such as security system design and monitoring, threat assessment and mitigation, security consulting and security business management.

Prior to licensing a new civilian private security company, a few States require proof that senior management not only have experience in the field but also possess a related university degree. States are encouraged to support the development of security-related diploma, degree and postgraduate degree programmes as one component of their national crime prevention strategy.

Encouraging advanced training

It is also important to develop a system of training where further advanced training beyond the basic level is encouraged. Recognizing that in a culture where uniforms are worn status has some importance, both Finland and the United Kingdom permit special badges to be worn signifying completion of a higher level of training. This also helps to encourage the attainment of higher standards of training beyond the basic requirement. In Finland, guards who complete a higher level training course beyond the compulsory 100 hours of basic training can display a badge with an “A” on their epaulettes. In the United Kingdom, uniformed security workers who complete an additional training course can be accredited by the local chief constable as a part of the Community Safety Accreditation Scheme, and wear a special badge on their uniform signifying this.

Firearms, weapons and the use of force

In chapter I, the use of firearms and other weapons and the use of force by civilian private security workers was discussed. It is very important for training to cover these issues. In some States, security personnel may carry firearms, other weapons or restraining devices. These may include items such as handguns, long-barrel firearms (rifle, shotgun), batons, handcuffs, conductive energy weapons or chemical irritants.

Standards for weapons training vary across States. In some States, such as Australia, security workers are permitted to carry force-option tools such as batons, handcuffs and firearms only when specifically licensed to do so and after the completion of additional training from a government-approved training provider, and then only when involved in specific duties, such as moving or protecting large amounts of money or other valuables.⁸⁴

When security personnel are permitted to carry weapons, whether designed or intended to be lethal or non-lethal, they need training relating to basic standard operating procedures for the operation of such weapons, including the safe and appropriate use of these items, the times when it is legally appropriate and justifiable to use them, how to use them and how to document and report such usage to a competent authority.

Training needs to be based on specified knowledge and competency standards that are consistent with good international practices. Where personnel are permitted to carry weapons or use force,

⁸⁴ See www.police.wa.gov.au/Ourservices/PoliceLicensingServices/Security/Licenceinformation/tabid/1811/Default.aspx.

in addition to completing an initial programme of training prior to their first operational deployment, it is advisable for them also to undergo periodic refresher training and testing of both knowledge and competency. For example, in New York State, applicants to work as an armed guard must possess a valid New York State pistol licence pursuant to Penal Law 400.00 and must complete the 47-hour Firearms Training Course for Security Guards prior to applying for a Special Armed Guard Registration Card. Starting one year from the date of completion of the firearms training course, holders of the Registration Card must complete an eight-hour annual in-service Training Course for Armed Security Guards every year thereafter.⁸⁵

⁸⁵ See www.criminaljustice.ny.gov/ops/sgtraining/.

V. Standards and norms

Introduction

While there are currently no specific United Nations instruments or standards and norms addressing civilian private security services, there is a wide range of standards that apply to the security sector, including standards relating to State responsibility to prevent crime, protect human rights and govern the use of force, detention and arrest, as well as to the relationship between business and human rights and the protection of the rights of workers.

This *Handbook* has illustrated a wide variety of these standards and norms. In this chapter, some of these will be revisited, including relevant human rights instruments, the United Nations conventions relating to crime and standards and norms in the area of crime prevention and criminal justice, as well as other important international and regional standards.

Although there are no agreed United Nations standards and norms concerning the regulation and oversight of civilian private security services as such, discussions on this issue are under way. As highlighted at the beginning of this *Handbook*, within the framework of the Vienna-based Commission on Crime Prevention and Criminal Justice, a functional commission of the Economic and Social Council, States have examined the role played on their territory by civilian private security services and have assessed the contribution of such services to crime prevention and community safety, in order to determine whether national legislation provides adequate oversight. A series of expert meetings has taken place, highlighting the importance of guidelines and State regulation. This process resulted in the Abu Dhabi preliminary draft recommendations on the oversight and regulation of civilian private security services (see annex III of this *Handbook*), which were brought to the attention of the Commission at its twenty-first session in April 2012, and which have been used as the foundation for this *Introductory Handbook*.⁸⁶

Furthermore, in a different process with a broader scope encompassing private military and security companies, Member States have established an open-ended intergovernmental working group within the framework of the Geneva-based Human Rights Council. The mandate of that group is to consider the possibility of developing an international regulatory framework, including the option of preparing a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies, including their accountability.

⁸⁶ See UNODC/CCPCJ/EG.5/2011/2.

Human rights instruments

The growing role of civilian private security services in some States, particularly where they have taken over functions previously undertaken by the public police, highlights even more clearly the need to develop and set standards for the respect of human rights by civilian private security companies and workers. Privatization may lead the public police to pay less attention to certain functions and areas, leading to security inequity and meaning that certain areas are not provided with basic levels of protection against violence.⁸⁷ It is thus important to stress the applicability of human rights instruments to civilian private security services. States ultimately have an obligation to ensure that these companies and operatives comply with human rights instruments, as States do themselves.

The International Covenant on Civil and Political Rights⁸⁸ and the International Covenant on Economic, Social and Cultural Rights⁸⁹ set out principles relating to the fundamental rights of individuals, to be observed by States. Several treaties and principles also contain provisions that are applicable to public and private security providers, both in terms of prohibited behaviours (such as torture) and desirable priorities for them to set in their activities. Some examples are the Convention on the Elimination of All Forms of Discrimination against Women,⁹⁰ the Convention on the Rights of the Child⁹¹ and the International Convention on the Elimination of All Forms of Racial Discrimination.⁹²

Treaties such as the International Covenant on Civil and Political Rights, which has been ratified by an absolute majority of States, establish legally binding obligations. One basic notion underlying the international legal framework is the right to remedy, which means that States need to establish a mechanism whereby people can seek redress if their rights have been violated.

Also, the provisions of the Universal Declaration of Human Rights⁹³ are applicable to the interactions of civilian private security companies with the public and with their employees, including:

- Everyone has the right to life, liberty and security of person.
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.
- No one shall be subjected to arbitrary arrest, detention or exile.
- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
- Everyone has the right to freedom of peaceful assembly and association.

⁸⁷ David A. Sklansky, "Private Policing and Human Rights," *Law and Ethics of Human Rights*, vol. 5, No. 1 (2011), pp. 111-136.

⁸⁸ General Assembly resolution 2200 A (XXI), annex.

⁸⁹ Ibid.

⁹⁰ United Nations Treaty Series, vol. 1249, No. 20378.

⁹¹ Ibid., vol. 1577, No. 27531.

⁹² Ibid., vol. 660, No. 9464.

⁹³ General Assembly resolution 217 A (III).

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- Everyone has the right to form and to join trade unions for the protection of his interests.
- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

United Nations instruments to fight crime

Article 31 of the United Nations Convention against Transnational Organized Crime⁹⁴ provides that States parties shall endeavour, in accordance with fundamental principles of their domestic law, to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime, through appropriate legislative, administrative or other measures. These measures should focus on:

- (a) The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry;
- (b) The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants;
- (c) The prevention of the misuse by organized criminal groups of tender procedures conducted by public authorities and of subsidies and licences granted by public authorities for commercial activity.

The prevention of any involvement of civilian private security companies or staff in organized crime is crucial, especially when they are involved in critical infrastructure protection or the delivery of crime prevention and security services to Governments.

The United Nations Convention against Corruption, as highlighted earlier, provides for State measures to combat corruption, including preventive policies and practices, the establishment of anti-corruption bodies, codes of conduct for public officials, transparency measures, procurement guidelines and integrated action plans to prevent corruption that include the private sector.

Specifically in relation to the private sector, the Convention provides that State parties shall, among other actions, take measures that may include promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities.

Article 12 of the Convention against Corruption offers guidance to the private sector on additional measures that may be enacted to mitigate the threat of corruption, including:

- Promoting cooperation between law enforcement and relevant private entities.
- Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities.

⁹⁴ General Assembly Resolution 55/25.

- Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.

Article 21 of the Convention addresses bribery in the private sector and encourages States parties to consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities, corrupt practices for benefit within and between private sector enterprises.

United Nations standards and norms on crime prevention and criminal justice

There are several United Nations standards and norms in the area of crime prevention and criminal justice that offer useful guidance and inspiration to Member States seeking to regulate civilian private security services.

The Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention⁹⁵ recognize the principle that crime is characterized by a multiplicity of factors and forms, and that a coordinated multi-agency approach at the local level is often helpful, including the involvement of the private sector. The Guidelines support closer liaison between actors, including the sharing of information, joint work and the design of a coherent strategy based on an integrated crime prevention action plan. Section 3 (d) (i) of the Guidelines encourages States to consider primary prevention by promoting situational crime prevention measures such as target hardening and opportunity reduction—services which are provided by civilian private security companies.

The 2002 United Nations Guidelines for the Prevention of Crime⁹⁶ state that crime prevention comprises strategies and measures that seek to reduce the risk of crimes occurring and their potential harmful effects on individuals and society, including fear of crime. Within the conceptual frame of reference, in paragraph 6 (c), the Guidelines state that the occurrence of crime is prevented by reducing opportunities, increasing risks of being apprehended and minimizing benefits, including through environmental design and by providing assistance and information to potential and actual victims (situational crime prevention). In some States, this definition of crime prevention and framework for action describes much of the work undertaken by civilian private security companies.

There are more agreed benchmarks in the field of crime prevention and criminal justice reform that could be relevant for policymakers when developing regulation of civilian private security services, including the Code of Conduct for Law Enforcement Officials, which was mentioned in chapter II of this *Handbook* and refers to the various functions of law enforcement. Also, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials remain an important framework, setting out key parameters to help determine the legitimacy of the use of force by law

⁹⁵ Economic and Social Council resolution 1995/9.

⁹⁶ Economic and Social Council resolution 2002/13, annex.

enforcement personnel and requiring accountability where injury or death is caused by the use of force or firearms.

Other standards and norms that could be of relevance are the Standard Minimum Rules for the Treatment of Prisoners, the Declaration on the Elimination of Violence against Women and the Guidelines for the Prevention of Juvenile Delinquency.⁹⁷

Other standards

Recognizing that States are not alone in their responsibility to respect and protect human rights, in 2011 the United Nations Human Rights Council endorsed a new set of Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, designed to provide for the first time a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity, both transnational and other activity, regardless of size, sector, location, ownership and structure. The Guiding Principles, within a “protect, respect and remedy” framework, are based on a recognition of:

- (a) States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- (b) The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- (c) The need for rights and obligations to be matched to appropriate and effective remedies when breached.⁹⁸

Of importance in relation to civilian private security services is that the Guiding Principles provide that businesses must act with due diligence to avoid infringing the rights of others and to address negative impacts of anything with which they are involved. This includes the rights of the general public they may interact with, law violators they may come across and their clients and employees. This principle offers a process for companies to know their obligations and show how they are meeting them. This will assist in general and specific corporate awareness of obligations and duties, creation of compliance and prevention measures and measures to mitigate any potential adverse human rights impacts. Companies can assess actual and potential human rights impacts, create a statement of commitment and report on progress in a transparent and public manner.

They also address both the State’s responsibility to provide access to remedy through judicial, administrative and legislative means, and the corporate responsibility to prevent and remedy any infringement of rights to which they contribute. Having effective grievance mechanisms in place is crucial in upholding the first two Guiding Principles. At the same time, company-level mechanisms are encouraged to operate through dialogue and engagement, rather than with the company acting as the adjudicator of its own actions.

⁹⁷ For an overview of the standards and norms, see the UNODC *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* (New York, United Nations, 2006).

⁹⁸ Presentation of report to the United Nations Human Rights Council by John G. Ruggie, Special Representative of the Secretary-General for Business and Human Rights, Geneva, 30 May 2011.

Adoption of the Guiding Principles sets a civilian private security service firm apart from its competitors, enhances compliance with government and regulatory standards, mitigates the risk of intentional or accidental breach of laws and human rights and raises the profile of the industry, putting it in a positive light. This is not to say there are no challenges involved in integrating human rights and business. There are, and a myriad of international examples show that they can be overcome.

Following the adoption of the Guiding Principles, the Organisation for Economic Co-operation and Development (OECD) has updated its Guidelines for Multinational Enterprises, adding a chapter on human rights that explicitly draws on and is fully aligned with the Guiding Principles, i.e., that it is a corporate responsibility to respect rights. At the same time, it added the provision that companies should carry out risk-based due diligence in order to identify and address their adverse impacts in all areas covered by the OECD Guidelines, not only human rights, and that they should do so not only with regard to their own activities, but also in respect of their business relationships, including supply chains.

Also noteworthy is the Montreux Document,⁹⁹ ratified by an initial group of 17 States in 2008, to reaffirm the obligation of States to ensure that private military and security companies operating in armed conflicts comply with international humanitarian and human rights laws. The Montreux Document is not legally binding as such; rather, it contains a compilation of relevant international legal obligations and good practices. Initiated originally by the Government of Switzerland and the International Committee of the Red Cross, the Montreux Document sets out some 70 recommendations for good State practices, such as verifying a company's track record and procedures used to vet staff.

Focusing on the use of civilian private security services within the extractive industry in fragile, low-income and middle-income States, the Voluntary Principles on Security and Human Rights were launched in 2000 to provide guidance on security firm behaviour in relation to human rights while in the employ of extractive companies, and to act as a forum for States, non-governmental organizations and security services companies to share practical insights and lessons learned.¹⁰⁰

As mentioned in chapter II, examples of voluntary codes of conduct concerning the private security sector include the Sarajevo Code of Conduct for Private Security Companies, which outlines a set of basic standards of professionalism and service delivery originally envisaged for civilian private security service companies in Bosnia and Herzegovina, and is to be implemented by all security employers and employees.¹⁰¹ The Sarajevo Client Guidelines for the Procurement of Private Security Companies reinforce the Sarajevo Code of Conduct, and include provisions for a fair and transparent procurement process, which is valuable in contexts where corruption may be present as a destabilizing influence. Also, the International Code of Conduct for Private Security Service Providers offers a set of principles for civilian private security companies that mostly provide (armed) services in complex environments such as fragile, conflict and post-conflict States or coun-

⁹⁹ Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict (United Nations document A/63/467-S/2008/636, annex).

¹⁰⁰ See www.voluntaryprinciples.org.

¹⁰¹ When the Code was developed, it drew upon the Voluntary Principles on Security and Human Rights and two resources jointly developed by the Confederation of European Security Services and Uni Europa, *Selecting Best Value: A Manual for Organizations Awarding Contracts for Private Guarding Services* (1999) (see www.securebestvalue.org) and the *Code of Conduct and Ethics for the Private Security Sector* (2003), available at www.coess.org/_Uploads/dbsAttachedFiles/Code_of_Conduct_and_Ethics_EN.pdf.

tries recovering from natural disasters. Finally, one of the oldest associations representing private security companies in 34 States across the globe, the Ligue internationale des sociétés de surveillance, has also developed a code of conduct, adopted in 2012. It covers human rights, laws and regulations governing private security, business ethics, working conditions, the environment and compliance and enforcement.¹⁰²

¹⁰² Available at <http://www.security-ligue.org>.

Annex I. Glossary of key terms

While there are a number of key terms used within this *Introductory Handbook*, it is of value to establish definitions of the following terms, as they are of particular importance because of the way they are used within the *Handbook*.

Civilian private security services

When referring to civilian private security services, this *Handbook* uses the set of criteria that were identified in the Abu Dhabi draft preliminary recommendations (see annex III), namely:

- (a) Civilian private security companies provide security-related services with the overall objective of protecting or securing people, goods, sites, locations, events, processes and information from predominantly crime-related risks. Services which expressly or implicitly have offensive mandates are not included in the civilian private security category;
- (b) Civilian private security services are provided by legal entities or individuals supplying services for payment;
- (c) Civilian private security services are provided by private entities or individuals, not by public entities. They may include commercial firms and non-profit organizations, as well as individuals;
- (d) Civilian private security services are officially accredited, regulated and supervised by the State;
- (e) Services provided by civilian private security companies may be preventive, may support public law enforcement agencies and, where permitted, may be complementary to public law enforcement agencies.

In line with the draft preliminary recommendations, private military companies and private military and security companies are excluded from the scope of the definition, even if part of their operations may fall within the scope of civilian private security services. Also, although civilian private security companies provide services in private prison and detention facilities in various countries, this is considered to be an area requiring specific attention and guidance and is therefore beyond the scope of this *Handbook*.

Civilian private security company

A business entity, which could be a sole proprietor, partnership, association, company or corporation, which provides civilian private security services.

Civilian private security operative

A person working for an organization providing civilian private security services.

Crime prevention and community safety

Crime prevention comprises strategies and measures that seek to reduce the risk of crimes occurring and their potential harmful effects on individuals and society, including fear of crime, by

intervening to influence their multiple causes. Cooperation and 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.

Detention

The deprivation of a person's personal liberty except as a result of a conviction for an offence.

Licensing

A formal process usually established by a Government in law where an operative and/or company is required to meet a specific set of standards in order to operate in a particular area of activity. Usually there are conditions attached to keeping the licence, and breaching these can result in the loss of the licence and therefore the ability to operate as a civilian private security operative or company. For operatives, standards usually relate to character and training and for companies the resources, insurance, facilities and qualifications of the owners, among other things. In most States where licensing exists, failure to comply with the regulations relating to it is also a criminal offence. Some States use the term "registration" rather than "licensing".

Oversight mechanism

A formalized process often used to ensure compliance within a regulated industry, such as civilian private security, such that licensed companies and individuals comply with identified standards. Oversight and verification of compliance can be accomplished through certification, monitoring, inspections and audits. It may also take place through a complaint and remediation process.

Regulator

A State body which has been given the responsibility in law for setting and securing minimum standards for those providing functions relating to civilian private security services. Some of the activities commonly associated with the regulator include licensing of operatives and/or companies, the enforcement of legislation and the processing of complaints.

Standards and norms

Normative principles of conduct and/or performance that a framework seeks to promote. Within the United Nations, standards and norms in crime prevention and criminal justice have provided a collective vision of how a criminal justice system should be structured. Despite their "soft law" nature, the standards and norms have made a significant contribution to promoting more effective and fair criminal justice structures in three dimensions. Firstly, they can be utilized at the national level by fostering in-depth assessments leading to the adoption of necessary criminal justice reforms. Secondly, they can help countries to develop subregional and regional strategies. Thirdly, globally and internationally, the standards and norms represent best practices that can be adapted by States to meet national needs.

Training

Instruction that focuses on the acquisition and development of knowledge, skills and competencies. Training typically has specific goals of improving one's capability, capacity, performance and knowledge.

Use of force

Use of force means coercion or compulsion involving the use or threat of violence. Such violence may be occasioned by kinetic or non-kinetic means, in particular the use of lethal, potentially lethal, or less-lethal weapons.

In some States, private security personnel are legally entitled to use appropriate means, including force, in defusing situations, apprehending alleged criminals and protecting themselves and others. This is often similar to the authority ordinary citizens have to use force to defend themselves or others from harm. The issue becomes one of reasonableness, given the circumstances and applicable laws. In some jurisdictions, the use of force is conceptualized along a “force continuum” that includes:

1. Presence (using the effect of the presence of an authority figure on a subject)
2. Verbalization (commanding a subject)
3. Empty hand control (using empty hands to search, remove weapons, immobilize or otherwise control a subject)
4. Intermediate weapons (using non-lethal chemical, electronic or impact weapons on a subject)
5. Deadly force (using any force likely to cause permanent injury or death to a subject)

In some States, civilian private security personnel are directed to avoid any use of force, to focus primarily on de-escalation followed by retreat, and to only use force as a last resort. When force is used, it is to be at the lowest level possible and then only to protect personnel or others from immediate serious injury or attack, if escape is not possible.

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials⁴ require Governments and law enforcement agencies to adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. The Principles state that law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. In States where civilian private security staff are allowed to carry weapons, providers and operatives should work within these same broad principles and the regulations governing these areas should be guided by such standards and norms.

⁴United Nations publication, Sales No. E.91.IV.2.

Annex II. Online resources

There are a great many online resources relating to civilian private security services, including regulation, standards, good practice examples and professional associations, including those already referenced in this *Introductory Handbook*. In addition to the crime prevention and criminal justice tools and publications issued by the United Nations Office on Drugs and Crime, the following are a few which may prove useful to policymakers and practitioners.

ASIS International
www.asisonline.org

Business and Human Rights Resource Centre
www.business-humanrights.org

Confederation of European Security Services
www.coess.org/

Geneva Centre for the Democratic Control of Armed Forces—Private Security Regulation
<http://www.privatesecurityregulation.net/>

International Centre for the Prevention of Crime
www.crime-prevention-intl.org

International Association of Security and Investigative Regulators
www.iasir.org/

International Code of Conduct for Private Security Service Providers
www.icoc-ppsp.org/

Ligue internationale des sociétés de surveillance
www.security-ligue.org/

Pan-African Security Association
www.pasa-africa.org/default.aspx

Small Arms Survey
www.smallarmssurvey.org

United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean
www.unlirec.org

University of Denver, Private Security Monitor Project

<http://psm.du.edu/>

World Security Federation

http://wwwh2.bwebsite.com.br/site/default_eng.asp

Annex III. Abu Dhabi draft preliminary recommendations

Abu Dhabi draft preliminary recommendations on the oversight and regulation of civilian private security services and on their contribution to crime prevention and community safety^a

A. Defining civilian private security services

1. States may consider defining civilian private security services. While there is currently no commonly accepted definition of civilian private security services, the following criteria are considered indicative of such services:

(a) Civilian private security services provide security-related services with the overall objective of protecting or securing people, goods, sites, locations, events, processes and information from predominantly crime-related risks. Services with expressly or implicitly offensive mandates are not included in the category of civilian private security services;

(b) Civilian private security services are legal entities or individuals supplying services for payment;

(c) Civilian private security services are private entities or individuals, not public entities. They may include commercial firms and non-profit organizations, as well as individuals;

(d) Civilian private security services are officially accredited, regulated and supervised by the State;

(e) Services provided by civilian private security services may be preventive, may support public law enforcement agencies and, where permitted, may be complementary to public law enforcement agencies.

2. It should be noted that private security companies providing protection services on commercial ships may meet the above-mentioned criteria of civilian private security services, provided their primary function is protective, not offensive.

3. Private military companies and private military and security companies are excluded from the scope of the definition, even if part of their operations may fall within the scope of civilian private security services.

4. Although civilian private security services provide services in private prison and detention facilities in various countries, this is considered to be an area requiring specific attention and guidance and is therefore beyond the scope of the present draft preliminary recommendations.

^aAs contained in the report on the meeting of the Expert Group on Civilian Private Security Services held in Vienna from 12 to 14 October 2011 (UNODC/CCPCJ/EG.5/2011/2).

B. Oversight and regulation of civilian private security services

5. States may consider reviewing, evaluating and revising existing regulation on civilian private security services and, where no regulation exists, enacting specific comprehensive legislation for the regulation of civilian private security services that:

- (a) Defines civilian private security services;
- (b) Defines the activities and responsibilities of civilian private security services, including their obligations to maintain a register that transparently and efficiently provides for the control of installations, arms, ammunition and related equipment and to ensure that this information is made available to the competent authorities;
- (c) Defines any associated powers of providers and personnel of civilian private security services;
- (d) Defines activities that providers and personnel of civilian private security services are prohibited from undertaking, strictly limits the use of force and establishes a system to enforce sanctions for infractions;
- (e) Ensures that effective regulating mechanisms or bodies are established to oversee the conduct of civilian private security services within national borders, including the oversight of certification and training;
- (f) Includes the regular review and evaluation of the effectiveness of the regulations and the introduction of reforms to address any weaknesses;
- (g) Includes a code of conduct for personnel of civilian private security services.

6. States may also consider establishing standards of operations for civilian private security service providers that:

- (a) Set the minimum standards of eligibility for those who provide civilian private security services, including due diligence checks on owners of such services to prevent criminal control of civilian private security services;
- (b) Set the minimum standards for all spheres of operations and administration of civilian private security service providers;
- (c) Ensure compliance among civilian private security service providers with all national laws and regulations, including applicable international laws, national labour laws, practices and regulations relating to the personnel they employ, relevant health and safety rules, and respect for the human rights of all persons;
- (d) Provide for appropriate licensing regulations for civilian private security services, including provisions for various categories of licence where appropriate. In particular, the regulations may cover the need to ensure that adequate licence documentation is issued to personnel of civilian private security services and that the documentation is time-limited and contains at least a photograph and other relevant identification information.

7. States may further consider ensuring appropriate working conditions conducive to maximizing the effectiveness of personnel of civilian private security services that should include:

- (a) Ensuring that all licensed civilian private security services provide employees with a working and training environment in which minimum standards of health and safety are maintained;
- (b) Ensuring that the work of employees of civilian private security services is remunerated in accordance with set salary levels.

8. States may consider establishing minimum standards for the recruitment and selection criteria for personnel of civilian private security services that cover:

- (a) Standards of education and literacy and language skills;
- (b) Standards of character, including criminal records (and previous convictions) not appropriate for personnel working in the civilian private security service sector;
- (c) Standards of training and competence for all functions of personnel in civilian private security services;
- (d) The regular review of personnel of civilian private security services to ensure they continue to meet the above standards.

9. They may also consider encouraging relevant non-governmental organizations to play a part in the oversight of civilian private security services, by:

- (a) Identifying and preventing any abuses perpetrated by personnel and providers of civilian private security services;
- (b) Raising awareness of the standards with which personnel and providers of civilian private security services should comply.

10. In considering the applicability of the United Nations Convention against Corruption, in particular articles 12 (private sector), 21 (bribery in the private sector) and 22 (embezzlement of property in the private sector), to civilian private security services, States may:

- (a) Ensure that contracts with civilian private security services contain specific no-bribery rules, and sanctions for non-compliance with such rules;
- (b) Appoint an appropriate corruption investigation body or similar external monitor to ensure the transparency of contracts between public security organs and civilian private security services;
- (c) Ensure that all training programmes of civilian private security services include topics such as avoiding bribery, corruption and other unlawful practices, and ethical business behaviour;
- (d) Ensure that the codes of conduct for civilian private security services strictly prohibit bribery, embezzlement, corruption and other unlawful practices, including unethical business practices;
- (e) Issue clear guidelines, to be updated periodically, to private security operators about the appropriate responses to make when offered a bribe, gift or hospitality;
- (f) Issue clear guidelines on appropriate behaviour for persons in a public security organ directly involved with a civilian private security service body regarding having financial interests or any personal involvement in that body;
- (g) Issue clear guidelines on the resolution of conflicts of interest in general;
- (h) Ensure that appropriate post-separation regulations are created for employees of public security organs and civilian private security service bodies;
- (i) Ensure that public security organs have adequate safeguards to prevent the abuse of procurement processes, such as through the unauthorized single source procurement (i.e. procurement without due bidding processes) of civilian private security services;
- (j) Ensure that public security organs appoint civilian private security service bodies according to transparent and fair tender and other procedures;

- (k) Ensure that civilian private security service operators are strictly prohibited from embezzling any property, funds or items of value entrusted to them or obtained by them by virtue of their position;
- (l) Ensure that appropriate regulations exist in States where law enforcement personnel are permitted to work as personnel for civilian private security services when off duty.

Complaints, inspections and sanctions

11. Without prejudice to the normal criminal justice system procedures, States may consider subjecting civilian private security services and their personnel to procedures relating to the receipt and investigation of complaints against them. To that end, they may consider:
- (a) Establishing mechanisms for the receipt and impartial investigation of complaints by any person against personnel and providers of civilian private security services;
 - (b) Defining the type of complaints to be subject to such mechanisms;
 - (c) Utilizing an impartial body to determine guilt and penalties for the most serious complaints and create an appropriate appeals process;
 - (d) Publicizing the existence of those provisions;
 - (e) Ensuring that serious cases are prosecuted under the criminal justice system.
12. States may also consider developing standards on the provision of civilian private security services and encouraging the development of codes of conduct by private industry.
13. States may further consider ensuring that civilian private security service providers are subject to regular inspections to maximize compliance, and allocating adequate resources for that purpose.
14. States may consider specifying appropriate penalties for transgressions and breaches of regulations on civilian private security services and for non-compliance with such regulations.

Training of civilian private security services

15. Where States decide to adopt standards on the training of personnel of civilian private security services, the following elements may be included in such standards:
- (a) Specific guidance on the topics to be covered;
 - (b) Guidance on the subjects that should be completed by all personnel as a minimum. Those subjects could include:
 - (i.) The role of civilian private security services and their contribution to crime prevention and community safety;
 - (ii.) The relevant legislation relating to powers of arrest, evidence and the use of force;
 - (iii.) Communication skills relating to oral and written reports;
 - (iv.) Conflict resolution and de-escalation skills;
 - (v.) Customer and client service skills;
 - (vi.) Emergency procedures for natural disasters, accidents and other emergencies;
 - (vii.) Human rights and adherence to national and international human rights standards and norms;

- (c) Basic standard operating procedures on firearms and non-lethal weapons operation and minimum training standards (including refresher courses) for personnel who use firearms and other weapons;
- (d) A set of training standards for each sphere that all levels of personnel of civilian private security services might operate in;
- (e) Guidance on appropriate assessment and evaluation methodologies to measure the competencies of personnel;
- (f) A requirement that all personnel undergo appropriate basic training before any other training is undertaken.

16. States may consider developing a mechanism for the certification of persons and entities providing training to personnel of civilian private security services that:

- (a) Ensures that training institutions are properly qualified and equipped to provide the training;
- (b) Grants licences to operate as a provider of such training.

17. States may also consider encouraging the specialization and professionalism of the personnel of civilian private security services through the development of an adequate mechanism for such personnel to obtain professional qualifications. The mechanism should:

- (a) Provide personnel with adequate certification or licensing from competent bodies that indicates the specific security services such personnel are allowed to provide;
- (b) Ensure that the training of personnel is updated periodically.

18. States may further consider encouraging the development of ongoing professional programmes relevant to civilian private security services. These could be:

- (a) Developed in consultation with the regulating authority, law enforcement community, professional and trade associations, non-governmental organizations and clients;
- (b) Offered to personnel working at all levels of civilian private security services;
- (c) Accredited by competent bodies where appropriate;
- (d) Used as a basis for continuing professional development and career progression.

C. Contribution of civilian private security services to crime prevention and community safety

19. States may consider the following principles as underpinning the contribution of civilian private security services to crime prevention and community safety:

- (a) All levels of government should play a lead role in the development of crime prevention programmes and in enhancing community safety;
- (b) Civilian private security services should have an important complementary role in crime prevention and community safety;
- (c) Civilian private security services should be subject to Government regulation and programmes that improve standards to enhance the contribution of such services to crime prevention and community safety.

20. States may also consider prioritizing the development of cooperation between the public and private security sectors. Such cooperation should recognize the central role of Governments in the regulation of civilian private security services and be in line with the Guidelines for the Prevention of Crime and other United Nations standards and norms in crime prevention and criminal justice. In this regard, States may:

- (a) Encourage partnerships between civilian private security services and public security organs;
- (b) Provide funding for research into collaboration between civilian private security services and the public security sector and for the evaluation of such cooperation;
- (c) Establish and encourage specific training programmes, focusing on cooperation and collaboration;
- (d) Establish an appropriate body or mechanism to oversee the implementation of cooperation and collaboration between State security organs and civilian private security services.

21. In general, civilian private security services have a duty to convey information to law enforcement authorities. States that decide to share information with civilian private security services as a means of enhancing crime prevention and community safety may consider:

- (a) Specifying the different types of information and level of access to such information by the State and civilian private security services and what may be collected;
- (b) Strengthening information-sharing between civilian private security services and public security organs;
- (c) Establishing secure networks for information-sharing;
- (d) Enacting laws that protect information provided by civilian private security services;
- (e) Developing coordination between all levels of public security organs for the sharing of information with civilian private security services;
- (f) Including rules concerning the ethical and lawful use of information in any code of conduct for civilian private security service operators.





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