

Security Services: Here Comes the Future!

By

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The bar is being raised for the Canadian security industry. And it's about time! Outdated legislation, which in some cases is almost 40 years old, is being revised in several Canadian provinces to encompass all security practitioners. New regulatory standards are emerging. How does this affect municipal corporations? Read on!

Many Canadian municipalities either employ in-house security staff or contract security services from a third party provider. In some cases, by-law enforcement officers perform dual enforcement and security functions. New proposed regulatory standards, in various stages of development across Canada, will soon encompass all security practitioners employed in the public and private sectors.

The Drivers

A number of dynamic factors are driving the impetus for significant change within the Canadian security industry:

Public Concern, fear of crime and heightened safety and security concerns – disasters, SARS, 9/11, West Nile Virus, power blackouts, gratuitous violence;

Public Policing Costs are significant. The police may not always be able to provide a rapid response to urgent situations at municipal complexes, or provide the enhanced level of safety and security that some environments require;

Public, Staff and Community Expectations for safe and secure environments - The expectation that a professional security practitioner will be able to intercede, if necessary, before the police arrive;

Proliferation of the Security Industry to the extent that the number of Canadian security officers now exceed public police officers. Minimum standards exist for police officers. Yet, the public is never certain of the qualifications, training, and capability-level of the security person responding to their situation;

Political Will – The Law Commission of Canada report to Parliament, scheduled for release in 2005, on the overlapping *Roles of Public Police and Private*

Agencies will make a number of recommendations to formalize professional standards for the Canadian security industry;

Legislative Changes - Ontario has introduced the new *Private Security and Investigative Services Act* (Bill 159) to include new standards for both in-house and contract security practitioners including the Corps of Commissionaires. Similarly, Quebec has announced Bill 88 to create the new *Private Security Act*. Proposed legislation is pending in British Columbia. Manitoba has introduced new mandatory training. Alberta and Nova Scotia are introducing discussion papers to address the same issues. New emerging standards will address tiered security officer classifications, background screening, mandatory training, vehicles and equipment, annual recertification on the lawful application and use of force, accountability mechanisms, and increased enforcement fines and penalties.

Legal Liability and Due Diligence

Bill C-45 Criminal Code amendments enacted in 2004 increase and expand criminal liability for organizations and management in protecting both workers and the public. Maximum fines for lower-court summary convictions have been increased from \$25,000.00 to \$100,000.00. Section 217.1 of the Criminal Code of Canada '**Duty of Persons Directing Work**' states "Everyone who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task."

Coroner's Inquest

The jury at the *Patrick Shand Inquest*, held in Ontario in 2004, determined that the cause of death was accidental caused by "restraint asphyxia with the following contributing factors; chronic and acute effects of cocaine use". Mr. Shand was being restrained by store employees and a security guard after being apprehended for shoplifting. The jury made twenty-two recommendations for new standards, including the need for urgent change, which have far-reaching implications for organizations employing security personnel. Ontario made detailed reference to these recommendations when it announced Bill 159.

The Future

This changing security landscape will result in higher standards, expanded legislative regulations, and public accountability mechanisms for municipal security departments; whether in-house security personnel or contract security guards are employed.

Getting Ready

How to prepare for the future? Conduct a risk-based assessment of your current security services, systems, and programs. Review job descriptions, professional standards for your security staff, training, policies and procedures and service delivery practices. Ensure they are consistent and congruent. Audit and measure

them against best practices, current and future industry standards, and legal precedents. Your auditor should be an independent professional who does not have a vested interest in selling you other services or products. By exercising due diligence in this manner, you will reduce risk, mitigate liability and enhance the safety and security of both persons and property within your municipal corporation. Here comes the future!

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