



Policing & Security Management Services Inc.

www.policingsecurity.ca

June 2004

The **Patrick Shand Inquest** jury recommendations are attached.

Patrick Shand died during an apprehension by store employees and mall security at a Toronto-area shopping centre. A 2004 coroner's inquest determined that death was accidental resulting from 'restraint asphyxia' and that drug use was a factor. The jury made twenty-two recommendations that have far-reaching implications for both in-house and contract security providers. *Policing & Security Management Services Inc.* provided expert testimony at the inquest.

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Patrick Shand Inquest Verdict
April 23rd, 2004

Ontario Office of The Chief Coroner

Cause of Death: “Restraint asphyxia with the following contributing factors, chronic and acute effects of cocaine use”

By What Means: “Accident”

Coroner’s Jury Recommendations
Inquest into the death of Mr. Patrick Shand

Recommendation #1

**Amendment to the Private Investigators and Security Guards Act
(the “Act”)**

The Private Investigators and Security Guards Act (the “Act”) should be amended to remove the licensing exemption that presently exists for “proprietary” or in-house security practitioners and members of the Corps of Commissionaires. This amendment will provide for mandatory licensing for all privately employed individuals who, for hire or reward, guard or patrol for the purpose of protecting persons or property in Ontario (security practitioners). This amendment is not intended to affect the regulation of armored car companies or armored car personnel.

Rationale

The current Act was passed in 1966. The world and the security industry have changed dramatically since that time. To illustrate, there are now some 50,000 persons employed in the security industry, half of whom are unregulated. Every person employed as a security professional should be licensed by the Province. In 1966 most security practitioners were watchmen, today they provide a wide variety of services with significant interaction with the public, especially in shopping malls, hospitals, entertainment venues and other locales.

Recommendation #2

The need for urgent change

We recommend that the Private Investigators and Security Guards Act (the “Act”) be amended as soon as possible.

Rationale

While it is important that all the stakeholders are consulted, the Ministry has had many years to consult. When this Act was passed in 1966, John Robarts was the

premier of the Province and since that time there have been seven more premiers. Any remaining consultation process should be expedited so that further delays in amendments to the act are avoided. It seems that the issues should already be well known and the Ministry should be able to proceed quickly.

If there are issues that cannot be resolved in the short term, a phased implementation may be appropriate.

It is important that the government act quickly, responsibly and diligently.

Recommendation #3

Mandatory training

The Ministry of Community Safety and Correctional Services (the “Ministry”) should create a mandatory training program that all security practitioners must complete as a requirement for their licensing.

Rationale

Training is the key to providing the necessary skills and knowledge required by security practitioners especially in use of force instances and other areas of interaction with the public. The training is to protect both the security practitioners and the public. If the training is not mandatory for all, some security practitioners may not receive any training or receive sub standard training and not have the necessary skills and training to reduce risks to the public.

Recommendation #4

Training program Curriculum

The Ministry should create a curriculum for the mandatory training program, through consultation with stakeholders to create industry standards based on best practices.

For those security practitioners whose duties may include making arrests or the lawful application of force, the minimum level of training should include First Aid, CPR and Use of Force training which identifies the hazards of Restraint Asphyxia and Excited Delirium.

For a security practitioner to receive a license allowing them to carry or use handcuffs or expandable batons they must have received and completed relevant training.

Rationale

There should be multiple levels of training for security practitioners in the Province, depending upon job requirements, the expectation of the use of force

and the use of hand cuffs and expandable batons. The system should be transparent in the interest and the safety of the public. The public should expect a high standard of professionalism by all security practitioners in the Province. The curriculum should provide the basis for the professional standards.

Recommendation #5

License classification system

The Act should be amended to provide for the creation of a licensing classification system in which each level or tier reflects the duties that the security practitioner is competent to perform based on the training he or she has received.

The licensing classification system should also reflect the degree to which the security practitioner would be expected to interact with the public.

The licensing classification system should ensure that no security practitioner may carry or use handcuffs or expandable batons without completing relevant training.

Rationale

One level of license or training will not meet the demands of all types of security requirements. For example the requirements for a night watchman are different from the requirements for shopping mall security in that the use of force may be called upon when dealing directly with the public.

Recommendation #6

Training programs and persons with disabilities

Any certified training program, by way of its physical requirement, should not prevent individuals with disabilities, or any persons incapable of completing physical training from pursuing gainful employment as a licensed security practitioner, if his or her duties do not include making arrests or the lawful application of force.

Rationale

Equal opportunity for all individuals is an important factor in our society.

Recommendation #7

Re-certification

Those security practitioners whose duties may include making arrests or the lawful application of force should be re-certified annually with respect to Use of Force Training.

All security practitioners should be re-certified for CPR annually.

Rationale

The training regarding use of force is changing constantly and this ensures that security practitioners are up to date with modern training practices across the industry.

Re-certification of CPR is currently a best practice in most industries where CPR training is required.

Recommendation #8 License Identification and renewal

Licenses should identify the classification of the security practitioner and what equipment he or she is authorized to use such as handcuffs and expandable batons.

Licenses should be renewed annually.

Rationale

Employers, the Ministry and the public will know the competency level of the employee.

Recommendation #9 Identification

Where a security practitioner is in uniform, licensing information should be visibly displayed on a badge including a photograph, license number, company name and classification.

When a security practitioner is not in uniform the identification must be readily available.

Rationale

This will provide recognition to the public, avoid confusion with the police and identify the person as a security practitioner.

Recommendation #10 Method of training delivery

The mode of delivery of the mandatory training regime for security practitioners shall be approved by the Ministry, after consultation with stakeholders. A manual

or guide to training and requirements should be published and updated regularly by the Ministry.

Rationale

There are many possible methods of training including community colleges, in-house training and computer assisted training. Training should be flexible and tailored to meet the needs of the industry throughout the Province without reducing quality.

Recommendation #11

Certified trainers

Mandatory training should be delivered by qualified trainers certified by the Ministry. There should be an established competency level defined by the Ministry.

Rationale

The quality and standards of training are vitally important. Trainers and those persons instructing the trainers must meet the highest standards relating to subject matter and adult educational techniques.

The Coroner's office should be consulted in the development of use of force training programs.

Recommendation #12

Record keeping and evaluation

The Ministry should develop a mode of evaluation and a system of record keeping for the delivery of mandatory training.

Rationale

To ensure that the training regime is effective, complete and accurate records of training should be kept and those records and other means used to evaluate the training programs on a regular basis.

This record could also be used to track the training of an individual security practitioner over the life of their employment as a security practitioner.

Recommendation #13

Enforcement System

The Ministry should implement an effective system of enforcement with powers of inspection and audit. Sufficient resources should be made available to ensure

compliance with the licensing and training requirements of the Act.

Rationale

The amended act will only be as effective as the system of enforcement. This will be particularly true in the early stages of implementation.

Recommendation #14 Advisory Board

The Ministry should create an Advisory Board or Committee comprised of stakeholders to facilitate communication and the exchange of information between the stakeholders, and for the purposes of establishing the curriculum of the mandatory training program.

Rationale

The Advisory Board or Committee should be constituted as soon as possible to begin their work in conjunction with the Ministry prior to the passing of the amended legislation.

The purpose of the formation of an Advisory Board or Committee is to provide a breadth of experience and advice to the Ministry but the Ministry is ultimately responsible and should ensure that it is not used as a mechanism to delay or obstruct the process of implementation.

Recommendation #15 Oversight body

The Ministry should create an independent oversight body to deal with complaints by members of the public in relation to the provision of security services. Access to this body should be readily available and widely publicized.

Rationale

Security practitioners must be held accountable for their actions and the public trust ensured. Publicity should include a 1-800 number and other means of access.

Recommendation #16 Portability of licenses

The Act should be amended to provide for the portability of individual licences.

Rationale

Presently, licenses are obtained through the employer. Portability will allow the movement of personnel within the industry in Ontario and eliminate current delays in obtaining licenses for new employees who have been previously licensed.

Recommendation #17
Funding model

The funding model for the mandatory training program in British Columbia may be considered as a funding model for Ontario.

Rationale

Training programs should be funded from an annual licensing fee charged to companies and individuals and there should be no additional costs to the taxpayers.

Recommendation #18
Reporting use of force

Licensed security practitioners should be required to report any use of force to their employer. The employer's responsibility should be to report use of force statistics annually to the Ministry. The Ministry should report the statistics publicly on an annual basis.

Rationale

Record keeping and reporting will identify changing patterns of activity as well as the need for changes in the training, licensing and possibly the Act itself.

This may also identify abuses of the system.

The statistics should be reported by the Ministry to ensure that the public is informed.

Recommendation #19
Excited delirium memorandum

The Coroner's Office should update Memo #636, dated June 19, 1995, exhibit 4 at the Inquest, for distribution to the security industry.

Rationale

This is a document that contains vital and possibly life saving information. It is of the utmost importance that the security industry and all persons dealing with use

of force and restraint are aware of its contents.

Recommendation #20

Training of persons authorized by an employer to make arrests

If an employer designates employees to make arrests for property related offences those employees should have the same license and training as is required of other security practitioners who are authorized to make arrests.

Rationale

Proper training may reduce the risk of injury to the employee or to the person being arrested.

Recommendation #21

Policy communication to employees

Explicit direction both verbal and written must be communicated to each employee. A sign off sheet must be filed in his or her personnel file as to their understanding of the expectations of the retailer with respect to the manner in which the apprehension of shop thieves is to be conducted. This communication and sign-off must be communicated on a regular basis, preferably annually.

Rationale

This ensures compliance and that the employee is aware of and understands the policy and their responsibilities.

Recommendation #22

Compliance

We recommend that failure to comply with the Act and its regulations may incur significant fines and other penalties including loss or suspension of licenses to the practitioner and or company.

Rationale

We feel strongly that the provisions of the act especially with respect to training must be adhered to by all parties.