

Ministry of Public Safety and Security

***Private Investigators and
Security Guards Act***
Discussion Paper

June 2003

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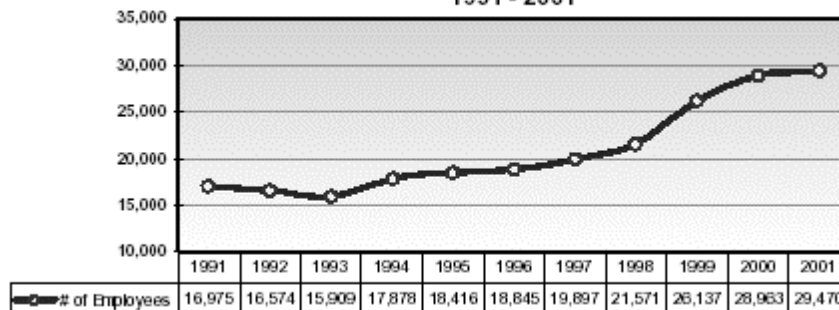
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Introduction

The private security industry plays a valuable role in safeguarding both life and property and in enhancing public safety and security in Ontario.

Over the last three decades, the private security industry worldwide has experienced increased demand for its services and undergone tremendous growth. In Ontario, the number of licensed private investigators and security guards has grown from approximately 4,600 in 1967 to about 28,000 in 2002.

**Table 1. Employment in the Security Sector in Ontario,
1991 - 2001**



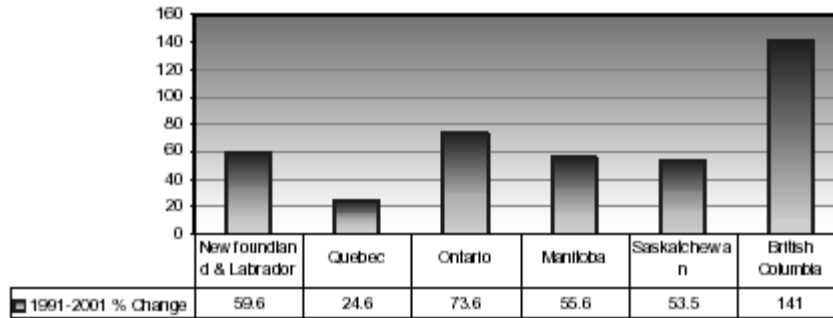
Source: Annual Estimates of Employment, Earnings and Hours, 1991-2001, Statistics Canada

At the national level the overall growth in employment in the security industry¹ between 1991 and 2001 was 69%, which was nearly five times the growth for all Canadian industries during the same time period. Over the same time period, Ontario experienced 73.6% growth in employment in the security sector².

¹ The statistics presented in this section of the document are based on the definition of private security used in the North American Industrial Classification Standard (NAICS) which includes: investigation services, security guard and patrol services, armoured car services, security system services and locksmiths.

² Sanders, Trevor. (2003, February). Rise of the rent-a-coop: private security in Canada 1991-2000. Paper presented at In Search of Security: An International Conference on Policing & Security, Montreal QC.

Table 2. Percentage Increase in Security Employees, Selected Provinces



Source: Annual Estimates of Employment, Earnings and Hours, 1991-2001, Statistics Canada

Among the six provinces for which data was available³, Ontario recorded the second highest growth in employment in the security industry between 1991 and 2001.

The private security industry has diversified its services, in the maintenance of order and assisting in the investigation of crime in public places. The industry currently comprises a number of distinct elements, including physical security, cybersecurity, risk management, safety and disaster management and business continuity. Private security personnel are employed in shopping centres, nuclear facilities, commercial and other complexes. They patrol private property and public areas, guard bridges, and are engaged in highly sophisticated activities, such as intelligence gathering, covert operations and computer surveillance.

³ Data at the provincial level was available for six provinces accounting for 83 per cent of jobs in the Canadian security sector.

Context/Background

Across Canada and other jurisdictions, such as the United Kingdom, there is a growing awareness that the legislation governing the private security industry needs to be modernized. Recognizing that their legislation has not kept pace with the expansion of the private security industry, a number of provinces — including British Columbia, Alberta, Manitoba and Nova Scotia — have recently reviewed their respective legislation governing the industry. In order to enhance public safety and increase the efficiency and effectiveness of the industry, these jurisdictions have focused on amendments to licensing, training and equipment standards.

As a result of the growth and diversification of the industry into areas not conceived of when the *Private Investigators and Security Guards Act* was first enacted in 1966, there has been a growing consensus that security personnel require different levels of education, training and skills in order to meet the demands of their job. Events such as Sept. 11, 2001, have reinforced the need to reform the current legislative and regulatory framework for the private security industry.

In response to these and other issues, the Law Commission of Canada re-leased a discussion paper entitled "In Search of Security: the Roles of Public Police and Private Agencies" (April 2002) and held a conference called "In Search of Security: An International Conference on Policing and Security" (February 2003). The discussion paper and conference highlighted the expanding role of private security in Canada, the need for training and industry standards, as well as the blurring of the boundary between police and security.

Purpose

In Ontario, the provincial legislation regulating private investigators and security guards has not been substantially revised since the *Private Investigators and Security Guards Act* (PISGA) was enacted in 1966. At the request of a number of stakeholders, who recognize that the current legislation is inadequate, inefficient and outdated, the Ontario Ministry of Public Safety and Security (MPSS) is undertaking a review of the *Private Investigators and Security Guards Act* (PISGA). Our review will focus on three core issues: training, licensing and standards for uniforms, vehicles and equipment.

The Ministry of Public Safety and Security is seeking your input into how the proposed changes outlined below can be most effectively implemented. Included in the discussion document are a number of questions for you to consider in preparing a response.

This discussion paper consists of three key sections. **Section I** focuses on the need for mandatory and consistent basic training for all security personnel. **Section II** discusses several issues pertaining to the licensing of security personnel. It focuses on mandatory licensing for all security personnel, portable licences, more comprehensive background checks, and the introduction of a licensing classification system. **Section III** addresses standards for uniforms, vehicles and equipment.

Key Issues for Consultation

I Mandatory and Consistent Basic Training Requirements

"It is an all too common occurrence in the private security industry to hire applicants one day and have them in uniform and on patrol the next with no training whatsoever except a cursory introduction to a site's standing orders.

The industry must not only encourage minimum standards for training, it must also encourage life-long learning. This approach will keep people in the industry longer, help prevent frequent staff turnover and might change the orientation of workers from seeking 'jobs' to seeking 'careers'. At the same time, basic managerial courses and accreditation (in some cases already provided by security associations) could be professionally recognized by statute."

Law Commission of Canada "In Search of Security: the Roles of Public Police and Private Agencies" (April 2002) p.37

Under the existing legislation, there are no basic education or training requirements that must be met by all private investigators and security guards in Ontario. Although the ministry recognizes that some companies have established their own training programs, including arrest procedures, use of force and first aid, the industry does not have consistent training requirements.

Due to the lack of mandatory training requirements, some employees may not have the skills and qualifications

necessary to meet the demands of their job and to perform services involving the protection of life and property. The introduction of mandatory basic training will help to improve industry standards and enhance public safety and security.

There are a variety of potential training models for the private security industry that could be adopted in Ontario. The Canadian General Standards Board (CGSB) provides standards and programs to be used when training security guards as well as security guard supervisors. The CGSB's 40-hour Security Guard Basic Training Program covers topics such as legal authority (arrest, search, seizure and use of force), duties and responsibilities, emergency situations, professional and public relations, patrol procedures, as well as relations with the police.

(For further information on the CGSB see www.pwgsc.gc.ca/cgsb or call 1-800-665-CGSB).

At least 17 colleges in Ontario also currently offer programs relevant to the private security industry (e.g., Law & Security, Public Investigation, Police Foundations, Public and Private Investigations).

The Ministry of Public Safety and Security is considering establishing mandatory training standards for a basic licence. Individuals/industry would be responsible for costs associated with ensuring that all security personnel comply with these training requirements.

Questions:

1. What would constitute the key elements of a basic training program?

- (e.g., use of force, knowledge of relevant legislation, first aid etc.)

2. What is the most effective means of addressing training related issues?

- How should previous training, experience and existing programs be recognized?
 - Should a phase-in period be provided? If yes, how long?
 - Who will be responsible for providing the training?
 - Should training be updated on a continuous basis?
-

II New Licensing Requirements

a. *Mandatory Licensing*

There are approximately 20,000 individuals (e.g., Corps of Commissionaires, in-house security guards) employed as security guards and/or private investigators in Ontario, currently exempt from the licensing requirements of the *Private Investigators and Security Guards Act (PISGA)*.

The ministry is considering licensing all security guards and private investigators, including in-house employees. The introduction of new licensing requirements would protect public safety and security and ensure that all individuals employed as security guards or private investigators have the necessary skills and qualifications to adequately fulfill the requirements of their job. New licensing requirements would also increase public confidence in the industry, support career development, help to overcome recruitment and retention issues and ensure that all private security providers are held to the same licensing requirements.

The United Kingdom's *Private Security Industry Act* (2001) set up the Security Industry Authority (SIA) to set standards and skills within the private security industry.

"The benefits of licensing will be:

1. For the public – Increased trust and confidence in the private security industry by setting and maintaining standards of probity and improving the professionalism of all who work in the industry.
2. For the industry – By creating a framework for developing and promoting and spreading best practice the SIA will encourage businesses in the industry to improve their standards."

Security Industry Authority, "Regional Seminar Narrative" p. 2

Question:

1. What is the most effective means of addressing licensing issues:

- Should a phase-in period be provided? If yes, how long?
- Should grandfathering be permitted?
- How will mandatory licensing be applied to current employees?

b. Portable Individual Licences

Currently, an applicant must be sponsored by an employer in order to receive a licence. Once licensed, security personnel cannot take their licence from company to company or be employed by more than one company simultaneously. Each time a security guard or private investigator changes jobs he/she must be re-licensed.

The Ministry of Public Safety and Security recognizes that the time required to process a new licence creates significant delays for companies, who are often asked to provide security services on short notice. The existing legislation requires companies to wait for a licence to be processed before a new employee may begin work. The ministry also recognizes that the timely issuance of a licence can significantly impact a company's ability to carry on business in a competitive market.

The Ministry of Public Safety and Security is proposing that individual security guards and private investigators be able to obtain a licence prior to employment and retain their licence when changing employers.

Question:

1. How would you propose the industry address portable licensing issues?

- How will portability be applied to existing license holders?
 - Should a phase-in period be provided? If yes, how long?
-

c. *Comprehensive Background Checks*

Barring a decision by the Ontario Registrar that it is against the public interest to issue a licence, anyone can become a security guard or private investigator. The current screening process for security guard and private investigator applicants consists of a Canadian Police Information Centre (CPIC) check. The CPIC check is limited to federal convictions, outstanding criminal charges and warrants, and as such, fails to identify provincial convictions and convictions for which pardons have been granted.

Following the CPIC check, applicants are considered to possess a "clean" record if it has been:

- 5 years since completion of a sentence for an indictable offence
- 3 years since completion of sentence for a summary serious offence
- 3 years since a finding of guilt, followed by a conditional discharge for a summary or indictable offence, or
- 1 year since finding of guilt, followed by an absolute discharge for a summary or indictable offence.

Under the *Act*, applicants with a criminal record are entitled to a hearing to assess whether it is in the public interest to issue them licences. In 2001, 1200 applications were not processed due to criminal records, findings of guilt, unpaid fines, etc. Of these, approximately 600 applicants requested a hearing, following which roughly half (300) were granted a licence.

Given the types of work performed by security guards and private investigators, it is critical that more comprehensive background checks be carried out prior to licensing. Enhanced

"If an applicant fails the check then a licence will not be issued and they cannot work legally in that sector. The checks will be rigorous, reasonable, consistent and fair with due regard to rehabilitation. ... "The benefits of licensing will be:

We will look at criminality in the light of established and defensible evidence: convictions, cautions, warnings etc. We will also look at how relevant the criminal record is to the type of industry licence sought, together with how serious the offence was and how recently it was committed.

"(1) All applicants need to be free from criminal offence for two years..."

Security Industry Authority, "Regional Seminar Narrative" p. 4

screening would improve the standards of the private security industry and ensure that individuals engaged in the protection of people and property promote public safety and security.

The Ontario *Gaming Control Act* (1992) requires prospective employees to provide photographs, fingerprints, employment, bankruptcy and residence histories, previous or outstanding charges, convictions or findings of guilt, civil proceedings, and previous registration applications. Managers or supervisors of security and surveillance employees must provide the above information as well as detailed financial data.

The Ministry of Public Safety and Security is proposing that applicants for private investigator and security guard licences be required to undergo more comprehensive background checks.

Questions:

- 1. What additional security checks would ensure that individuals engaged in the protection of people and property promote public safety and security?**
 - (e.g., local police checks, fingerprints, employment and residency histories)
- 2. Should certain classes of offences result in an automatic refusal of a license? If yes, which types of offences?**

d. Licensing Classification System

The ministry recognizes that the current “one size fits all” licensing system does not reflect the diversity of duties fulfilled by security guards and private investigators. For example, the same security guard licence is granted to an applicant who will be employed to guard vacant private property, as an applicant who will be responsible for providing security services to a shopping centre. It is evident that a licensing system that recognizes the diversity of job responsibilities within the private security industry would be useful.

Florida currently uses a licensing classification system that provides several licensing options to individual security and private investigator applicants, agencies and schools. Licences are granted based on the training and qualifications required to perform the specific duties associated with each position. For example, individual security guards may be granted a class “D” licence, which allows them to work as a security officer, or an “M” or “MB” licence in order to operate as the manager of an agency.

The Ministry of Public Safety and Security is proposing the introduction of a licensing classification system for security guards and private investigators. This would allow individuals to apply for different classes of licences.

Questions:

1. How would you suggest that licences be classified?

- (e.g., tasks performed, training required, equipment, established competencies)

2. How should a licensing classification system be developed and implemented?

How should previous training and experience be recognized?

How would a licensing classification system be applied to current employees?

Should a phase-in period be provided? If yes, how long?

3. Should different security checks be performed based on license classification?

- (e.g., more extensive checks for those in high security areas)
-

III Standards for Uniforms, Vehicles and Equipment

a. Standards for Identifying Marks or Insignia on Uniforms & Vehicles

Although the *Private Investigators and Security Guards Act (PISGA)* in Ontario provides some guidelines for uniforms and vehicles, in many instances private security guards wear uniforms, drive vehicles and use insignia very similar to those of the police.

The ministry recognizes that uniforms and vehicles play an important role in company identification. In order to ensure, however, that the public can easily distinguish between private security personnel and police officers, the Ministry of Public Safety and Security is proposing the introduction of additional identifying marks or insignia on uniforms and vehicles. The ministry is not looking at introducing standards that would require changes to the style or colour of uniforms or vehicles.

"The blurring of the relationship between public police and private security in many urban areas is further amplified because some private security agencies look and act like public police. In some cities, private security guards wear uniforms and drive cars that, on first glance, are almost identical to those of the public police.

The similarity between the uniforms of public police officers and private security officers often leads to confusion on the part of citizens. Often, individuals react to a uniform and fail to appreciate that the private security officer does not have the same level of authority as a public police officer."

Law Commission of Canada "In Search of Security: the Roles of Public Police and Private Agencies" (April 2002) p. 14-15

Questions:

- 1. What types of identifying marks or other insignia should be introduced to more appropriately differentiate private security from police?**
 - (e.g., additional 1 inch patch that prominently displays the words "Security Guard")
 - 2. Would the industry require a phase-in period in order to comply with new standards? If yes, how long?**
-

b. Standards for Equipment

The Ontario General Guidelines, established by the Registrar of the Private Investigators and Security Guards (PISG) Branch, state that a security guard or dual agency is prohibited from equipping their employees with firearms or batons and cannot provide guard dog services, unless the agency successfully requests the removal of these conditions. To do so, the agencies must meet specific requirements (e.g., requirements of *Firearms Act*) and provide information, such as the names of employees who intend to use the equipment as well as a copy of the training manual.

Although the Registrar may attach terms and conditions to individual licences, there are no specific provisions for the ministry to mandate what type of equipment can or should be used by licensed security guards and private investigators.

The ministry recognizes that it is very onerous and time consuming for companies to keep coming back to the PISG Branch for approval for guard dogs, batons etc. As a means of ensuring the safe and appropriate use of equipment and streamlining the current approval process, the Ministry of Public Safety and Security is proposing the introduction of new standards for the use of equipment by private security personnel.

Question:

1. What should new standards for equipment include?

- Should the acquisition of specific types of equipment be tied to license classification?
-

Summary

It is clear that the current regulatory framework does not adequately reflect the reality of the private security industry in Ontario. Moreover, the events of September 11, 2001 have drawn increased attention to issues surrounding private security and re-emphasized the need for change.

In order to enhance public safety and increase the efficiency and effectiveness of the private security industry, the Ministry of Public Safety and Security is undertaking consultations on potential changes to licensing, training and the standards for uniforms, vehicles and equipment.

Adopting new standards will re-emphasize the important role played by the private security industry in safeguarding life, property and enhancing public safety in Ontario. It will also enhance the professional status of the private security industry. Professionalization will serve to better prepare the private security industry in responding to Ontarians' concerns and changing expectations for security.

In order to assist the Ministry in adequately adapting the legislation to the evolving needs of the private security industry, we encourage all stakeholders to get involved in the discussion and share your expertise. This consultation will provide an excellent opportunity for you to play an important role in the ongoing professionalization of your industry.

We would appreciate receiving your written comments by September 15, 2003. Please forward them by mail or fax to:

PISGA Discussion Paper
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Thank you. Your participation is greatly appreciated.

Ce document est aussi disponible en français.