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## ***The Blurring of Public Police and Private Agencies***

***By***

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### ***Canadian Policing Models***

In Canada, there are essentially three policing models in place in the context that not only public police perform 'policing' functions. They are: a) public police, b) para-police, and c) private security. In many cases, all three models perform overlapping duties.

#### ***Public Police***

The public police are made up of the traditional federal, provincial, regional and municipal police officers who are duly sworn, trained, regulated and accountable for enforcing the laws of the land. Although law enforcement officers, they are also mandated to prevent crime, provide victim assistance and be interactive with the community as delineated in provincial legislation such as the Police Services Act of Ontario. Public police are supported through public funding and all citizens expect and should receive an adequate standard of service. Municipalities are mandated by law to provide public policing services.

However, both corporations and citizens who require or desire an enhanced level of policing above the norm can purchase public policing services. In these cases, short term paid duty officers can be hired for special events such as high school dances, 'Boxing Day' store sales, or major sporting events. In other cases, full police services are contracted for the long term, such as at Canada's international airports where federal airport security regulations require a rapid armed peace officer response to screening point alarms. As a result, full-time police divisions and resources at airports are staffed by the local police but fully funded by the local airport authority. In both short term and long term police contracting, public police officers may be co-mingled with private security where the client requires or decides to have a combination of both models

present. An example of this can be seen at one of Canada's largest shopping malls located in Mississauga, Ontario. On certain days of the week, a paid duty police officer can be seen patrolling the mall teamed up with a security officer. On the other hand, a client may simply decide to hire private security officers at a lower cost, especially in the case of short-term special events.

### ***Para-Police***

There are a number of environments in Canada that employ para-police – officers who are not fully accredited public police officers but who have higher levels of authority than private security officers. Generally, they are security officers who are sworn-in as special constables, provincial offences act officers or by-law enforcement officers. There para-police officers can be found at many major university campuses, on transit authority property, in government housing complexes, at permanent expositions, at airports, in national and provincial parks and in government institutions. The additional statutory authority allows para-police, such as special constables, to arrest persons on reasonable and probable grounds under the Criminal Code of Canada, enforce certain provincial statutes such as liquor laws, and transport arrested persons to the local police station. Their powers and mandate are usually defined in an agreement with the local police services board or commission, as prescribed by provincial legislation.

Para-police, with a few exceptions, are usually not armed but often are equipped with handcuffs, batons, sometimes carry pepper spray and often wear soft body armour. In Ontario, special constables are employed by their respective corporate organizations but are also accountable through agreements with local police services boards and through the Police Services Act of Ontario. The act states that special constables are not police officers but can possess full police powers within their area of employment. This sometimes results in organizations presenting their special constables as 'police' and their security departments as 'police departments', which may be confusing to the public. Special constables receive a variety of training, subject to their agreement with the local police, and quite often are graduates of a community college law and security or police foundations program. They are not subject, in Ontario, to the police public complaints system, or the mandate of the Special Investigations Unit.

Essentially, it is a corporation (subject to local police and provincial government approval) that determines if it wants a para-police model in place rather than private security. For example, some universities have had this model in place for many years, while other institutions repel at the thought of a 'police-like' security presence on their campus.

### ***Private Security***

Private security officers may be hired directly by an organization or contracted from a security company. Hiring criteria, background screening and training varies from organization to organization. In Ontario, contracted security officers must be licensed by the province, which involves demonstrating that the applicant is clear of any recent criminal convictions. In-house security officers are not regulated or licensed and their employers are free to create their own standards. Private security officers or guards may be employed to perform relatively simple duties such as guarding construction sites. On the other hand, they may be deployed as first responders to perform a myriad of more complex personal safety functions including conflict resolution, disturbances, domestic

disputes, assaults, shoplifters, dealing with intoxicated persons, alarm response, traffic accidents, providing medical assistance, dealing with mentally disturbed individuals and responding to fire calls. Their working environments include large shopping malls, housing projects, amusement parks, hospitals, universities and college campuses (that don't have para-police), and within large corporate complexes.

Both contract and in-house security officers may be equipped with handcuffs, batons, and soft body armour. Contract security companies must be licensed to have employees carry batons in Ontario, while in-house security officers can be so equipped at the discretion of their employer. In Ontario, private security officers often may be enrolled in or are graduates of a community college Law and Security program. Some professional private security companies are quite selective in assigning security officers to functions where they are inter-active with the public, such as at shopping malls, compared to assignments that are mainly geared to property security or access control. In some cases, security 'guards' may be hired for these tasks with minimal education, given little training and may have difficulty communicating in either official language.

## Discussion

### ***Justice***

The Charter of Rights and Freedoms guarantees that the constitutional rights of citizens be respected. This is clear for those who act under statutory authority as agents of the state such as public police officers and para-police (special constables). It is less clear in the case of security officers who provide policing functions on private properties that are open and accessible to the public, i.e. shopping malls, train stations, university campuses, hospitals, amusement parks, etc. When intervening, detaining, and arresting persons, there may be a point when a security officer is really acting more as an agent of the state than on behalf of the owner of the private property that is open to the public. While the Charter may not apply to security officers in the same way as it does for the police, It can be argued that intervening and detaining persons for assaults or causing disturbances is more in the interests of the members of the public who are victimized by these incidents, than in the interests of the corporate property owner. If this is true, than these security 'officers', who are protecting persons as well as property, need to be held to higher standards than security 'guards' who may be assigned to protect property and equipment at construction sites, greet visitors at corporate information counters, or patrol deserted industrial complexes.

Other types of security officers also become part of the judicial process by virtue of their duties. In some policing jurisdictions in Ontario, department store Loss Prevention Officers (LPO's) are empowered to release shoplifters after conferring with the local police via telephone. Essentially, these LPO's are responsible for arrest, search, detention, statement taking, continuity of evidence, release of the accused person and court preparation and presentation. All these functions are performed without requiring the presence of the police in routine shoplifting cases. Surely, these LPO's must have a higher level of skills and training than a security guard entrusted with the safekeeping of inanimate property.

Higher standards need to be established for security officers whose mandate includes providing protective services to the public, intervening with persons in conflict with the law, and detaining and processing arrested persons.

## **Equality**

If Canadians should expect to receive comparable and consistent safety and security services, especially when in 'mass private spaces' such as shopping centres, amusement parks, university and college campuses, and hospitals, then industry standards and regulations are required to ensure equitable services. These standards should apply not only to the security officers who work in these environments, but also to the service providers, that is the owners of the property that is open to the public in relation to the security or policing model that they choose to provide.

For example, two major universities in Ontario have vastly different policing and security models in place. One university refers to its special constable organization as a 'police service', requires candidates to undergo tests and screening similar to that of a public police service such as medical, physical and psychological testing, and prominently displays the word "Police" on its uniforms and vehicles. The other university does not want its security members to look or act like "Police", resists any extensive pre-placement testing, does not conduct criminal record checks for students working part-time in security functions, does not provide its full-time security officers with protective tools, and has a disengagement policy if persons in conflict display potentially assaultive behaviour. This university has debated and discussed various types of security models for many years but has never been able to reach a consensus on the most appropriate model for its campus. Even the university that presents its officers as "Police" only equips the officers with handcuffs and has resisted providing them with expandable batons pursuant to the *Use of Force Response Options Model*, despite both management and union recommendations to the contrary.

Both of the above-described universities are essentially small cities with all the inherent components such as buildings, roadways, parks, shopping areas, residences, daycare facilities, licensed bars and restaurants, and recreational and sporting complexes. These publicly funded properties are open to students, faculty, staff, residents, private businesses, patrons, visitors and passers-by. The community has an expectation that each university has a security presence to not only safeguard property, but also to ably respond and intervene if necessary if their personal safety is in jeopardy. In my view, the reality of the security models in place is inconsistent with public expectation and perception at both these universities. For example, the university that promotes its department as "Police" does not equip its officers to intervene in situations when a subject's behaviour is actively resistant or assaultive, if the *Use of Force Response Options Model* is to be applied as an industry standard. The public may expect that these "Police" officers are capable of responding in the same manner as public police.

The other university has a disengagement policy for its security officers at the first sign of resistant behaviour, and provides a level of intervention that is less than what exists in most shopping malls. By having this disengagement policy in place, the employer is not required to provide protective tools to its security officers pursuant to the Occupational Health and Safety Act, such as handcuffs or expandable batons, much to the approval of those who are opposed to a 'police-like' presence. The policy itself is impractical as experienced public safety officers know that situations involving persons in conflict are unpredictable, can escalate without notice, and that disengagement is not always an available option. Aside from debating the merits of this policy, a member of the campus community or the public who is the victim of a serious assault would be sadly

disappointed to find that the responding security officers could not physically intervene on their behalf prior to the arrival of police, who may not be immediately available.

The policing and security departments of these two universities essentially perform the same functions – patrol the campus, respond to calls for service, investigate minor crime and security incidents, and operate a number of crime prevention programs. In each case, their role is to provide a safe and secure environment for their respective communities. Yet their hiring criteria, training, statutory authority, use of force response option models, and organizational cultures are very different. Notwithstanding, the public attending either campus probably has the same level of expectation of being protected if their safety is at risk. Or, they may even have a higher expectation when on the campus whose officers display the word “Police”, not knowing that these officers do not have the same training, equipment or intervention capability of public police officers.

Both universities have about the same crime rate, both departments are essentially first responders to most campus incidents, and both rely on the public police for the more serious incidents, as they should. Both universities have a community-based service philosophy, emphasize crime prevention, encourage informal resolutions to disputes and view formal enforcement as a last resort. Typical of Canadian universities, the crime rates are relatively low, yet serious offences such as sex assaults, assaults causing bodily harm, robberies, dangerous driving and high-value break and enters do occur. Interestingly, both these universities do provide their security staff with soft body armour.

The reference to these two universities underscores two points: a) public expectation or perception is very likely inconsistent with the actual services provided, and, until recently b) there were limited standards or regulations in place to guide the property owners, in this case the universities, in terms of selection, screening, training, equipment, intervention capability, statutory authority and levels of service provided. Industry standards and best practices are often in conflict with political, rhetorical and philosophical opposition to the perceived role of security, often postulated by those who have little knowledge of the public safety industry. Universities may acquiesce to this political pressure from their constituents, thus disregarding best practices or recommendations from professional practitioners.

In the spring of 2003, the Ontario Ministry of Public Safety and Security released new guidelines for special constable organizations in the form of a booklet entitled *Special Constables – A Practitioner’s Handbook*. A compendium of best practices, the handbook serves as a guide and reference manual for both police and non-police employers of special constables. Many special constable organizations had independently developed best practices and set standards to varying degrees. Now, all these organizations that employ special constables – universities, provincial parks, transit, community housing, government security and court security, will have formalized industry standards to guide them.

What about other security organizations? Without formalized standards and regulations, policing and security models in large private areas open to the public are established solely at the discretion of the property owner. With a multitude of models in place, the public is not likely to be treated in a consistent and equitable manner from campus to campus, mall to mall, or hospital to hospital until standards are introduced for both in-house and contract security.

## ***Accountability***

As security officers' roles have shifted in many environments over the years more towards providing public safety services, compared to the 'night watchman' style of property protection that was once prevalent, their interaction with the public has proportionately increased. Often perceived or actually acting as social control agents in quasi-public places, rather than mere guardians of property, their role has evolved to one of 'policing and security'. With the 'policing' role, comes an expected higher level of standards and accountability. Many industries, ranging from funeral undertakers to healthcare practitioners, are self-regulating and have disciplinary bodies and processes in place to deal with complaints. The security industry, with some governmental oversight and community input, is capable of establishing such a body, procedures and processes to set standards and deal with industry complaints.

However, it may be 'putting the cart before the horse', to set up a formal process to deal with individual complaints of conduct or service delivery within a broad industry that does not have consistent standards relating to hiring, screening, training, equipment and uniforms, use of force response options, statutory authority and service delivery. Setting professional standards within the industry, in conjunction with key stakeholders, is the first step that must be undertaken if true accountability is to be realized.

While government involvement or 'state intervention' in setting standards and accountability policies may be unappealing for some, the reality is that industry-wide voluntary compliance is unlikely in the absence of statutory regulations and guidelines.

## ***Efficiency***

Security officers carrying out 'policing' functions should not be meant to replace public police officers, but rather to augment or support that role at the first response level for matters that are within their capability and training. Professionalization of the security industry, in a global context, need not result in cost prohibitive security services that are comparable to the costs of hiring paid duty police officers. While it may be ideal to have "policing colleges" that encompass all functions involved in policing, it may be impractical. The security industry will likely continue to see a high turnover rate, and to some degree, will always be a 'stepping-stone industry' for those whose ultimate goal is to become a police officer. Security companies and organizations with in-house security would not be able to support the high costs of sending incumbents to "policing colleges", only to see them leave for other higher paying jobs.

It would be a simpler matter to formalize many learning practices and opportunities that already exist. Putting the onus on those aspiring to be security officers to complete a law and security program, developing partnerships with community colleges for ongoing training initiatives, and utilizing resources such as distant or e-learning capabilities would all contribute to the professionalization of the security industry in a cost-efficient manner. The Ontario Association of College and University Administrators (OACUSA) recently revised a voluntary training program for campus officers in partnership with Centennial College in Toronto. The program provides two-tier training for campus para-police, in-house security, and contract security. This type of training, along with other excellent training provided by some professional security companies, can easily be adapted for other sectors of the security industry.

## Recommendations

The goal of the professionalization of the security industry is both admirable and formidable. The focus of the comments made in this article relate mainly to security personnel and functions provided within a public environment. Taking into account the principles of *Justice, Equality, Accountability* and *Efficiency* in relation to the industry, the following recommendations are made:

### **1.0 Officer Classification**

Recognizing that public safety and security functions are performed at various levels and with varying degrees of required sophistication, establish the following three classification levels or tiers for Security Officers and Para-Police Officers – *Security Guard, Community Protection Officer, and Community Peace Officer.*

#### **1.1 Security Guard**

The traditional “Security Guard” designation would remain in effect for security guards assigned to duties such as building access and control, property protection, CCTV monitoring and who generally operate in areas that are not unconditionally open or accessible to the public. These security guards would essentially operate as ‘eyes and ears’, and not be expected to intervene in serious conflicts or disputes and would not be expected to apprehend offenders.

#### **1.2 Community Protection Officer**

This category or title would apply to security officers who provide proactive and inter-active services to the public including community patrol, conflict and dispute resolution, criminal incident response, arrest and detention, medical assistance such as cardiopulmonary resuscitation and defibrillation, and traffic direction. These officers could also be sworn as Provincial Offences Officers or have by-law enforcement responsibilities, but would not be special constables. The word “Community” could be optionally substituted with other terms to reflect the industry or community where the security officers serve, i.e. Campus Protection Officer, Healthcare Protection Officer, Housing Protection Officer, Airport Protection Officer, etc.

#### **1.3 Community Peace Officer**

This category applies to special constables or para-police, with a few exceptions such as The Niagara Parks Commission, whose officers are fully trained and equipped to the same standard as public police. Para-police can be confused with public police. In some cases, this can occur by design rather than coincidence. Some senior management and front-line staff of para-police organizations will say that they garner more respect and compliance by displaying the word “Police”. While this may be an advantage in certain situations, it can also be misleading to the public, especially visitors, who might expect that the officers can respond as fully trained and equipped public police officers. It can also be a health and safety issue for para-police officers if confronted by an armed criminal who perceives that the para-police are fully armed police officers. In order to differentiate para-police from both public police and security officers, it is recommended that sworn special constables be given the

title 'Community Peace Officer'. As with *Community Protection Officers*, the word "Community" could be optionally substituted to reflect the specific community or working environment, such as University Peace Officer, Transit Peace Officer, Government Services Peace Officer, Housing Peace Officer, Airport Peace Officer, etc.

## **2.0 Professional Standards**

Statutory guidelines should be developed, through a consultation process with stakeholders, identifying industry standards and best practices that require compliance. These standards would recognize the two security officer levels described above, and would apply to both in-house security and contract security where services are provided in large quasi-public spaces. The standards would result in consistency of service delivery and would ensure that organizations meet standards in providing one of three levels of safety and security services, or a combination of the three levels with standards being met for each level. Each organization would still be able to customize service and set policies once the standards have been met. For example, Transit Peace Officers may be more enforcement oriented for certain incidents, whereas Healthcare Protection Officers may work under policies that encourage informal resolution and enforcement is only used as a last resort.

### **2.1 Selection**

Minimum selection criteria would be established for each of the three levels including core competencies, educational background, criminal background screening, medical and physical testing based on job functions, psychological assessment and community representation.

### **2.2 Training**

Minimum training requirements would be established for each of the three levels. Training standards would include pre-hiring requisites, recruit orientation, on-the-job field training and recurring in-service training.

### **2.3 Equipment and Uniforms**

Each level would have uniforms that are distinctive enough to reflect the level of the officer. Equipment would be consistent with duties performed at each level. For example, right now there is a wide variation of protective equipment among both special constables and security officers performing similar functions in similar environments. The issuance of this equipment would be also subject to the agreement with the local police services board, in the case of special constables, and the intervention requirements and expectations of the employer based on an approved industry-standard *Use of Force Response Options Model*.

It should also be noted that protective tools can have a different purpose for security officers or special constables compared to public police officers. For example, an expandable baton for a security officer provides an opportunity to create distance from a dangerous subject and allow disengagement pending the arrival of police. The police, on the other hand, have a statutory obligation to apprehend dangerous offenders and to take them into custody. The baton may be used by the police to facilitate that process when dealing with a violent criminal, which is

somewhat different from its purpose for a security officer. These variable factors should be and could be addressed on an industry-wide basis.

### **3.0 Accountability**

Once an organization or person has the authority to exercise control over the free movement of an individual or individuals in public or quasi-public areas, then accountability policies must be established to ensure that the rights of all persons are respected according to law. In this same vein, persons employed in these capacities must be afforded protection from vexatious, frivolous and unfounded allegations. As private security services have evolved into the realm of the provision of lower-tier public safety and security services, so too has the need for an accountability component emerged.

### **4.0 Partnerships**

Formalizing industry standards will succeed through stakeholder consultation. The spectrum of stakeholders in the security industry is vast – private corporations, the public, community organizations, government, educational institutions, the police, the courts, and the men and women who diligently provide safety and security services in both the public and private sectors. By forming partnerships and strategic alliances with stakeholders, and developing an appropriate and expedient consultation process, progress in creating standards can be realized.

As mentioned, in Ontario guidelines are now in place for special constables organizations. In addition, the Ministry of Community Safety and Correctional Services has recently initiated a stakeholder consultation process with the release of a discussion paper focused on a review of the *Private investigators and Security Guards Act*. Similar initiatives are underway in British Columbia and Quebec. These are positive signs that there is an impetus to move from discussion to action.

## **Conclusion**

Private policing and security is somewhat blended with public policing in this new millennium, and may to a degree be “blurred” from the perspective of the average Canadian citizen. The public police cannot be expected, based on taxpayer dollars, to provide the enhanced safety and security presence that some environments demand.

Accepting that security professionals, while not meant to replace public police, do have a role to play in the safety and security of the community in privately-owned public places is a first step. Formalizing industry standards and invoking best practices for security practitioners will result in professional standards and an enhancement of the safety and security services our citizens receive in public areas. It will also result in the recognition that professionalism exists in both the public and private provision of these services.

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