



Report and Recommendations



It was an honour to chair the review of the *Private Investigators and Security Guards Act*. Over the last year and a half, Albertans and Canadians had the opportunity to contribute ideas to build a framework to govern the security industry. During this time, I also had a chance to examine legislation, policies and practices of jurisdictions outside of Alberta and Canada.

The *Private Investigators and Security Guards Act* is over 40 years old. The recommendations contained in this report will assist in modernizing the legislation to ensure it accurately reflects the security industry of today.

Government only regulates a small portion of the security industry. Currently, there are approximately 5,900 licensed security guards, 120 licensed security guard companies, over 700 licensed private investigators and 200 agencies operating in Alberta. In addition, 1,140 locksmiths and 1,360 individuals who require vehicle lock out tools are licensed. There are many areas of the security industry that are not licensed, but have a significant role in the safety and security of Albertans. As the industry continues to grow and change, we must ensure the legislation that governs it keeps pace.

The review examined all aspects of the security industry from ensuring stakeholders assist in developing the training and how it is delivered to licensing criteria and accountability. In listening to stakeholders and reviewing the submissions received it was clear that in some areas there was full agreement on how to proceed; in others, the views differed substantially. I would like to assure all stakeholders that in developing the recommendations, I listened intently to all views and concerns and weighed them carefully with research and the role government should have in the safety and security of Albertans.

Throughout the review it became apparent that overall stakeholders agreed that changes to the legislation were needed to strengthen the industry, improve accountability, enhance professionalism and create consistent provincial standards. It is through these standards that Albertans can be assured that individuals who work in the industry deserve the trust placed upon them.

I would like to extend my sincere appreciation to the individuals, associations, businesses and organizations including security guard companies, private investigators, loss prevention personnel, the locksmith industry, alarm companies and police services who took the time to provide their input. Your commitment to strengthening this industry will enhance the safety and security of our communities.

Len Webber MLA, Calgary-Foothills Chair, *Private Investigators and Security Guards Act* Review



Letter to all Albertans

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The security industry has grown in size and scope over the last 40 years as individuals and companies are taking greater steps to protect themselves and their property.

The industry's growth combined with the fact that security companies are placed in a position of trust to protect the public, private information and property has resulted in the need to revise current legislation. One of the goals of licensing is to create safeguards for the public when they access security services. Another goal is to provide some protection to the public from less scrupulous companies and individuals by deterring those whose backgrounds make them unsuitable for the security industry. Overall, many stakeholders support increased standards to strengthen the industry while enhancing public safety and security.

In determining who should be licensed, the majority of respondents indicated that individuals should be licensed if they significantly impact public security and safety while performing their duties. For example, security guards should be licensed as they may arrest and detain someone who may be trespassing or performing a criminal act as per the *Criminal Code of Canada* or the *Trespass to Premises Act*. However, if an area is already regulated, subject to stringent standards and there is no additional value that could be added through licensing, then consideration should be given for an exemption. For example, insurance adjustment agencies and lawyers would continue to be excluded as they are already subject to regulations that govern their work. (Additional areas exempted are noted in Appendix A).

A strong theme raised by stakeholders was the need to develop provincewide training standards. It is recommended that Alberta Solicitor General and Public Security build on the information in this report and work with stakeholders to establish training and recertification standards. Other jurisdictions in Canada and internationally have already moved in this direction. Part of the development would also include identifying the best methods to deliver the training including:

- Train the trainer to enable employers to train their staff,
- Distance learning,
- Online and computer based training,
- Classroom, and
- Self-study.

This will result in training being provided in an efficient and effective manner that is responsive to industry needs.

Introduction

All areas of concern identified by stakeholders were considered in developing the recommendations. In addition to training, many stakeholders requested that criteria be developed for screening, qualifications, portability, renewals, use of equipment, uniforms, vehicle markings, accountability and increased communication with Alberta Solicitor General and Public Security. Where there were competing views or areas where some stakeholders advocated for a change, all perspectives were considered in conjunction with research. For example, some stakeholders requested that self-regulation be considered, however the majority did not support moving in that direction. So, although this was seriously considered, it was not recommended.



A. SECURITY GUARD SERVICES

Recommendations¹

Current Situation

The role of security guards vary depending on their employment. Security guards wear a uniform and often work at shopping centres, banks, sporting venues, businesses, hospitals, post-secondary institutions and museums.

Under the current act, contract security guards must be licensed with the exception of the Canadian Corps of Commissionaires². These contract security guards are employed by a private security company and generally provide services to protect people or property.

On the contrary, in-house security guards are not licensed in Alberta. An in-house security guard is an employee who provides security for their employer's property and who is paid directly by that employer. They perform the same functions as a contract security guard but are not employed by a private security company.

Recommendation 1.1

Overall, stakeholders supported licensing security guards regardless if they are contract, in-house or with the Canadian Corps of Commissionaires.

Based on stakeholder feedback and consistent with other jurisdictions across Canada who are exploring or pursuing licensing of in-house security guards, it is recommended that companies and security guards be licensed. This would ensure that companies as well as the security guards they employ are accountable to Alberta Solicitor General and Public Security for meeting licensing requirements and are acting within the parameters of the new legislation.

Recommendation 1.2

To safeguard the civil liberties and rights of members of the public who may interact with licensed security guards, the licensing requirements would also include additional screening (see Appendix B for licensing criteria).

Recommendation 1.3

Training is important for security guards to understand their role and responsibilities especially when they interact with the public. Security guards who have the responsibility to arrest and detain individuals who may be trespassing or seen committing a criminal offense, carry handcuffs, batons or require the use of a guard dog would be provided with training prior to being issued a licence. For example, these security guards may provide a uniformed presence in a shopping mall, post-secondary institution or hospital.

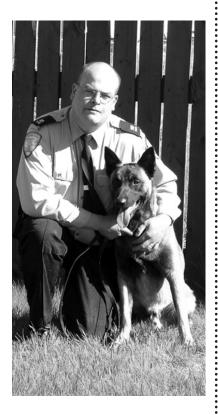


- 1 Transitional provisions will be developed to further support the industry in meeting the new standards.
- 2 The Canadian Corps of Commissionaires was historically excluded from licensing requirements because of their not for profit status and mandate to assist veterans in finding meaningful employment. Several years ago the organization voluntarily agreed to licence security guards who did not fall within their original mandate.

Training would assist security guards in understanding their authority, address safety concerns and ensure they have the necessary level of skill to perform their role.

Training would cover areas such as:

- Powers of arrest as per the Criminal Code of Canada,
- Conflict resolution skills,
- Use of force including handcuffs and batons (if authorized),
- Legal issues and responsibilities,
- Observation and incident reporting, and
- Giving testimony in court.



B. GUARD DOG SECURITY SERVICES

Current Situation

Guard dogs that provide intrusion security and tracking often provide additional enforcement to security guards in carrying out their duties.

Handlers and owners of guard dogs are not licensed through the *Private Investigators and Security Guards Act*. In some jurisdictions across Canada and the United States, this industry is heavily regulated in order to ensure the safety of the public.

Recommendation 1.4

It is recommended that companies that provide guard dogs to security guards for the purposes of intrusion security and tracking be licensed. Also, these dogs would only be used as additional enforcement by licensed security guards who are trained as handlers.

Recommendation 1.5

Prior to a licensed security guard being able to use a guard dog, it is recommended that a qualified person train the dog and the handler. This would include training to ensure the guard dog is used responsibly by the handler and kept in constant control.

Standards for training would be developed in consultation with stakeholders who have expertise in this area.

C. LOSS PREVENTION SERVICES

Current Situation

Loss prevention personnel are in plain clothes and prevent, detect, arrest and detain shoplifters. They investigate the loss of property through employee theft and sabotage in an industrial, commercial or retail business.

These individuals are often employees of the company whose property they are protecting i.e. shopping malls and grocery stores. These individuals are currently not licensed unless they are hired on a contract basis. In these situations they are usually licensed as private investigators. Across Canada and in other countries, loss prevention personnel are usually licensed as private investigators or security guards.

Recommendation 1.6

It is recommended that these individuals be licensed in a separate category to reflect their distinct and critical role in reducing criminal activity in retail and commercial businesses. Overall, stakeholders indicated that because these individuals have the authority to arrest and detain shoplifters they should be licensed.

Licensing will assist in addressing safety issues for loss prevention personnel. It will also provide some assurance to the public that their civil liberties will be protected while these individuals are performing their duties and responsibilities.

Recommendation 1.7

Since loss prevention personnel have a high degree of interaction with the public, consistent training standards are critical to ensure a clear understanding of legal and charter rights when arresting and detaining someone.

In a few larger cities in Alberta, training is provided through police services to increase coordination with loss prevention personnel. It is recommended that any additional training be well coordinated with these police services and their partners to ensure there is no duplication of training.

To ensure that personnel have the necessary skills, training would be provided prior to licensing and include areas such as:

- Powers of arrest through the Criminal Code of Canada,
- Proper use of equipment (e.g. handcuffs),
- Use of force including handcuffs,
- Legal issues and responsibilities,
- Conflict resolution skills,
- Evidence collection, and
- Giving testimony in court.

D. PRIVATE INVESTIGATORS

Current Situation

Contracted private investigators are licensed under the current legislation. However, the definition of their role is limited and does not accurately reflect the duties and responsibilities of today's private investigators.

Recommendation 1.8

Stakeholders requested that the definition be clarified to accurately reflect a private investigator's current role. This recommendation is consistent with other jurisdictions across Canada and would lead to the development of more consistent standards across the province.

A private investigator is defined as any person who, with or without remuneration, engages in the following:

- Obtains and provides information as to the conduct, personal character, identity, location, education, employment and assets of any person or business.
- Investigates accidents, property damage, crimes or offences involving any person or business, including the whereabouts of a missing person.
- Conducts investigations in an attempt to locate or recover lost or stolen property.
- Conducts surveillance activities.



E. LOCKSMITHS

Current Situation

Since the 1970s, Alberta Solicitor General and Public Security has licensed locksmiths through the *Criminal Code of Canada* to use 'automobile master keys'.

Currently, approximately 1,140 locksmiths are licensed in Alberta. However, the definition under the code is limited and does not accurately reflect the roles, responsibilities or tools used by a locksmith, nor does it outline the screening criteria needed to become a locksmith.

Recommendation 1.9

To enhance professionalism and quality of service provided by locksmiths as well as clarify the criteria, many stakeholders support provincial legislation.

It is recommended that locksmiths continue to be licensed and that provincial legislation clarify their roles and responsibilities. Specifically, this would include installing, maintaining and repairing mechanical and electronic locking devices including safes and vaults, cutting restricted keys and unlocking building doors and vehicles.

Retail key cutters who only duplicate common keys would not be licensed under the legislation.



F. VEHICLE (AUTOMOTIVE) LOCK BY-PASS TOOL SERVICE PROVIDERS

Current Situation

Since the early 1990s, through the *Criminal Code of Canada*, Alberta Solicitor General and Public Security has licensed those who sell, purchase or are in possession of automobile master keys which include vehicle (automotive) lock by-pass tools.

Currently, approximately 1,360 individuals who require vehicle lock out tools are licensed in Alberta. These tools are commonly used by tow truck drivers and automotive and auto body technicians to unlock vehicles. Through policy, it was clarified that these individuals are restricted to possession of only those tools necessary to operate switches or locks of motor vehicles and not all tools included in the 'automobile master keys' used only by locksmiths.

Recommendation 1.10

To increase the public's safety and provide for greater accountability, it is recommended that provincial legislation clearly define the criteria individuals must meet to sell, purchase or possess these tools. As the *Criminal Code* requires the sale of tools to be tracked, but not subsequent tracking beyond that point, additional requirements would be established based on best practices currently employed by some companies. Specifically, business owners would be required to track these tools so they don't fall into the wrong hands and lead to criminal activity.



G. BURGLAR AND INTRUSION ALARM RESPONSE SERVICES

Current Situation

The use of burglar and intrusion alarm systems in homes and businesses is a fast growing market as people look to increase the safety and security of their property and possessions.

Some municipalities have taken steps to address identified issues with alarm companies in their communities. Specifically, some municipalities have licensed alarm companies to assist in managing the financial costs of false alarms. Also, some require companies to comply with screening criteria to obtain a business licence such as a criminal record check. In addition, the *Fair Trading Act* also requires some criteria to be met for specific activities in this industry i.e. selling of alarm services.

Stakeholders expressed divergent views in terms of developing additional licensing criteria. While some felt that licensing may decrease the potential for alarm responders to exploit their position for criminal gain, others felt that customers can make their own determination in purchasing quality services from credible companies.

Recommendation 1.11

It is recommended that those who respond to alarms be licensed as they perform a similar role to security guards. Specifically, this would include companies and agents who respond to burglar or intrusion alarm systems used to detect a break and enter or theft in residential or commercial buildings.



Current Situation

The current legislation does not apply to police officers who may be volunteering as a security guard. Police officers have a very high level of authority whether they are on or off duty. As a result, it can be problematic for police officers who work as private investigators or security guards as they have more authority than these positions allow. If police officers volunteer or are paid as security guards or private investigators they may be placed in a position of conflict as their authority as police officers exceeds this role.

Recommendation 1.12

To ensure that police officers are not placed in a position of conflict where they need to use their authority when they are off duty, it is recommended that the legislation clarify that police officers in Alberta would not perform duties or volunteer as security guards, private investigators or any other role licensed under the act.¹



1 This recommendation is separate and distinct from those organizations and businesses that require paid police service duties. Those organizations that pay for additional police service duties will continue to be able to do so as these officers will be working in their role as police and not security quards.



The current requirements to obtain a private investigator or security guard licence include:

- Be at least 18 years of age and of good character,
- A criminal record check,
- · Provide fingerprints upon request, and
- A photo for an identification card.

Recommendation 2.1

The vast majority of respondents agree that more comprehensive and stringent licensing requirements are needed. Detailed screening criteria for the different areas in the security industry are listed in Appendix B.

In assessing the eligibility for a licence, it is recommended that criminal record checks be used objectively to determine whether or not a licence is granted. Standards to guide decision making processes would include areas such as the nature of the offense, penalty received and if the person has repeated criminal convictions.

Consistent with stakeholder feedback, it is further recommended that any criminal offense without a pardon, convictions for theft, fraud, drug related or violent offense would preclude an individual from obtaining a licence.

Recommendation 2.2

Although the majority of stakeholders agreed that companies should have adequate liability insurance, there was mixed responses in terms of replacing the \$5,000 surety bond that must be currently posted with Alberta Solicitor General and Public Security with increased liability insurance. However, as bonds have been minimally used in the past, it is recommended that they be replaced with a minimum \$1 million liability insurance.



Current Situation

Individuals are only licensed for the agency that employs them. They cannot take their licence from company to company or be employed by more than one firm at the same time under the same licence. In situations where an employee moves to another agency, they need to apply for another licence.

Recommendation 3.1

Consistent with stakeholder feedback, it is recommended that licensing support increased portability to allow the industry to meet growing demands. Specifically, this would allow a licensed employee to work for more than one employer or move to a new employer without having to reapply for a licence.

All licences are renewed annually based on a calendar year. The exceptions are locksmiths who are licensed every five years and those who use vehicle entry tools who renew every two years.

Recommendation 4.1

Stakeholders expressed a range of perspectives from licensing annually to every two to three years.

Although there are some agencies that have been in business for years, others end up closing their doors within the first year or two. To manage the instability in the industry at the agency level and strengthen accountability by ensuring that standards are being met, it is recommended that renewal for agencies and companies occur annually for a period of three years. For those companies that comply with licensing requirements throughout this time period, licensing would then be required every three years.

Employees of the licensed agency or company would be licensed every two years. The company would be required to ensure that their employees comply with the licensing requirements throughout this time period.

Recommendation 4.2

It is recommended that licenses be renewed throughout the year and based on the date of the initial application.

Recommendation 4.3

Consistent with stakeholder feedback, it is recommended that individuals be supported in being licensed in more than one sector of the security industry as long as there are no conflicts of interest or risks to the public. For example, loss prevention personnel would be able to be licensed to work in a different job as a security guard.





Sometimes security personnel are placed in situations that may require them to use certain types of equipment such as handcuffs or batons.

The current legislation does not allow licensed security guards to use batons. However, in-house security guards are able to use batons, but there are no provincial standards for the use of force training.

Recommendation 5.1

Consistent with the majority of respondents' feedback, it is recommended that Alberta Solicitor General and Public Security have the authority to prescribe specific types of equipment such as batons or handcuffs, the circumstances around when they are to be used and the level of training required.

It is also recommended that this equipment be provided only to licensed security personnel upon licensed agencies providing a strong rationale for why they need the equipment. Specifically, to receive approval to carry a baton an agency would be required to provide the following:

- A threat assessment outlining the need to carry a baton,
- The locations where security is provided (i.e. retail store),
- Confirmation of training,
- Evidence of notification to the local police service that authorized security guards will carry batons, and
- Names of all qualified employees who will carry batons.

Recommendation 5.2

Based on stakeholder feedback, it is recommended that training standards for the use of force and use of equipment be established by Alberta Solicitor General and Public Security. Stakeholders would also be consulted in developing the training standards. This would ensure that consistent provincial standards are in place and personnel are adequately trained. For those who require this type of equipment, training would be provided prior to licensing.

By strengthening and clarifying the types of devices and equipment security personnel may use as well as the training required, the public can be assured that these licensed personnel have the necessary skill to responsibly perform their duties.

The legislation provides guidelines for uniforms, but not vehicles. In many instances security guards wear uniforms, drive vehicles and use insignia very similar to those of police. This can create confusion for the public who may approach a security guard instead of a police officer.

Recommendation 6.1

The majority of respondents recommended that uniforms and vehicles would have markings that clearly distinguish security guards from police. Consistent with feedback and what is happening in other jurisdictions across Canada, it is recommended that the standards be clarified to assist the public in understanding the difference in roles and responsibilities between a police officer and a security guard. This would have no impact on security personnel who are in plain clothes and do not require marked vehicles to perform their jobs.

UNIFORM AND VEHICLE MARKINGS

Current Situation

Under the act, Alberta Solicitor General and Public Security can suspend, cancel or refuse to renew a licence. However, the legislation provides minimal authority to monitor agencies and personnel or address and reprimand unethical practices. This makes it difficult to ensure that standards are being complied with.

Recommendation 7.1

Stakeholders expressed that Alberta Solicitor General and Public Security should increase their ability to monitor compliance, as the effectiveness of the legislation is dependent on effective oversight. Based on this feedback and research from other jurisdictions across Canada, it is recommended that monitoring and auditing functions by Alberta Solicitor General and Public Security be strengthened for all licensed companies to ensure compliance.

Recommendation 7.2

The supervisor of security personnel would be required to review and take appropriate action in circumstances such as:

- Incidents involving misconduct,
- Injury to security personnel or any other person as a result of the security personnel's actions, and
- Any use of force including baton.



Recommendation 7.3

The standards of conduct would be strengthened to clarify that licensed agencies and security personnel may have their licence varied with terms of compliance, suspended or cancelled in the following circumstances:

- Provincial standards are contravened,
- Charges are pending that may bring the security personnel into disrepute,
- The security personnel is charged with a criminal offense, or
- The security personnel engaged in misconduct deserving of sanction.

In addition, provisions for sanctions would be expanded to clarify the authority to issue warnings, fines or request formal charges against the licensee who is not in compliance with the requirements.

Recommendation 7.4

To strengthen the integrity of the security industry and provide a consistent approach to handling misconduct, it is recommended that a more transparent public complaint process be developed. This would involve the licensed agency reviewing all complaints. The licensed agency would also be required to report all complaints made against security personnel to the Solicitor General and Public Security on a monthly basis. For those situations where the complainant is dissatisfied with the outcome, Alberta Solicitor General and Public Security would also review the complaint. This would ensure that appropriate action was taken by the licensed agency.

Recommendation 7.5

Agencies or individuals that have their licence cancelled for not complying with standards would still have access to the current process involving an appeal to the Law Enforcement Review Board (LERB).



Current Situation

Currently, communication with stakeholders occurs on an as needed basis.

Recommendation 8.1

The majority of stakeholders favor a communication process to support the development of industry-wide standards for recruitment, training, education and a code of conduct.

It is recommended that mechanisms such as meetings on either an ad hoc or annual basis with representatives from the various sectors and Alberta Solicitor General and Public Security be facilitated to share information on best practices and strategies to resolve issues that may develop.

APPENDIX A - AREAS EXEMPT FROM LICENSING

The sectors that are recommended for exemption are already regulated or subject to stringent industry standards, thus no added value is provided through additional licensing. Lawyers, insurance adjustment companies and insurance agencies, financial institutions that engage in activities involving the financial rating or standing of persons will continue to be exempt as per the current legislation. In addition, the following areas would be exempt from licensing:

- Armoured car industry as they are federally regulated,
- Volunteer security guards providing security at local community events who have not competed for a contract through a public tender.
- Corporate security practitioners/risk managers that provide a security service internally to a business and have no enforcement type of interaction with the public, and
- Door supervisors and security staff or bouncers who work in bars, liquor establishments or casinos as these businesses are licensed through Alberta Gaming and subject to its standards.



APPENDIX B - LICENSING CRITERIA

Sector	Business Applicant	Employee Applicant
Contract Security Services such as: Security Guard Services Guard Dog Security Services Private Investigators Locksmiths Automotive Lock By-pass Tool Service Providers Burglar and Intrusion Alarm Response Services	Before an agency, which involves an individual, partnership or body corporate, is eligible to receive a licence, the following minimum standards would be met: • Be a registered company in Alberta with an address in the province, • Be a Canadian citizen or a person lawfully admitted to Canada for permanent residence, • Criminal record check, and • Confirmation of \$1 million liability insurance. • Guard Dog Companies would be required to identify the types of duties or contracts where the guard dog would be utilized.	 Minimum 18 years of age, Must be fit or proper, dependable, reputable and of good character, Canadian citizen or a person lawfully admitted to Canada for permanent residence, Criminal record check, Be fluent in speaking and writing English, and If applicable to their responsibilities, would have a driver's licence and clean driving record.
In-House Security Service such as: Loss Prevention Services Security Guard Services	Before an agency, which involves an individual, partnership or body corporate, is eligible to receive a licence, the following minimum standards would be met: Be a registered company in Alberta with an address in the province, and Confirmation of insurance.	 Minimum 18 years of age, Must be fit or proper, dependable, reputable and of good character, Canadian citizen or a person lawfully admitted to Canada for permanent residence, Criminal record check, and Be fluent in speaking and writing English.

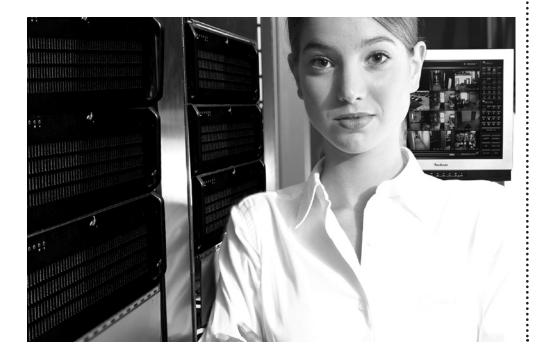
APPENDIX C - METHODOLOGY

In April 2005, Harvey Cenaiko, Solicitor General and Minister of Public Security appointed Len Webber, MLA, Calgary-Foothills as chair to review the *Private Investigators and Security Guards Act*.

The review process was structured to be as inclusive as possible and to provide Albertans with the opportunity to share their perspectives on how to develop legislation that results in higher quality security industry standards and is integrated into the overall strategy for public safety.

In June 2005, a Discussion Guide booklet and website were developed to provide Albertans with an opportunity to provide their input to the *Private Investigators and Security Guards Act* review. The Discussion Guide was intended to orient participants to the review process and to provide a framework for discussion.

Information gained through the consultation process and research across Canada and internationally assisted in developing a Consultation Paper which included proposed directions for the security industry. In April 2006, this report was forwarded to stakeholders, posted on the website and was used to obtain additional stakeholder feedback in developing recommendations for legislative changes. In total, 204 submissions were received and over 40 meetings held with organizations and individuals across the province and nationally, to obtain their thoughts and perspectives on areas that required consideration (See Table 1: Stakeholders Represented).



In October, 2006, Len Webber, MLA and chair of the review presented the Report and Recommendations to Honourable Minister Cenaiko, Solicitor General and Minister of Public Security for consideration in developing legislative changes.

TAE	BLE 1: STAKEHOLDERS REPRESENTED
Priv	rate Investigators and organizations
Me	mbers of the general public
Sec	urity Guards and organizations
Loc	ksmiths
Mu	nicipalities and Counties
Uni	versities, colleges and public school boards
Poli	ice services and associations
Go۱	vernment ministries
Sho	pping malls
Hea	alth groups
Fina	ancial institutions and organizations
Res	taurants and hotels
Tov	v truck companies
Cas	inos
Cor	ps of Commissionaires
Ene	ergy and oil companies
Dog	g security companies
Rea	al estate companies
Arn	nored car services
Gro	ocery stores
Insu	urance companies
Pub	lic transportation organizations
Bus	iness organizations



Additional information, copies of the report and updates can be found at www.securityindustryreview.gov.ab.ca.

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