

Manitoba Private Investigators and Security Guards Information Note

Licence Lapses During 2012

Dec.13, 2012

Manitoba
Justice

Criminal Justice Division

Please be advised that a review of the licencing database maintained by the Private Investigators and Security Guards Program (PISG) identified numerous licencing lapses during 2012.

Interaction with individual applicants requesting licences to act as private investigators or security guards has also demonstrated many workers within the industry failed to renew essential documents tied to their licence (criminal record check, child abuse check, photo, work permit, etc.).

The end of 2012 marks the second year since the most recent amendment and proclamation of The Private Investigators and Security Guards Act (the Act) in 2011. It also marks the fifth year since its original amendment and implementation of new licencing and training standards in 2007.

Please be advised that as of Jan. 1, 2013, lapses in business and individual licences will be addressed in the following manner:

Business Licence to engage in providing Private Investigators and/or Security Guards

- The holder of a business licence which has expired or been cancelled may no longer provide private investigators and/or security guards within Manitoba. The business is required to immediately surrender the expired or cancelled licence to the Registrar.
- This date on which the above comes into effect depends upon whether the licence has expired or been cancelled:
 - If expired and not renewed, service provision must cease as of midnight on the date of expiry listed on the licence certificate issued by the PISG Program.
 - If cancelled by the PISG licencing database due to lack of renewal of essential documents for the business or its managers, immediate cessation of service provision is required as of the date of licence cancellation.
- The business that holds the expired or cancelled licence has thirty (30) days from the date of licence expiry or cancellation to submit all required renewal documents to the PISG Program in order to be issued a renewed business licence without penalty.

Information Notes are prepared by the Criminal Justice Division to disseminate information to stakeholders on new initiatives, training, as well as legislative and other developments related to the private investigators and security guards industry

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- During this “grace period”, the business may not provide private investigators and/or security guards. Service provision may only re-commence once a valid business licence is re-issued.
- If the holder of the lapsed business licence does not provide the required renewal documentation within the thirty (30) day grace period, a complete application re-submission for a business licence will be required.
- The applicant will be unable to provide private investigators and/or security guards until their submission is reviewed and approved by the Registrar.
- Should a business be identified as providing private investigators and/or security guards while unlicensed, they will be issued with a notice of contravention, and advised to cease their service provision.
- Should the business not comply with this direction they may be subject to disciplinary measures up to and including licence suspension, licence denial or legal action under the Act.

Individual Licence to act as a Private Investigator or Security Guard

- The holder of an individual licence which has expired or been cancelled may no longer act as a private investigator and/or security guard within Manitoba. The individual is required to immediately surrender the expired or cancelled licence to the Registrar.
- The date on which the above comes into effect depends upon whether the licence has expired or been cancelled:
 - If expired and not renewed, the individual must cease all related duties as of midnight on the date of expiry listed on the licence ID card issued by the PISG Program.
 - If cancelled by the PISG licencing database due to lack of renewal of essential documents, immediate cessation of all related duties is required as of the date of licence cancellation.
- The individual that holds the expired or cancelled licence has thirty (30) days from the date of licence expiry or cancellation to submit all required renewal documents to the PISG Program in order to be issued a renewed private investigator and/or security guard licence without penalty.

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- During this “grace period”, the individual may not act as a private investigator and/or security guard. Related duties may only re-commence once a valid individual licence is re-issued.
- If the holder of the lapsed private investigator and/or security guard licence does not provide the required renewal documentation within the thirty (30) day grace period, a complete application re-submission will be required.
- The applicant will be unable to act as a private investigator and/or security guard until the new submission has been reviewed and approved by the Registrar.
- Should an individual be identified working as a private investigator and/or security guard while unlicensed, they will be advised to cease their activities.
- Should the individual not comply with this direction they may be subject to disciplinary measures up to and including licence suspension, licence denial or legal action under the Act.

Essential Documents

Both Business and Individual licences are tied to essential documents which are submitted at the time of application. For a business this includes a penal bond, liability insurance and background checks (criminal record and child abuse registry) for managers, proprietors and partners. For individuals this includes the aforementioned background checks as well as ID photos.

The renewal of these same documents is required in order to maintain a valid licence. If any of these documents are allowed to lapse/expire, the PISG Program is unable to renew the related business or individual licence until updated documents are received.

Penal Bonds and Liability Insurance

- The holder of a business licence must keep these current and renew as required. Doing so is a condition of retaining a business licence issued by the PISG Program. Appropriate proof of the applicable term and required coverage must be submitted.
- At the time of initial application, the original bond must be submitted. Following this, a continuation certificate that displays the bond number, amount and extension of term may be submitted for renewal purposes. Documentation submitted must display a term which applies to the bond or its continuation as this is used for entry in the PISG licence database.

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- Proof of current liability insurance must be submitted that reflects the amount and type of coverage per occurrence. The amount and type must meet the minimum requirements under the Act and Regulations. The insurance certificate must list the address for Manitoba offices/branch offices and confirm them as covered under the policy.

Criminal Record Checks and Child Abuse Registry Checks

- These expire three years from the date displayed on the agency search results. Applicants should keep copies of their background checks for reference, so they are familiar with when they expire.
- A renewal reminder is sent to a licence holder's last known address which advises them of the expiry dates related to their essential documents and licence.
- The licence database maintained by the PISG Program will automatically cancel an individual's licence where background checks have been allowed to expire.
- Background checks submitted for managers, proprietors and partners of a business are subject to the same expiry and renewal terms as those of applicants for individual private investigator or security guard licences.
- Please note that reporting requirements exist under Section 19 of the Act for both businesses and individuals. These include reporting charges or convictions for a crime within a set time frame.

Photographs

- An updated photograph of an individual licence holder must be provided every three years from the original date of submission. The photo should be passport style, in colour with a neutral background.
- Pictures will not be accepted if they:
 - are unclear or out of focus;
 - have shadows obscuring the individual's appearance;
 - are taken at the time of submission with a cell phone;
 - are noticeably out of date or in poor condition.
- An updated photo should be provided as soon as possible if an individual noticeably alters their appearance (facial hair growth, change in hair colour or length, etc.).

- Tom Horn, Acting Registrar, Private Investigators and Security Guards Program

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