

Apart from any fair dealing for the purposes of research or private study, or criticism or review this study may be reproduced in any form only with the prior permission of CoESS or the author.

Jorma Hakala<sup>1</sup>

## THE REGULATION OF MANNED PRIVATE SECURITY: A TRANSNATIONAL SURVEY OF STRUCTURE AND FOCUS

**Abstract.** The purpose of this article is to present a summary of transnational data on private security regulation and a profile of an average statutory regulation 'package'. This data is to be used as reference and comparison material in future research and as basic knowledge in the ongoing debates concerning private security governance. The lack of reliable facts and figures has been and is typical in any discussions of the industry. This has led to decision making without sufficient knowledge of the industry and the effects of statutory regulation on it. The lack of research has shown itself both in a shortcoming of methodologies to collect this kind of data and in the number of publications. The survey in this study covers 40 regulatory regimes with a main focus on the EU states. The results include basic information of the administrative structures and contents of the statutory private security regulation of commercial manned services. The results indicate that there is in the majority of countries included in this research study a government controlled regulatory system. The more detailed analysis of the data emphasise a strong law enforcement (policing) aspect in the administration of the existing statutory regulation. The significance of licensing as the method of control is stressed by the results. They also show that there is a clear core group of elements regulated in a majority of the regulatory regimes included in this study. No striking differences between the statutory regulations of EU and other regulatory regimes could be noticed. Even so the EU states seem to have slightly more mature and comprehensive culture of regulation.

Key words: manned private security, statutory regulation, transnational data

### Introduction

There are many academic assumptions and opinions about the private security, its role, necessity, size, accountability and regulation, but very little research. When widening the perspective to cross-boarder studies, the existing methodologies and knowledge are even rarer. Because of this, it is extremely difficult to make reliable analyses concerning the industry's present status and development. The reason for this state of affairs is obvious. Private security has not been considered important enough to wake up the interest of governments and academics in order to allot resources into its research. On the other hand the industry itself has seen few needs for research, being occupied with its own business restructuring and fast growth. Its R&D inputs,

if any, have been allocated to organisational, marketing and technical product development projects. The situation is, however, slowly changing. Today the size and role of the commercial private security as a business and as a provider of also public security is so remarkable that it is difficult for governments to ignore it. Its emerging role in public security, previously considered the monopoly of state authorities and the 'mega' risks connected to aviation security and cash handling activities, have stressed the need to steer the industry with statutory regulation. The problem is, however, that law drafting has been and is forced to be carried out in many regulatory regimes without reliable data on the industry and without thorough knowledge of the real

need and consequences of this kind of measures. In this situation of increasing public interest also the industry has started slowly to understand the need of reliable data and research to secure its further trouble-free business development as a vital part of the societies' security infrastructure. There are some general theories presented of the nature and the role of private security. These are, however, loosely connected to the actual development of the industry, its products and the real problems faced by the controlling authorities, companies and security officers in their daily work. As the existing material includes little hard data, which is basic for comparative research, a study like this was needed.

Existing transnational texts, considering data on regulation, have mainly focused on the industry's size and on limited comparisons of the basic elements in private security regulation. Commonly referred in transnational studies are the small size ranking exercise<sup>2</sup> made for Ligue des Societies de Surveillance<sup>3</sup> of the all over quality factors in private security industry, George & Button's<sup>4</sup> and Button's<sup>5</sup> studies partly carried out to support the case for regulation in UK, Ottens, Olschok & Landrock's extensive book on private security in Europe<sup>6</sup>, de Waard's<sup>7</sup>, de Waard & van de Hoek's<sup>8</sup>, and van Dijk & de Waard's<sup>9</sup> research papers which aimed to fill a gap of non-existing comparable data of the industry in EU, Cukier, Quigley & Susla's<sup>10</sup> article on Canadian private security regulation in an international perspective, and Weber's<sup>11</sup> and Morre's<sup>12</sup> by the Social Partners (CoESS & UNI-Europa<sup>13</sup>) ordered comprehensive, partly comparative data collection reports of legal and other aspects of the private security industry in EU. Because of the many difficulties in this kind of data collection, expressed for example by Morre and Weber<sup>14</sup>, some of the above mentioned studies and reports are partly based on incomparable secondary sources and incomparable loosely structured open question surveys. This means that these kinds of data and comparisons can in many

cases only be treated illustrative of the existing situation as has been generally stated by several academics like Stenning<sup>15</sup>, Jones & Newburn<sup>16</sup>, de Waard<sup>17</sup> and Button<sup>18</sup>. Also in this study it could be noticed, as for example Button & George<sup>19</sup> have pointed out, that rapid developments in several areas of the private security industry mean that all data concerning it is, at least partly, outdated already on the day of publication, including the data on regulation. There is also a general problem created by the small amount of data available. The uncritical, repetitive use of outdated, inadequate or incomplete data has affected the quality of the analyses and public understanding of the industry.

The survey data presented in this article is based on the idea of national statutory private security regulation being a synopsis of national political attitudes, existing legislation, international treaties, administrative and business cultures, and the relative strength of interest groups. Thus statutory regulations can be considered one of the few entities which are practicable as such to make general summaries and comparisons of national private security systems and transnational structures.

This study was carried out to understand how the administration of private security regulation has been organised and what are the core elements in statutory regulations concerning manned private security? The results reflect the situation at the turn of the year 2005-06. This survey was performed as part of a wider transnational comparative research project on private security regulation at City University, London. It was also carried out bearing in mind the need for facts in the discussion concerning private security regulation harmonisation, which goes on in EU as a part of the Service Directive implementation.<sup>20</sup>

This survey includes data collected from 40 regulatory regimes (table 1). The results are presented in a summary form with the purpose that they would serve as a future data reference platform for national comparisons. The focus is on the situation in the 25 EU states, supported with reference to 15 other

regulatory regimes. The survey is limited to the main commercial manned private security services, it excludes private military services. The data collection has been planned and executed at a very basic topical level to achieve satisfactory response percentages and reliability in a multi-lingual and multi-cultural transnational environment.

### Research Design

There has been a general problem concerning the quality of the data presented on private security. The sources and methods behind the figures have seldom been explained adequately.<sup>21</sup> The research objective of this study was to provide transnational data, concerning:

- the scope of regulation
- the general administrative regulation structures
- the main activities, subjects and objects regulated

There was no readymade research design model to be found for the planned survey. One of de Waard's<sup>22</sup> previous surveys included similarities and comments which helped in the planning of the design. He describes the challenges faced in this kind of transnational study starting with the problem of finding the right expert respondents and going on with a list of other factors like questions of definition, differences in registration procedures and their reliability, methodological problems, variations in data quality, and the different interpretations given to (legal) terminology. He ends with a statement on his data: "The final picture of the information gathered can be seen as 'the best educated guess'". To avoid the stumbling blocks mentioned by de Waard, in this survey design the focus was on three main challenges to be overcome:

- The problem of covering all constantly changing data scattered in different documents, not only in special private security laws and sub-laws but also in other national, federal and transnational directives touching the industry.

- The different forms of language barriers based on terminology differences amongst the English speaking countries and the general lack of English knowledge in other countries.
- The shortage of local private security regulation experts with sufficient knowledge of English and willingness to participate.

The survey was performed in three phases by:

- A documentary pilot coding using secondary CoESS research reports and original regulation documents which were obtainable in a language usable to the researcher (table 1).
- A 'coding' questionnaire directed at 150 experts in 40 regulatory regimes.
- Consultative interviews with local experts to check inconsistencies.

A purposive convenience sample strategy and method was used throughout the work. Into the sample was selected the 25 EU states and 15 other regulatory regimes including the two, Bulgaria and Romania, joining EU in the beginning of 2007 (Table 1). The main reason to use this kind of sampling was to have as good as possible coverage of differences with a limited number of regulatory regimes and to gain access to the best expert respondents. In this case an argument by Bryman<sup>23</sup> can be used as justification: "A context in which it may be at least fairly acceptable to use a convenience sample is when the chance presents itself to gather data from a convenience sample and it presents too good an opportunity to miss." The EU states as a group were a natural choice as they had a relatively mature commercial private security tradition, there were previous reports of them to be used as secondary sources, local private security experts could be reached through CoESS<sup>24</sup>, and because of the professional contacts of the researcher. The 'extra' 15 regulatory regimes were chosen with an eye on a global coverage. They had also to have a reasonably ma-

ture private security industry and there had to exist expert contacts which could be utilised.

Within the chosen regulatory regimes 150 private security experts, representing the industry, national and international branch associations/unions, public authorities and academics, were handpicked to receive the questionnaire. A majority of the chosen respondents were personally known to the researcher, which was thought to affect positively on the response percentage.

The textual material chosen for analysis was the special laws/acts, decrees, directives or other official instructions concerning the control and performance of private security activities in each individual regulatory regime at the turn of the year 2005-06. In this case the total number of different statutory regulations included was assessed to be over 250. Out of these regulations core subjects were chosen in the coding questionnaire. These core subjects were pre-selected analysing the data from previous research<sup>25</sup> and the contents of official publications.<sup>26</sup> The final choice was made based on the findings of this analysis and the researcher's personal knowledge and experience of the study area.

The special challenge in the survey was the divergent use of a large number of experts as 'coders' and to have an acceptable 'proportion of agreement' between them to achieve a satisfactory reliability. The questions in the coding frames were chosen keeping in mind the research objectives - to gain knowledge of the general core elements in private security regulation. They were divided into five entities, each covering a certain area of the regulatory environment:

- The existence of regulation and its place in the legal system.
- The division of labour and responsibilities in the process of enacting, implementing and controlling regulations.
- The extensiveness of statutory regulation.

- The compulsory requirements for basic training in the regulations.
- The rules of possession and use of weapons in private security work.

The 'coding' questions were factual ones targeting to classify and to get knowledge of the chosen topics. They were also closed, meaning that there was a preconceived reasonable idea of the likely and/or adequate responses to them in advance. The questions were alternate choice and multiple choice ones, each making up 50%. The 'coding' was intended to be quick, easy and to be taken care of electronically to increase the response percentage.

The questions were phrased as simple as possible. Security industry jargon could not be avoided, as the respondents were handpicked experts with their own professional knowledge and language. Nevertheless when moving out of the UK context, even the English speaking countries have diversified vocabularies and definitions, let alone the other countries. Personal interviews/consultations were carried out with respondents (experts) from a majority of the countries before closing the data-collecting phase. These contacts acted as a control on deviations and also as a clarification of linguistic confusions.

The collection of data was carried out by CAPI<sup>27</sup>, using Digium standard questionnaire programme version (2004) in an Internet environment. This form of questionnaire was chosen because it had the ability to reach the widely dispersed respondents. Other advantages were the low cost and the in-built analysis characteristics of the IT programme. In the questionnaire it was stated that the individual answers would be used to make a summary report and no analyses or categorisations of individual countries or their situation compared to other countries or the general results of the survey would be published.

### **The execution of the survey**

A pilot coding of the 25 EU countries was carried out using the newest and best secondary documents. The goal was to test and im-

prove the questionnaire, to help to define the core elements and to produce reference material for the actual survey results. This exercise proved to be invaluable in streamlining the questionnaire. The pilot coding results turned out to be too unreliable because of the non-uniformity of the data available. Their main

usability was as one source of controlling data in single deviation cases. This strengthened the assumption of the varying quality, the quick outdated and the low usability of existing secondary data, especially in this kind of study.

Table 1: The sample of regulatory regimes and number of respondents

Austria*	2	Luxembourg	1	Argentina	1
Belgium*	5	Malta*	2	Bulgaria	1
Cyprus	1	Portugal	3	Iceland*	0
Czech Republic	3	Poland*	3	Mexico	4
Denmark*	3	Slovakia*	1	New Jersey*	2
Estonia*	5	Slovenia	2	New York*	1
Finland*	6	Spain	2	Norway*	3
France	2	Sweden*	5	Queensland*	2
Germany*	2	The Netherlands	1	Romania	1
Greece	1	United Kingdom*	5	Russia	1
Hungary	2	Total	66	Singapore*	1
Ireland*	3			South Africa*	2
Italy	1			South Australia*	1
Latvia	2			Switzerland*	2
Lithuania	3			Turkey	1
				Total	23

The survey pre-information and a request to participate were sent out to the chosen respondents approximately two weeks before the mailing of the questionnaire. The actual questionnaire was sent out in October 2005. One handicap related to Internet based surveys. In some IT systems the questionnaire was rejected by the firewalls as spam mail. This was patched up by sending the questionnaire in another form of e-mail or by ordinary mail. Two remainders were sent to 'no show' respondents with two-week intervals. After this experts were contacted personally in regulatory regimes with no responses. Thus at least one full answer was guaranteed from 39

of the regulatory regimes included. The 150 questionnaires produced 89 responses (59%), which can be considered a satisfactory result. When finalising the data collection, comparisons to original documents and consultation with experts in 26 of the regulatory regimes were carried out to clarify inconsistencies. The number of responses from different regulatory regimes can be found in Table 1. The occupational split of expert respondents is in Table 2. Even with the inevitable compromises in interpretation of the answers, the reliability of the results can from the researcher's point of view be considered tolerable and at least more than 'illustrative' or 'the best educated guesses'.

\* The countries with documents available in a language usable to the researcher (21).

Table 2: Respondent experts' occupation

Private security	63
Public Authority	2
Academic	8
Branch association/union	16
Total	89

## Results

During the analysis of the survey material it turned out that full comparable data were not available from four countries. Three of them did not have statutory private security regulation and from one there was no response.<sup>28</sup> These countries were included only in the results concerning the existence of regulations and standards, the governmental all over responsibility and the firearms control. Thus the main parts of the results presented in this study include 36 regulatory regimes.

### *The scope of regulation*

The first survey question was had a country taken steps to regulate and standardise private security activities. It turned out that 37 of the 40 regulatory regimes included in the study (93%) had at least some statutory regulation concerning private security. But very few, 11 out of 40 (28%), had officially approved national standards concerning any part of these activities. This study did not include the numerous 'unofficial' standards given out for example by the industry itself or insurance companies. The existing statutory regulation was mostly based on special, separate private security legislation. In those states with this kind of statutory regulation only four out of 37 (11%) had private security regulated in connection with other, general (business) legislation. The private security regulation was in most cases an entity of different kind of statutes: laws, decrees, bylaws, and instructions - issued by parliaments, ministries, agencies and different authorities (often police administration) reflecting the national administrative structure and culture of the country. A little over 20% of the regulatory regimes with

statutory regulation had only a law without lower level secondary legislation. A question on the age of the regulation did not give a real indication of the situation because in many of the countries the laws had been amended and re-written several times during their history. Private security was regulated the first time in most of the countries (66%) after 1989, emphasising that the interest of the governments to steer this industry with statutory regulation is relatively new. In the results considering the existence of regulation and standards there were no considerable differences between the EU and the non-EU group of regulatory regimes.

### *The general administrative regulation structures*

*Governmental division of labour.* The governmental administrative division of labour is a key factor when assessing how the different regulatory regimes position private security in their legal sphere. It is also a crucial question in EU because the Commission in its Service Directive proposal<sup>29</sup> and the EU Court<sup>30</sup> in its judgements have taken a clear stand that private security shall be considered a normal business and not a law enforcement (policing) function. In the 37 studied regulatory regimes with private security regulation, a great majority of 89% had organised private security issues under the ministry/department, which was responsible of security and law enforcement (police) matters, usually the ministry of the interior or the ministry of justice. This situation highlights the tension between (a) popular views of private security as a commercial enterprise and (b) regulatory frameworks that include private security as law enforcement and order maintenance (policing) function.

*Actual licensing and control (table 3).* The administrative division of labour in the daily licensing and control of the industry and its personnel indicated a strong connection between private security and general law enforcement (police) activities. Police organisations were the main bodies responsible for both the licensing and the control of the pri-

vate security officers in over 50% of the 36 regulatory regimes included fully in the study. Departments and agencies connected to the 'security' ministries were the other main actors in this field. These results indicate that the police are in many regulatory regimes in a strong position to steer the industry and cooperation between the public and private security actors. In this kind of set up it is not easy to separate in a decision making situation public, institutional and private interests. In accordance with Prenzler & Sarre's<sup>31</sup> conclusions, it can be asked if the active police presence guarantees the best division of labour

and use of the private security resources in general. The administrative models are also very much connected to the legal systems and legal cultures of the regulatory regimes. Private security in the Anglo-Saxon countries is clearly least influenced by police, as there is the administrative tradition of 'independent' agencies for licensing. In this area there were no remarkable differences between the all over results and those concerning the EU states, even if in EU the police participation seemed to be slightly higher than in the reference group regulatory regimes.

Table 3: License granting and control<sup>a</sup>

	Not licensed/ not regulated	Ministerial department/ agency	Police administration	Provincial authority	Other
What authority/agency is responsible for granting licences to private security companies?	3%	47%	39%	8%	3%
What authority/agency is responsible for granting licences to private security personnel?	6%	32%	53%	6%	3%
What authority/agency is legally responsible for the ongoing control of security companies?	0%	44%	42%	8%	6%
What authority/agency is legally responsible for the ongoing control of private security personnel?	3%	30%	58%	6%	3%

*The main activities, subjects and objects regulated (Table 4)*

*Services and operations.* Amongst the regulated manned private security services and operations the main functions regulated and licensed were very clear. Out of functions listed in the questionnaire, the most common private security business activities topped the list. The highest-ranking group of activities,

cash in transit, commercial manned guarding, and mobile alarm response reached a high percentage (over 90%) followed closely by crowd control (event security) with 89%. In practice the majority of personnel and revenue in the commercial manned private security are connected to these services (over 90%).<sup>32</sup> Close protection (bodyguarding) was in the same range with its 89% regulation

<sup>a</sup> The 36 regulated regulatory regimes included.

density respectively even if it is a very small business both in the number of personnel and revenues. The next group consisted of private investigation (72%)<sup>33</sup> alarm monitoring (72%) and security training (69%). Alarm monitoring is tightly connected to the alarm response activities and it is interesting that there was a remarkable gap in the regulation (72% compared to 92%). The pressure to regulate monitoring is increasing because of the growing use of CCTV in general and the emerging remote control security services made possible by new technologies. Security training organisers are basically regulated because training is imposed as a requirement for licensing and there is a need to control the quality. The lowest ranking activities in this group, door supervision and cash processing, both with a figure a little over 40% seemed to be in general of less interest to governments. In some countries, especially the Anglo Saxon ones, the need to control door supervision seem to be one of the main drivers for private security regulation. Cash processing is an additional service taken up by the cash-in-transit providers. It is questionable if it can be considered at all a security service and thus it has been regulated only occasionally in this context. Most of the special requirements for this service are set in Central Bank directives, not in private security legislation.

In-house guarding is actually not a security business activity but private security. As an alternative to commercial security services, it is interesting that it was regulated somehow only in 50% of the countries. Three comments may be made: (a) the low percentage may support the argument that regulation is primarily enacted to steer the guarding replacing police in public environments. (b) non-regulation allows the businesses in many cases to arrange their own security functions freely without any requirements on personnel suitability or training. This gives a competitive edge as licensing and training costs can be avoided. (c) in-house status may be used as a front to avoid compliance with regulation requirements.<sup>34</sup>

In this group the differences between EU and the all over results were small (less than 10%) except in alarm monitoring. This difference in alarm handling could be interpreted to show that there is a more control-oriented culture within EU states to handle this remote control part of the business.

*Licensed legal actors.* When private security functions are regulated, the actual control is achieved in the first place using official licensing procedures within which minimum requirements are set. A license can be given to a legal person, in this context a company, an institution or a person. Usually in commercial private security the right to provide a certain kind of service and following an occupation requires a license.

Most licensed in this group were the companies/institutions (92%) and operational security officers/guards (83%). In most cases both of these groups were licensed but there were regulatory regimes where only one or the other of them needed an official approval. The other professional occupations widely licensed were operational management of the companies (69%), private investigators (64%), and the dogs/dog handlers (50%). Dogs are not widely utilized in private security work but their use is, however, quite often regulated. Far behind these came the third group with door supervisors (39%), white-collar employees (28%) and blue-collar auxiliary staff (14%). It can be stated that the businesses (companies) and operational employees, the security officers, were the main subjects of licensing. Other personnel seemed to be of less interest to the regulators. Management was to some extent licensed but the other staff only occasionally. This is interesting because the integrity (and clean criminal records) of these groups is in a wider perspective at least as important as that of the security officers. This category of personnel has in many instances access to crucial confidential information about customers, operations and internal security arrangements. This could be interpreted so that the licensing of individuals

Table 4: What is regulated and licensed?<sup>b</sup>

Which of the listed private security services are included in the regulation?			Who are licensed?			Are there special rules in statutory private security regulation about the following things?		
	All	EU		All	EU		All	EU
Cash in transit	97%	96%	Security companies	92%	96%	ID cards of employees	83%	91%
Commercial manned guarding	92%	91%	Security officers	83%	87%	Guard uniforms	81%	78%
Mobile alarm response	92%	96%	Operational management	69%	61%	Liability/fidelity insurance	53%	39%
Crowd control <sup>c</sup> (event security)	89%	87%	Private investigators	64%	65%	The right of police officers holding an office to work in private security	52%	56%
Close protection (body-guarding)	89%	96%	Dogs and dog-handlers	50%	48%	On-duty action reports	36%	39%
Private investigation	72%	65%	Door supervisors	39%	48%	Content of client contracts	19%	22%
Alarm monitoring	72%	82%	White-collar non operational staff	28%	22%			
Security training	69%	70%	Blue-collar auxiliary staff	14%	13%			
In-house manned security	50%	52%						
Door supervision	44%	52%						
Cash processing	42%	43%						

<sup>b</sup> The 36 regulated regulatory regimes included.

<sup>c</sup> Crowd control was defined here as a service provided for big public and private events by security officers. Term door supervision was correspondingly used to describe small assignments (pubs, nightclubs, restaurants) performed by door supervisors ('bouncers').

is not in the first place about integrity but about suitability in the name of public interest to protect citizens when they are confronted in everyday life with the front line private security representatives, uniformed security officers, crowd controllers, door supervisors and private investigators.

The EU regulation seemed to correlate very much with the all over results in most licensed personnel groups, except with operational management where it was lower and with door supervisors where it was somewhat higher. There seem to be no single explanations to these differences. Concerning door supervisors (48% compared to 39%) one factor is probably related to the culture and tradition, in some countries it is not considered a private security function but a part of the hospitality and entertainment business.

*Equipment and procedures.* In addition to the regulation of the main activities and the licensing of key 'legal persons', there are things in the private security work which are often considered by the legislators to need special directives in industry specific regulation. The most commonly regulated of these were those connected to the public control and appearance: ID cards (83%) and guard uniforms (81%). Both are probably regarded important by the regulators because in the eyes of the public a uniform and professional identity signifies the status and credibility of security officers. Liability and fidelity insurance coverage have become a main topic in private security business because of terrorism in aviation and robberies in cash handling environments. At the side of these mega risks which are taken care of mostly by special insurance and business to business contractual terms, there seemed to be a general need for compulsory insurance coverage guarantee for all customers. Thus 53% of the regulatory regimes included in their statutory regulation some kind of clauses for private security companies to have an insurance policy to secure their clients compensation in cases of misbehaviour.

The right of police officers or other public authorities to work in private security is often regulated in other legislation or in intra-departmental directives. Even so 52% of the regulatory regimes in this study had clarified this aspect by including separate rules in the private security regulation. These rules covered not only operational work but also ownership and non-executive director posts in private security companies.

Very few regulations included specified guidelines for the on duty reporting (36%) or the content of the customer contracts (19%). The low percentage of directives in this area is remarkable because this kind of registered information is a key element in accountability and the platform for solving business discrepancies, mismanagement suspicions, contract breaches and criminal cases. The serious private security companies have voluntary procedures for these and other basic practices but it is a loophole for 'cowboy' companies to avoid their responsibilities and liabilities.

In this category there was a notable difference in the all over results and those of the EU states on two points. The official ID-cards were more regulated in EU (91% compared to 83%). The other remarkable difference was in the liability/fidelity insurance where the all over figure was 14% higher than the EU one (53% compared with 39%). In general the results showed that even in this group the regulations were very similar globally.

*Training (Table 5).* In regulation and licensing of private security there are two main goals, to exclude unsuitable persons from the industry and to guarantee that security officers know their legal rights and powers. The exclusion of unsuitable persons is achieved in most cases by an official licensing procedure including screening of the license applicants by the authorities. The knowledge requirement is usually fulfilled by compulsory basic training, which is organised by the authorities, authorised training companies/institutions or by the private security companies themselves. There is wide consensus within the industry<sup>35</sup> and the regulators of the topics to be included

in the basic training. The eternal discussion is how long should an adequate basic training be? The survey results showed that in most regulatory regimes there was a compulsory basic training requirement. Only in 14% of them was this training totally voluntary. The length of the training and its division into 'classroom' and 'on the job' parts varies a lot. In this survey only the total number of any compulsory training hours was asked. Of the regulatory regimes under study 67% had a compulsory training of more than 30 hours. It must be noticed that in this study only (unarmed) security officers' basic training at the entry level and for the least qualified work were looked at. In many regulatory regimes there are compulsory training and exams concerning specialised duties, supervisors and managers.

There are also two other basic aspects connected to training, the timing and the follow

up. The question of having the training organised up-front is a two edged sword. For the business a model where the training is given within a certain period after employment is more convenient and profitable. On the other hand this system does not fulfil the 'public' requirement of all operational security officers having minimum training before starting to work. The flexible arrangement provides opportunities for misrepresentation. It is also bad for the industry's image when it can be argued that anyone can put on a uniform and start working as a security officer without any training. According to the results, in most regulatory regimes under study with compulsory training it had to be run through (90%) before it was possible to start working. The refreshment training was not organised as well. It was compulsory only in 48% of these regulatory regimes. Rapid developments within the industry have stimulated a discus-

Table 5 Compulsory training of security officers<sup>d</sup>

	No training required	01-29 hours	30-89 hours	Over 90 hours
How long is the total basic training required by private security regulation for unarmed security officers performing non specialised duties?	14%	19%	31%	36%

Question to those with compulsory training.	No	Yes
Can a private security officer start working temporarily without any basic compulsory training?	90%	10%
Is there compulsory follow up training for unarmed security officers performing non-specialised duties?	52%	48%

<sup>d</sup> The 36 regulated regulatory regimes are included in the first question and the 31 with compulsory training in the others.

sion of the importance of compulsory, continuous and systematic upgrading of the knowledge and skills of all personnel. The results did not indicate differences between the over all situation and the EU arrangements.

*The possession and use of weapons in private security work (Table 6)*

In private security work security officers are in general considered to need some weapons as crime deterrents, for self-defence and to protect customers' inviolability or possessions. There are two different kinds of equipment: the 'cold', non-lethal weapons and firearms. The definition and division of these two

groups are somehow blurry because of the different interpretations in local laws considering, for example the categorisation of gas sprays and electronic paralyzers.

Non-lethal weapons/equipment like gas sprays, batons and handcuffs are commonly used in private security work. Even so in 36% of the regulatory regimes in this study there was no private security specific regulation of their possession or use by security officers. In the 64% of the regulatory regimes with special regulation, this regulation included in many cases a total ban or severe restrictions of the use of certain non-lethal weapons/equipment. As more and more private

Table 6: Regulation of weapons in private security<sup>e</sup>

Is there special 'non-lethal' weapons regulation concerning private security?		
No regulation	Special regulation	Special regulation including training
36%	42%	22%

Is it possible in general for private security officers to possess firearms on duty?		
Banned	Allowed according to the general firearm legislation	Allowed with restrictions set in private security regulation
22%	33%	45%

security tasks are related to public order and community safety, the risk of physical confrontation has grown. This increases the need to possess non-lethal weapons/equipment for self-defence and enforcement, and this wider possession creates new needs for regulation and compulsory training.

The use of firearms is in all countries regulated by special gun laws which in some cases include also special sections concerning pri-

private security. In most cases these special rules steering the industry, if there are any, are included in the private security regulation. In principle most of the serious companies in the market are very hesitant regarding their use. There are countries where it is compulsory to carry firearms<sup>36</sup> in some tasks and on the other hand there are countries where all kinds of guns are totally banned. The division concerning firearms possession in private security work, which emerged in this study, was very

<sup>e</sup> All 40 regulatory regimes are included in the figures considering firearms

clear. In 22% of the countries there was a total ban, in another 33% general firearms laws applied and in the rest 45% there were special restrictions. The use of firearms is very much connected to certain services which are cash-in-transit, close protection (bodyguarding) and protection of national security objects. The actual discussion within the industry is presently focused mostly on the possession and use of non-lethal weapons. There were no notable differences between the all over and EU figures concerning non-lethal weapons/equipment. The firearms seemed to be slightly more often totally banned in EU states than in the reference group regulatory regimes.

### Conclusions

Irrespective their legal system, a vast majority of regulatory regimes included in this study (93%) had some kind of statutory regulation concerning private security activities. In addition 89% of those with regulation had organised the administration of the industry under the governmental 'security ministry' (department), the one responsible of internal law and order (public police) functions which reflects views of Bryden.<sup>37</sup> Private security was vividly considered a function needing regulation in general and as a 'law enforcement' (policing) related activity. It also emphasised the industry's exceptional status as a private business, forced to operate in most regulatory regimes under special state control. The relatively high percentage of direct police involvement in the regulation, implementation and control of the private security supports further the 'law enforcement' (policing) conclusion. Many regulators had noticed that the strong participation of the police administration and the front line police in the regulation and control of the private security industry is not without problems. There is an obvious conflict of interest in an environment where private security is to an ever-increasing degree performing previous police tasks and in this way can be considered as a rival to the police competing of the same work.

The core elements in statutory regulations in the regulatory regimes under study were clear. The main areas regulated were traditional guarding, crowd control, cash in transit and mobile alarm response activities, all with over 85% coverage. The main licensees, within the regulatory regimes with control mechanisms, were by far the private security companies and operational security officers. There was a surprising weakness in the control of the other personnel groups: management, white collar and blue-collar non-operational staff. In-house security was still a relatively unregulated sphere with only 50% regulation coverage. The main equipment having directives were ID-cards and uniforms which tell of the importance given to 'official' external symbols in private security. The possession and use of firearms by private security actors was allowed (in a regulated way) in 78% of the regulatory regimes but the control of non-lethal weapons and equipment with a 64% coverage was astonishingly low. The basic training of frontline employees was compulsory in 86% of the 36 regimes with private security regulation. This figure was very much in line with the licensing percentage of security officers (83%). However, the length, timing and renewal of this training varied. The regulators' low interest in in-house private security and non operational staff licensing, and on the other hand the high interest in security officers' licensing, their training, ID-cards and uniforms, indicate that public law and order duties are strong drivers for regulation.

Irrespective of different theories and ideal type models of regulation presented in various texts, the research findings indicated that the majority of countries have 'command and control' regulatory systems in place. Non-regulation or self-regulation were not viewed a viable option as has also been stated in different other contexts.<sup>38</sup> There is general recognition that some of the core elements in all private security regulation require use of legal powers and information which are only possessed by the state. Consequently, efforts

should be focused on (a) identifying best practice and 'smart regulation' models (b) the 'nuts and bolts' of effective implementation and (c) developing strategies for transnational harmonisation.

Existing general profile of an approximate regulation model, at the time of the survey, could be described in the following way:

*Statutory private security regulation is based on command and control thinking. It is prepared, steered and controlled on the state level by the 'ministry of security'. The day-to-day licensing and control is organised under an independent agency or the police administration. The primary areas regulated are traditional commercial guarding, crowd control, cash-in transit and bodyguarding and the legal persons licensed are the private security companies and the operational security officers. Security officers have a formalised, compulsory basic training of one to two weeks, an officially approved uniform and ID-card, and can possess on duty both firearms and non-lethal weapons/equipment.*

The study enabled a brief comparison of EU states contra other regulatory regimes. It showed that there were no really significant distinctions to be found concerning the regulation principles or actual regulation as such. The differences could mostly be explained by the legal and cultural characteristics of the individual regulatory regimes and to some extent with the maturity, status and role of the industry. The statutory regulation within EU was slightly more comprehensive and sophisticated but the differences excluding some special topics were small. One remarkable result in this context was the higher police participation in licensing and control within EU states. The above-described profile as well as all the results presented in this study can very much be generalised to describe the basic commercial private security regulation models globally concerning manned security services at the time of the survey.

This study did not include assessments of the detailed content and effectiveness of the regu-

latory models. It did not either contain comments on the differences between the formal regulations and the everyday reality in their implementation and control. The real challenge in all regulatory regimes is the compliance which defines the actual existence of a legally sound private security industry. The basic nature of the industry is such that it is extremely difficult to regulate it, and diversification will not make this task easier. Without detailed research we will not be in a position to identify best practice or the risks of wrong type of regulation.

There were many challenges in conducting this kind of study because of the lack of basic definitions of the industry, its services and terminology. It is probably not possible to replicate this particular survey because it was based widely on global personal contacts and expertise. One can only hope that the difficulties will not discourage further systematic transnational data collection on commercial private security. There is a wide range of activities within the industry that need to be investigated in an organised academic way. The creation of a generally accepted framework for private security research with common definitions of the main elements should have a high priority. Related to this there is for example the need to find out how the emerging vertical diversification of the industry legally, administratively and operationally has affected and will affect the industry (and its research). Future studies of private security should seriously take into consideration the verticalisation development. The industry is today so diversiform that it is not possible to achieve reasonable and feasible research results by handling it in the traditional way as one entity. Areas with an acute need for more research, also on a transnational level, are transnational harmonisation of regulation, the division of labour and cooperation between private security and public authorities, the powers of security officers, and the impact the multinational companies have on the global development and status of the industry.

---

## Notes

- <sup>1</sup> At the time of the survey the researcher was an advanced postgraduate student at City University, London, a member of two CoESS permanent sub-committees, the Finnish employer association representative in EU Sectoral Social Dialogue Committee for private security, an expert representative of SFS (Finnish Standardisation Association) in CEN (The European Committee for Standardisation) Task Force on private security standardisation, chair of ASIS chapter 210 (Finland) and chairman of the board of Securitas Oy (Finland).
- <sup>2</sup> T. Berglund (1995) and R. Nordberg (1996:2).
- <sup>3</sup> Ligue des Societes de Surveillance (Ligue) = The Association of Private Security Service Companies representing the main companies worldwide.
- <sup>4</sup> B. George & M. Button (1996, 1997 & 1999).
- <sup>5</sup> M. Button (1998, 2005, 2005a & 2007).
- <sup>6</sup> R. W. Ottens, H. Olschok & S. Landrock (1999).
- <sup>7</sup> J. de Waard (1993 & 1999).
- <sup>8</sup> J. de Waard & J. van der Hoek (1991).
- <sup>9</sup> F. van Dijk & J. de Waard (2000, 2000a & 2000b).
- <sup>10</sup> W. Cukier, T. Quigley & J. Susla (2002).
- <sup>11</sup> T. Weber (2001, 2002, 2002b & 2003).
- <sup>12</sup> L. Morré (2004, 2004a & 2006).
- <sup>13</sup> CoESS=Confederation of European Security Services & UNI-Europa=Union Network International Europe. These associations are the official social partners representing employers and employees in the sectoral EU Social Dialogue system.
- <sup>14</sup> L. Morré (2006:30) is describing her challenges in data collection by writing: "Collecting data has not been easy. The topic is not self-explanatory and the survey required 'expert knowledge'. Furthermore, the language barrier has proven to be a major challenge and has sometimes led to interesting interpretations." Weber (2002:2).
- <sup>15</sup> P. Stenning (1992:146-147).
- <sup>16</sup> T. Jones & T. Newburn (1995:231).
- <sup>17</sup> J. de Waard (1999:147).
- <sup>18</sup> M. Button (2005a:6).
- <sup>19</sup> M. Button & B. George (2006: 564) and Button: (2007:113).
- <sup>20</sup> The European Parliament and the Council of European Union (2006).
- <sup>21</sup> T. Jones & T. Newburn (1995: 231) and P. Stenning (1996:147).
- <sup>22</sup> de Waard (1999:146-147).
- <sup>23</sup> A. Bryman (2004:100).
- <sup>24</sup> CoESS is the Confederation of European Security Services and its members are national private security industry associations and it is the official representative in EU context for the industry.
- <sup>25</sup> Previous studies used in the definition of the main subjects in private security regulation: B. George & M. Button (1996, 1997, & 2000), M. Button & B. George (1994 & 2001), M. Button (1998, 2002, 2003, 2005 & 2005a), J. Hakala (1998), L. Morré (2004 & 2004a) and T. Weber (2002).
- <sup>26</sup> Governmental documents used in the definition of the main subjects in private security regulation: governmental committee reports, statutory regulations and parliamentary explanatory notes from DK, FI, NO, QLD, SA, SE & UK
- <sup>27</sup> CAPI=Computer assisted personal interviewing.
- <sup>28</sup> There was at the time of the study no special statutory private security regulation in Cyprus, Czech Republic, Switzerland and no response was received from Iceland.
- <sup>29</sup> Commission of European Communities (2004). The Services Directive proposal by the EU Commission did originally include the 'deregulation' of the private security industry, excluding only the cash-in-transit activity for an overlapping period. In the final Directive the European Parliament and the Council of European Union (2006:Article 16/3-4) excluded the security sector from the directive but with the condition that at the latest one year after the transposition of the Directive Commission shall submit a report of the need to propose harmonisation measures regarding among other things security services.
- <sup>30</sup> The Court of Justice of the European Communities, Case Law rulings of private security business restrictions set by member states' legislation (1998, 2000, 2001, 2004, 2004a, 2006 & 2006a).
- <sup>31</sup> T. Prenzler & R. Sarre (2005:73-74).
- <sup>32</sup> Group4Securicor and Securitas annual reports of year 2005.

---

<sup>33</sup> The need to regulate private investigation is mainly argued by the risk of privacy breaches in this work. The general intensified focus on privacy matters in today's societies may explain partly the high percentage.

<sup>34</sup> See also P. Gounev (2006:124).

<sup>35</sup> Spaninks, L., Quinn, L. & Byrne, J (2001). A CoESS and UNI-Europa cooperation project on basic guard training requirements and contents which have been translated into most of the EU languages of that time.

<sup>36</sup> See L. Morre (2006:19).

<sup>37</sup> A. Bryden (2006:14).

<sup>38</sup> See for example; W. C. Cunningham, J. J. Strauchs & C. W Van Meter (1990:150 & 152), T. Jones & T. Newburn (1996:113), Ireland: Consultative Group on the Private Security Industry (1997:47 & 62), M. Button (1998:20-21 & 2007:116), United Kingdom: Private Security Industry Bill, Lords Hansard (2000; column 574)., Centre for International Economics (2007:34-35) and Zedner (2006:278-279).

## Bibliography

Berglund, T. (1995) The security industry in Europe – how to act and react towards Europe. Unpublished presentation for internal use 23.08.1995. Stockholm: Securitas AB.

Bryden, A. (2006) Approaching the privatisation of security from a security governance perspective, in A. Bryden & M. Caparini (eds.) *Private actors and security governance 3-19*. Vienna: Lit verlag.

Bryman, A. (2004) *Social research methods*. Oxford: Oxford University Press.

Button, M. (1998) Under-researched, Under-utilized and Underestimated: Private Security and its contribution to policing. *Occasional Paper No.8*. Portsmouth: Institute of Police and Criminological Studies.

------(2002) *Private Policing*. Cullompton: Willan Publishing.

------(2003) Private security and the policing of quasi-public space, in *International Journal of the Sociology of Law* 31:227-237. Amsterdam: Elsevier/Academic Press.

------(2005a) 'Big fish in little ponds': Private security officers and the policing of private and hybrid space. PhD thesis. London School of Economics.

------(2005a) 'Not quite in the Champions League.' Assessing the regulation of private security in England and Wales in the European context. Paper presented at the European Society of Criminology 5<sup>th</sup> Annual Conference in Krakow, Poland September 2005.

------(2007) Assessing the Regulation of Private Security across Europe, in *European Journal of Criminology* 4(1):109-128. London: SAGE Publications.

Button, M. and George, B. (2006) Regulation of private security: models for analysis, in M. Gill (ed.) *The handbook of security:563-585*. Basingstoke: Palgrave MacMillan.

Centre for International Economics (2007) Consultation RIS – Harmonisation of private security industry regulation – a regulation impact statement, prepared for Attorney General's Department. Canberra: CIE.

Cunningham, W. C., Strauchs, J. J. & Van Meter C. W. (1990) *Private Security Trends 1970-2000 (The Hallcrest Report II)*, Stoneham MA: Butterworth-Heinemann.

Commission of European Communities (2004) Directive of the European Parliament and of the Council on services in the internal market [SEC(2004) 21]. Brussels: COM.

Cukier, W., Quigley, T. and Susla, J. (2003) Canadian regulation of private security in an international perspective in *International Journal of the Sociology of Law* 31:239-265. Amsterdam: Elsevier/Academic Press.

- de Waard, J. (1993) The private security sector in fifteen European countries: size, rules, and legislation, in *Security Journal* 4(2): 58-63. London: Butterworth-Heinemann.
- (1999), 'The Private Security Industry in International Perspective' in *European Journal on Criminal Policy and Research* 7 (2): 143-174. Dordrecht: Kluwer Academic Publishers.
- de Waard, J. and van der Hoek (1991) Private security: size of the sector and legislation in the Netherlands and Europe. The Hague: Ministry of Justice.
- George, B. and Button, M. (1996) International perspectives on regulation of the private security industry – a new framework for analyses, a paper presented at the conference 'Private Security Services – A European Perspective' in London 24-25 September 1996. Brussels: CoESS/Euro-fiet.
- (1997), 'Private Security Industry Regulation: Lessons from Abroad for the United Kingdom', in *International Journal of Risk, Security and Crime Prevention* 2 (3): 187-199. Leicester: Perpetuity Press.
- (1999), 'Answering the Call of Regulation' in *Security Management* 43 (6): 97-98. Alexandria VA: American Society for Industrial Security.
- (2000) Private Security. Leicester: Perpetuity Press.
- Gounev, P. (2006) Bulgaria's private security industry, in A. Bryden & M. Caparini (eds.) *Private actors and security governance:109-129*. Vienna: Lit verlag.
- Group4Securicor (2006) Annual report 2005. London: Group4Securicor Ltd.
- Hakala, J. (1998) A comparison of statutory regulations and controls as they concern the private security industry in four Nordic Countries: Denmark, Finland, Norway and Sweden. MSc dissertation. Leicester: University of Leicester, Scarman Centre.
- Ireland (1997) Report of the Consultative Group on the Private Security Industry, Dublin: The Stationery Office.
- Jones, T. and Newburn, T. (1995) How big is the private sector?, in *Policing and society Vol. 5:221-232*. London: Taylor and Francis Group.
- (1996) The regulation and control of the private security industry' in W. Saulsbury, J. Mott & T. Newburn (eds.) *Themes in Contemporary Policing*. London: Police Studies Institute.
- Morre, L. (2004) Towards a European model – panoramic overview of private security industry in the 25 member states of the European Union. Brussels: CoESS & UNI-Europa.
- (2004a) Comparative overview of the legislations governing the cash in transit private industry in the 15 EU members. Brussels: CoESS & UNI-Europa.
- (2006) Scope of analysis in view of the comparative study of CIT legislation within 25 EU member states - overview of the legislations governing cash in transit (private security) in 10 new EU member states who joined EU on 1st May 2004 Brussels: CoESS/UNI-Europa.
- Nordberg, R. (1996) Acting and reacting towards Europe, in *CoESS News no 2 winter 1996:2*. Amsterdam: CoESS.
- Ottens, R.W., Olschok, H. and Landrock, S. (Hrsg.) (1999), *Recht und Organisation privater Sicherheitsdienste in Europa*, Stuttgart: Richard Boorberg Verlag.
- Prenzler, T. and Sarre, R. (2005) Policing, in R. Sarre & J. Tomaino (eds.) *Key issues in criminal justice*. Unley SA: Australian Humanities Press.

---

Securitas (2006) Annual report 2005. Stockholm: Securitas AB.

Spaninks, L., Quinn, L. & Byrne, J (2001), European vocational training manual for basic guard training. *A project supported by the European Commission DG Education and Culture, under the Leonardo Program.* Brussels: CoESS & UNI-Europa.

Stenning, P. C. (1992), 'Private Policing – Some Recent Myths, Developments and Trends' in *Conference Proceedings (Australian Institute of Criminology) no. 23/1994*: 146-155, Canberra: AIC. [www.aic.gov.au](http://www.aic.gov.au)

The Court of Justice of the European Communities (1998) Judgement of the Court in Case C-114/97 – Commission of the European Communities v Kingdom of Spain – Authorisation to carry on private security activities (Nationality conditions). Luxembourg: EU Court.

------(2000) Judgement of the Court in Case C-355/98 – Commission of the European Communities v Kingdom of Belgium – Authorisation to carry on private security activities (Requirement of an identification card issued in accordance with national legislation). Luxembourg: EU Court.

------(2001) Judgement of the Court in Case C-283/99 – Commission of the European Communities v Italian Republic – Authorisation to carry on private security activities (Nationality conditions). Luxembourg: EU Court.

------(2004) Judgment of the Court in Case C- 171/02 – Commission of the European Communities v. Portuguese Republic – Authorisation to carry on private security activities (Failure to provide for recognition of professional qualifications in the private security service sector). Luxembourg: EU Court.

------(2004a) Judgement of the Court in Case C-189/03 – Commission of the European Communities v Kingdom of Netherlands – Authorisation to carry on private security activities (Restrictions-private security firms). Luxembourg: EU Court.

------(2006) Judgement of the Court in Case C-533/03 – Commission of the European Communities v Kingdom of Spain – Authorisation to carry on private security activities (Recognition of professional qualifications). Luxembourg: EU Court.

------(2006a) Case C-465/05 (pending) – Action brought on by the Commission of the European Communities against the Italian Republic (Authorisation to carry on security services). Luxembourg: EU court.

The European Parliament and the Council of European Union (2006) Directive 2006/123/EC of the European and the Council of 12 December 2006 on services in the internal market, in *Official Journal L 376, 27/12/2006 P. 0036-0068*. Brussels: EUR-Lex.

United Kingdom (2000) Lords Hansard text for 18 Dec 2000 (201218-03), taken from website: <http://www.publications.parliament.uk/pa/ld1999007ldhansard/pdvn/lds00/.../01218-03.ht>

van Dijk, F. and de Waard, J. (2000), *Legal infrastructure of The Netherlands in international perspective*, The Hague: Ministry of Justice, The Netherlands.

------(2000b), Key findings study - Legal infrastructure of The Netherlands in international Perspective: Crime Control, in *European Journal on Criminal Policy and Research 8 (4)*: 517-527, Dordrecht: Kluwer Academic Publishers.

------(2000c) Public and private crime control – national and international trends The Hague: Ministry of Justice.

Weber, T. (2001) 'A comparative overview of legislation governing the private security industry in the European Union', in *conference proceedings at the Third European Conference for the Private Security Services, in Brussels the 12-13 Dec 2001*, Brussels: Cess & UNI Europe.

------(2002), A comparative overview of legislation governing the private security industry in the European Union – final report. Birmingham: ECOTEC Research and Consulting.

------(2002b), 'Study of Harmonisation – Comparative overview of legislation: The Case of Training & Education' in *CoESS Newsletter no 10 April 2002: 4-5*, Brussels: CoESS.

------(2003) Study on harmonisation – restrictions on background of employees, in *CoESS Newsletter no 12 summer 2003:6*. Brussels: CoESS

Zedner, L. (2006) Liquid security: Managing the market for crime control, in *Criminology and Criminal Justice* 6(3): 267-288. London: SAGE Publications.