

REGULATING PRIVATE SECURITY IN NOVA SCOTIA



DISCUSSION PAPER
January 2007


NOVA SCOTIA
Department of Justice

Table of Contents

Message from the Minister 3

Background 4

PART I

LICENSING 6

 Who Should be Licensed? 6

 Classification of Security Practitioners 9

 Minimum Requirements 10

 Licensing Period 11

 Multi Licenses and Portability 12

PART II

TRAINING AND STANDARDS 13

 Minimum Training and Testing Standards 13

PART III

GOVERNANCE 15

 Accountability 15

 Complaint and/or Appeal Process 16

PART IV

IMPLEMENTATION AND CONSULTATION 17

 Implementation Phase 17

 Consultation Processes 17

Message from the Minister

The private security industry is critically important to achieving a safe and secure environment for Nova Scotia's private businesses and the general public. An increase in demand for private security services and the expansion of the scope of duties identified as security activities have contributed to the growth of the industry. The *Private Investigators and Private Guards Act* of Nova Scotia regulates and provides oversight of the security industry but currently does not reflect its growth.

As we modernize our private security legislation, we must determine the most appropriate means to facilitate a positive business environment for the security industry and security practitioners in Nova Scotia. At the same time, we must ensure that public safety needs are addressed. To achieve this, the Department of Justice is asking for your input.



Honourable Murray K. Scott
Minister of Justice and Attorney General

Our Security Programs Office has developed a discussion paper to provide you with information on private security areas which require review. A questionnaire is also provided to give you the opportunity to share opinions and ideas on effective private security reform in Nova Scotia.

I encourage you to provide your views as government modernizes and strengthens private security legislation. I would also like to thank you in advance for contributing to a safer and more secure Nova Scotia.

Sincerely,

A handwritten signature in black ink that reads "Murray Scott M.B." in a cursive style.

Murray K. Scott, M.B.
Minister of Justice and Attorney General
Province of Nova Scotia

Background

In recent years, the private security industry has experienced significant growth in both its size and importance. According to the 2001 Census, there were 1.3 times as many people working in private security as there were public police officers.¹

The increased demand for private security services has been the result of several factors including: the growth of mass private properties such as shopping malls, sports stadiums, and gated communities; the increased demand for security by the public and private business in the wake of both domestic and international issues such as perceived/real increasing crime rates and the threat of terrorism; and the acknowledgment among police practitioners, academics and policy makers that private security is a needed supplement to public police initiatives in order to provide the public and private interests with the security it desires.

This increase in demand for private security has consequently led to an expansion in the types of security that is provided. While security guards and private investigators make up the majority of those currently licensed, they are the only practitioners that are licensed under the *Private Investigators and Private Guards Act* in Nova Scotia. With industry expansion, there are now a myriad of other occupations performing recognized security activities that are not identified or regulated under the Act. For example, occupations such as risk management consultants, locksmiths, alarm installers, bouncers, bodyguards and in-house security perform various security functions but are currently not required to be licensed in Nova Scotia.

The expansion in the scope of duties identified as security functions, the increases in the number of security practitioners, and the growing public and private demand for enhanced security measures has prompted many jurisdictions, such as Ontario, Quebec, Alberta, British Columbia, and Manitoba, to review their existing legislative frameworks governing the private security industry to ensure that the legislation reflects current security realities. Updated legislation is required as governments are accountable to its citizens to ensure that such legislation provides the best possible security regime; one which citizens can be assured meets their private security needs and enhances overall public safety.

Purpose

The *Private Investigators and Private Guards Act* was originally enacted in Nova Scotia in 1972 to provide a regulated environment for the growing number of private investigators and private guards in Nova Scotia. The last revision to the Act was in 1989. While this legislation played an important role in ensuring an accountable private security industry over the past number of years, the current legislation does not reflect the diversification of the private security industry nor the growing role that private security plays in the overall safety and security of the citizens in Nova Scotia.

¹Taylor-Butts, Andrea (2004). *Private Security and Public Policing in Canada, 2001*. Ottawa: Canadian Centre for Justice Statistics.

Given the need to modernize this legislation, the Department of Justice is seeking your input on how private security in Nova Scotia can be regulated to better reflect the expansion of the industry and the growing need for strengthened accountability measures to enhance the safety and security of the citizens of Nova Scotia. In particular, there is a need for consultation to determine: security occupations which should be covered under the legislation; the appropriate licensing regime for those occupations; minimum training and testing standards; and accountability requirements. This discussion paper focuses specifically on these areas.

The purpose of this consultation is to seek information and insight on the most appropriate means to facilitate a positive business environment for the security industry and security practitioners in Nova Scotia, while at the same time ensuring that public safety needs are addressed. The development and enforcement of mandatory standards and accountability structures for all segments of the security industry will equalize the field for those providing security services. In addition, it will also enable the public to have more confidence in the quality of service, enhance professionalism of the industry, and encourage various agencies to improve their standards.

In developing this discussion paper, the Security Programs Office examined academic research at the national and international level, consulted with relevant stakeholders within the Department of Justice, and consulted with Registrars of Private Security in other provinces. It is our hope that the dissemination of the discussion paper will facilitate consultations with the industry and other stakeholders to ensure all relevant interests are considered in the development of modernized private security legislation.

We encourage your input. The attached questionnaire may be used for note taking prior to the completion of the on-line questionnaire. Please submit your responses to the questionnaire on-line at www.gov.ns.ca/just/ click "Policing" and then "Security Programs Office". If additional space is required, please forward comments to SECPROG@gov.ns.ca.

If access to the internet is problematic, the accompanying questionnaire can be completed and returned by mail to our office. If additional space is required, attach a separate piece of paper with your submissions.

Please forward responses as well as any additional comments, ideas or concerns **by February 26, 2007**.

Send written submissions to:

Nova Scotia Department Of Justice
Security Programs Office
5151 Terminal Road
Halifax, Nova Scotia
B3J 2L6
1-888-760-5577 or 424-2905

Note:

This discussion paper has been prepared by the Department of Justice, Security Programs Office to assist any interested shareholders to formulate submissions on the draft proposals outlined in this discussion paper. The content in this paper is for discussion and consultation purposes only and should not be viewed as final or conclusive.

Regulating Private Security in Nova Scotia

PART I - LICENSING

Issue # 1

Who Should be Licensed?

In Nova Scotia under the existing *Private Investigators and Private Guards Act*, private investigators, private guards, armed guards, and guard dogs are required to be licensed. In 2005/2006 the Department issued licenses to 76 security companies and approximately 3,400 licenses to individual security guards and/or private investigators. Currently, those who are required to be licensed comprise only a portion of those who are working in the private security field in Nova Scotia. The Canadian Corps of Commissionaires, locksmiths, alarm installers, security consultants and all those security personnel who are employed by proprietary organizations (i.e. those organizations with their own security personnel who are not contracted out for hire to other entities), are not required under the *Act* to hold licenses at this time. As a large component of the security industry is not regulated in Nova Scotia, this creates an uneven competitive playing field and limited regulation of the industry as a whole.

Expanded coverage will increase public confidence in the industry and raise standards of competence and professionalism. In addition, the risk of criminal involvement in private security would be limited as currently unlicensed components of the industry would become subject to criminal records screening.

Consideration is being given to expanding coverage of the legislation to include:

1. In-House Security (Businesses or Organizations with internal security)

Classified as those individuals who are employed by public or private organizations to provide security services exclusively to their direct employer. Their services are not contracted out by the employer. This includes individuals who work for commercial corporations, universities, shopping malls, building complexes etc. These security personnel have considerable contact with the public and yet are not regulated as security agents and are not subject to a criminal records check.

Licensing of in-house security personnel would require the employer to be registered with government as a security employer. While it is not proposed that proprietary companies pay a licensing fee, an administration fee will be required to register the company with the Nova Scotia Justice Department.

2. Canadian Corps of Commissionaires

The Corps is a private, non-profit organization that provides security services to both public and private organizations. The historical context of the Commissionaires was to assist veterans in finding employment. That is no longer the case. Today the Corps of Commissionaires competes with for-profit contract security companies for both the same personnel and on many of the same contracts.

3. Personal Protection (Bodyguards) and Door Security (Bouncers)

The services of these in-house and contract security agents are to maintain a safe environment for the benefit of individuals, staff and patrons. They often encounter physical confrontations and have a greater potential than most other security agents for violent interaction with the public. They are currently unregulated and are not required to have a criminal records check or security screening.

4. Locksmiths & Locksmith Agencies

Those individuals who engage in any activity which is related to the opening and closing or engaging of locking mechanisms of any nature by means of a specialized device, require a high level of public trust. Despite this, there is currently no requirement that they have criminal records checks or security screening.

5. Alarm Installers, Alarm Agencies

These are companies and individuals who sell, supply, and/or install an assembly of equipment and devices intended to protect property or those who provide or sell methods of protecting property from crime and disorder. This includes CCTV installers. Training requirements are in accordance with an Apprenticeship Program offered by the Department of Education but they are not subject to criminal records checks or security screening.

The Law Commission of Canada: In Search of Security, The Future of Policing in Canada 2006 - Recommends that in the interest of the public good, in-house and contract security personnel and organizations should be licensed and regulated ...

Ontario - *The proposed Private Security and Investigative Services Act* makes licensing and training mandatory for all security personnel. It also makes in-house security staff, like those working for retailers, bars and the Corps of Commissionaires, subject to the *Act*.

Alberta - Government MLA Review, *Private Investigators and Security Guards Act* - Nov 2006 Recommendation 1.1
Overall, stakeholders supported licensing security guards regardless if they are contract, in-house or with the Corps of Commissionaires

Manitoba - New legislation requires in-house security guards (those who are permanently employed by one employer in a business or undertaking other than the business of providing security guards, and whose work is confined to the affairs of that employer) be licensed under the new *Act*.

British Columbia - are drafting legislation that states in-house security, Corps of Commissionaires, alarm installers, locksmiths, security consultants and body guards will be licensed under the new *Act*.

6. Security Consultants and Agencies

These agencies and individuals consult, manage or provide advice on loss prevention and security activities for hire or reward. Although they have constant contact with the public, their activities are not regulated nor subject to any legislative standards.

7. Guard Dogs and Guard Dog Handlers

In Nova Scotia, the Regulations for the *Private Investigators and Private Guard Act* requires that an individual guard dog handler be licensed as a security guard with a license endorsement to handle a guard dog. The *Act* itself does not address guard dog handlers and does not require that a guard dog be licensed. The demand for the services of guard dogs and handlers is increasing and may be an area of significant potential growth. This should be addressed within the *Act*.

Your Comments

Our aim is to ensure that the legislation is applied to all of the above sectors. We welcome your views on expanding the licensing regime. Please refer to PART I, Licensing, Question # 1 of the questionnaire.

PART I - LICENSING

Issue # 2

Classification of Security Practitioners

With the growth of the private security sector, the roles and functions of private security practitioners are steadily evolving and becoming increasingly diverse. Private security functions and responsibilities can differ considerably among practitioners but this is not reflected in the present legislation. For example, under the current *Act*, an applicant who is a manager/supervisor of security personnel receives the same guard license as a private investigator or security guard. In addition, individuals hired to guard a construction site or to be a floorwalker at a retail store will both receive the same guard license. Because of the diversity in the profession, it is evident that a licensing system that would differentiate between the different levels of security functions/duties would be useful.

There are a number of different approaches that could be considered, for example;

1. Different licenses for different categories of security work (an alarm installer, in-house, private guard, private investigator, security consultant etc. would have a separate identifying license),
2. Varying levels of security licenses based upon training and experience (Level 1 = Private Guard Level 2 = Senior Guard, Level 3 = Supervisor/Manager) and/or
3. Endorsements on licenses for functions requiring specific authority (use of equipment such as baton and handcuffs).

Any or all of these options would facilitate the development of training requirements specific to the classification function the individual would perform.

Your Comments

We welcome recommendations relating to license classification and levels or endorsements on licenses. Please refer to PART I, Licensing, Question # 2 of the questionnaire.

Ontario: Drafting new legislation that addresses a licensing classification system in which each level or tier reflects the duties that the security practitioner is competent to perform based on the training they have received.

Alberta: Government MLA Review, *Private Investigators and Security Guards Act* - Nov 2006 Recommendation 1.6
It is recommended that loss prevention personnel be licensed in a separate category to reflect their distinct and critical role in reducing criminal activity...

Quebec: The proposed *Act* makes provisions for five categories of agent and agency permits, which corresponds to the field of activity that falls under the scope of legislation.

Florida: - Currently uses a licensing classification system that provides several licensing options to individual security and private investigator applicants, agencies and schools. Licenses are granted based on the training and qualifications required to perform the specific duties associated with each position.

PART I - LICENSING

Issue # 3

Minimum Requirements

The current legislation requires that an applicant for a private investigator, private guard or armed guard license be at least nineteen (19) years of age (Age requirement in other provinces is 18 other than N.B. which is 19), pass a criminal records screening, be a Canadian citizen or entitled to work in Canada and pay the prescribed fees. In addition, a member of a police agency is prohibited from engaging in the business of acting as a private investigator or private guard .

The same conditions also apply to an applicant for a business license with the additional requirements of evidence of liability insurance, pre-approval of applicant's business name and approval of uniforms and vehicle markings to be used by the business.

Many jurisdictions in Canada require that security practitioners applying for a business license submit a surety bond ranging from \$5,000 to \$15,000 depending on the province. Surety bonds are requested in order to offer some protection to the public by ensuring the honest and lawful conduct of the business licensee and his/her licensed employees. The *Private Investigators and Private Guards Act* of Nova Scotia is the only Act in Canada that does not address the issue of bonds.

An applicant for an armed guard license must pass a firearms proficiency test and hold a valid Possession and Acquisition license (PAL), and an Authorization to Carry (ATC) pursuant to the *Firearms Act*.

An applicant for an armoured vehicle business must hold a valid firearms business license pursuant to the *Firearms Act* and the armoured vehicle must be a standard acceptable to the Minister and in compliance with the standards required under the *Motor Vehicle Safety Act (Canada)*.

Your Comments

Are the current requirements appropriate? Are there additional requirements that should be considered? Should bonds be required? Please refer to PART 1, Licensing, Questions # 3, #4, #5 and #6 of the questionnaire.

Prescribed licensing fees for 2006/07

\$21-License to act as a Private Guard OR Private Investigator
\$32 -License to act as a Private Guard AND Private Investigator
\$11 License to upgrade to dual status
\$319 License to engage in the business of providing Private Guards for hire or Private Investigators
\$619 License to engage in the business of providing Private Guards for hire and Private Investigators

Surety Bonds

British Columbia, Alberta and Saskatchewan:

Current legislation requires that proof of bonding must accompany Business Applications.

Manitoba, New Brunswick and Ontario:

Legislation requires that business applicants provide proof of a \$5,000 bond.

Quebec: Current legislation requires that business applicants provide proof of a \$15,000 bond.

Newfoundland & Labrador: Legislation requires that business applicants provide proof of a bond ranging from \$5,000 to \$15,000.

P.E.I.: Under current legislation, a Business Applicant is required to submit an original bond in the amount of \$ 10,000

PART I - LICENSING

Issue # 4

Licensing Period

Under the present legislation the licensing year is from April 1st in one year to March 31st in the next year. All licenses are valid for a maximum period of 12 months. Currently there are no provisions for licensing for longer periods.

Expansion of the legislation to require licensing for a broader range of security practitioners will significantly increase the volume of applications and could result in an administrative burden on the Security Program Office if all applications are required to be renewed at the same time. Conversely, maintaining one annual renewal date allows the Security Programs Office to assist businesses with renewals by sending out notifications of expiry listing all their licensees. If renewals were staggered throughout the year, there would also be an extra administrative burden on the Security Programs Office to track renewals on a monthly basis in order to send expiry notices to the security industry.

All licenses for both companies and individuals, regardless of the issuance date, are now subject to expiry on March 31st and must be renewed prior to that date. The required annual fee is reduced by half for applications that are received after Oct 1st. If the application is received in February or March the license is only valid until March 31st thus requiring the applicant to submit the paperwork and fee for a renewal shortly after the initial license was issued.

To reduce the burden on the industry, consideration is being given to providing the option of licensing for up to 15 month period for applications received after January 1st, i.e. applications received after January 1st in one year could be valid until March 31st of the next year. This would reduce paperwork and eliminate the necessity for companies and individuals to apply for a renewal shortly after the issuance of an initial license.

Consideration is also being given to staggering renewal dates throughout the year based on the date the application is approved and allowing longer licensing periods (1 or 2 year licenses), particularly in the less transitory components of the security field.

Your Comments

Your input would be appreciated on the issues of staggered renewal dates, longer licensing periods, and an optional 15 month initial license. Please refer to PART 1, Licensing, Questions # 7, #8 and #9 of the questionnaire.

PART I - LICENSING

Issue # 5

Multi Licenses and Portability

Currently, security employees can work for more than one company but must attain a separate license for each company. The license to work for any particular company must be issued before a security practitioner is able to start work for that company. The license that is held by a security practitioner (and required by legislation to be provided upon request), clearly identifies the company for whom the individual is working. This process ensures that all security practitioners are overseen by a company and the company bears responsibility and liability for the individual's employment activity. The company also has the additional responsibility of ensuring that any license that is revoked or suspended is returned to the Security Programs Office. If the public has concerns in relation to a security practitioner, they have recourse to the company in addition to filing a formal complaint with the Security Programs Office.

Transition to a portable license regime i.e. licensing the individual rather than licensing the individual for employment with a specific company, is being considered in some larger jurisdictions as a means of facilitating the development of a roster of licensed individuals who would be able to work immediately with any company. The ability of the public or security regulators to trace the individual's activity back to the employer would be significantly reduced, as the individual's license would no longer identify the employer. This would be of particular concern in employment situations such as retail floor walking where licensed private guards are not required to be in uniform.

Licensing the individual rather than licensing through a company would benefit the individual licensees by allowing them to offer their services and change jobs/employers without having to reapply for another license. At the same time, it may reduce professionalism within the industry as companies would no longer be involved in the screening of license applications and individuals would have increased opportunity to work on their own, independent of a contract security or proprietary company. In addition, it would reduce the ability of the Security Programs Office to retrieve expired, revoked or suspended licenses and may facilitate those individuals continuing to market their services even though their license is invalid.

The issues of multi-licensing and portability are subjects of substantial debate among security regulators and industry stakeholders. Developing a streamlined licensing process to facilitate employment in the industry while not also reducing accountability and professionalism is a significant challenge.

Your Comments

The approach taken on multi-licensing/license portability could have substantial impact in setting future direction for operation of the security industry. A detailed response on this issue would assure that all points of view are considered. Please refer to PART 1, Licensing, Questions # 10 and #11 of the questionnaire.

PART II - TRAINING AND STANDARDS

Minimum Training and Testing Standards

Under the existing legislation and regulations in Nova Scotia, training is only required for those individuals who are seeking an armed guard license or endorsements on their license for the use of restraining devices or batons. A license endorsement for a guard dog handler requires a written summary of experience and training in the use of guard dogs for hire. Written proof of training acceptable to the Minister is necessary to permit a security practitioner to carry equipment such as a baton or handcuffs. Those seeking an armed guard license are required to pass a firearms proficiency test and hold a valid Possession and Acquisition license (PAL), and an Authorization to Carry (ATC) pursuant to the *Firearms Act*.

Currently, there are no general mandatory minimum training requirements for the security industry. Depending on job assignments, security guards will have varying responsibilities. In large security organizations, a security guard may have specialized duties, while in small organizations, individual security personnel may be responsible for all security measures. In department stores, security personnel must watch for theft by customers or employees while also serving as a deterrent to would-be criminals. While at social events, nightclubs and concerts, security guards are responsible for crowd control and the restraint of patrons who may cause trouble.

Although many companies and security professionals already have well-established training standards, others have little or no training. Implementing mandatory minimum training and testing requirements for all components of the industry would increase professionalism within the industry, establish uniform standards and improve safety for the public who interact with security personnel. The establishment of a minimum basic training standard is not intended to restrict training beyond the standard nor to add an additional level of training for those security professions such as locksmiths who have an existing training requirement for their specific profession.

British Columbia: In 1996, the Province of British Columbia introduced legislation that prohibits the issuance of a security guard license unless the individual has completed an "approved training program". Two courses, Basic Standards Training 1 and Basic Standards Training 2, must be successfully completed through an approved training school, and evidence of completion must be attached to a license application.

Ontario: Their newly proposed legislation requires mandatory pre-employment training before the issuance of a security guard license. Individuals who are currently licensed must pass a proficiency test. If they fail, they must take the prescribed training. They will be utilizing the basic principles of the Canadian General Standards Board.

Manitoba: Recent amendments to their legislation include new mandatory training for security personnel.

Saskatchewan: In 2002, the Province of Saskatchewan introduced new legislation requiring mandatory pre-employment training for security guards. Individuals must take an "approved training course" and pass a test administered by the department.

Newfoundland: Current legislation states that a first time applicant for a private investigator or security guard agent license shall provide proof of successful completion of the training course or examination provided for this purpose by a community college established under the *Colleges Act*.

Those jurisdictions in Canada that have implemented minimum mandatory training standards have predominantly based their training on the standards developed by the Canadian General Standards Board (CGSB). The CGSB training standard for basic security guards and security guard supervisors is the standard used by the Canadian Corps of Commissionaires and is also the required training for any federal government security contracts. This standard has also been adopted as the basis for training for several currently licensed security companies as well as in colleges and organizations in Nova Scotia with their own internal security personnel. As the CGSB standard is well-established and well-accepted in the industry, it is anticipated that approved training for security guards and security supervisors in Nova Scotia would be required to meet a similar standard.

Although mandatory pre-employment training for security guards and supervisors has been a requirement in British Columbia since 1996 and in Saskatchewan since 2002, the pre-employment requirement has been a contentious issue in other jurisdictions. Concern has been expressed within the industry about the delay in putting an employee to work immediately if pre-employment training is required. However, allowing the individual to work prior to completion of a minimum level of training does not address the public safety concern inherent in having completely untrained individuals providing security services.

Your Comments

The introduction of mandatory minimum training standards will significantly impact the security industry, particularly contract security guard services. A number of approaches are open for consideration on this issue. Ideas and suggestions would be appreciated. Please refer to PART II, Training and Standards, Questions # 12 to #16 of the questionnaire.

PART III - GOVERNANCE

ISSUE # 1

Accountability

The effectiveness of any legislation is dependant to a large degree upon the system established for enforcement and monitoring of legislative requirements. If effective remedies for infractions are not in place and enforced, updating the legislation will have little impact on the security industry. The purpose of a compliance regime is to encourage licensees to uphold the standards prescribed by law and to create safeguards for both the public and the security industry. Implementation of measures such as newsletters to keep the industry updated and the availability of a compliance officer for advice and consultation, provide the industry with assistance to remain compliant with legislative requirements.

In other jurisdictions across Canada such as Ontario and Alberta, increasing attention is being given to drafting a Code of Conduct which would hold both individuals and companies accountable.

A successful compliance regime should include a possible range of infractions such as warnings, summary offence tickets, license suspension/revocation as well as prosecution. Remedial action for failure to comply however, must have sufficient impact to encourage licensees to avoid penalty.

Regulators must have the appropriate legislative authority to ensure compliance to standards. An effective enforcement system requires powers of inspection, investigation, audit, and remedial action. Growth in the industry has resulted in increased emphasis and attention on compliance.

Your Comments

Your input would be appreciated on how to effectively govern and monitor the private security industry to ensure that companies and personnel are accountable for their actions. Please refer to Part III, Accountability and Governance, Questions # 17 and #18 of the questionnaire.

Ontario - Currently developing a Code of Conduct which will allow the public to make complaints about the conduct of either security practitioners or employers. The Code outlines actions that can be addressed through remedial actions (for example, profane or abusive language may result in a practitioner being sent for sensitivity training).

Alberta - Government MLA Review, *Private Investigators and Security Act*, 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. Recommendation 7.1 - Stakeholders expressed that the government should increase their ability to monitor compliance...monitoring and auditing functions by the Alberta government should be strengthened for all licensed companies to ensure compliance.

Quebec: The *Act* makes provisions for a series of fines to which any person who contravenes certain regulatory provisions is liable. Fines vary from \$150 to \$5,000 depending on the type of offence.

British Columbia: The Oppal Report 1994 recommended that the province amend the *Private Investigators and Security Agencies Act* and regulations to include a system of regulatory fines, official reprimands and probation with conditions; and provide for informal settlements in the case of disputed violation notices.

PART III - GOVERNANCE

Issue # 2

Complaint and/or Appeal Process

The Nova Scotia *Private Investigators and Private Guards Act* does not provide specific processes to deal with either complaints against licensees or to appeal decisions of the Registrar. Some other jurisdictions specifically address the requirement for a complaints and appeal process in their legislation. Our objective is to develop processes that are consistent, objective, comprehensive, accessible, transparent, cost effective and operationally efficient, and easy to follow.

The number of steps employed in relation to a public complaint may differ depending on the content and seriousness of the complaint. For example, complaints deemed to be trivial or vexatious could be dismissed early in the complaint process. If an investigation is warranted, a formal or informal hearing may be required. Remedies for infractions or violations of the *Act* could include a range of actions such as warning notices, issuance of summary offence tickets, suspension, revocation or failure to renew licenses, and/or prosecution.

The current legislation prescribes only that an applicant or licensee must be given the opportunity to be heard in relation to a license refusal, suspension or revocation. If the Registrar refuses to grant or refuses permission to a licensee to hold a valid security license, there is no specific recourse provided for appeal of the Registrar's decision.

Ontario - New legislation establishes a formal mechanism to address public complaints. The Registrar will be responsible for receiving and reviewing all public complaints against individuals or licensed companies.

Manitoba: As per the drafted legislation, the registrar, or any person authorized by the registrar, may receive and investigate complaints respecting the business of any person carrying on the business of providing private investigators or security guards.

Quebec: The newly introduced but not yet proclaimed *Private Security Act* allows for the establishment of a separate board known as le Bureau de la Sécurité Privée that processes the complaints it receives against permit holders. The Bureau also has the ability to investigate, following a complaint or on its own initiative, a breach of the *Act* or its regulations.

P.E.I. As per legislation, complaints are directed to the Minister. The Minister receives a complaint in respect of the carrying on of the business of providing investigators or security guards.

Your Comments

The approach in other Canadian jurisdictions who have revised their legislation is to make the complaints process as simple and efficient as possible. We hope to adopt the same perspective in Nova Scotia. Your views on complaints and appeal processes and procedures would be of interest. Please refer to PART III, Accountability and Governance, Questions # 19 and # 20 of the questionnaire.

PART IV - CONSULTATION AND IMPLEMENTATION

Issue # 1

Implementation Phase

The inclusion of new professions and the implementation of mandatory training standards for all components of the security industry may necessitate that the new provisions of the legislation be phased in over a period of time. If implementation were to occur on a sector-by-sector basis, this would provide a period of notice for each sector to meet the requirements of the legislation. In addition, it would permit the Security Program Office to prepare for the gradual growth and to assist each sector to comply with the legislation.

Your Comments

The concerns and barriers to implementation of the legislative requirements and thus the timing of implementation may differ between sectors. The input of each sector of the security industry and other stakeholders on this issue is sought. Please refer to PART IV, Implementation and Consultation , Question # 21 of the questionnaire.

Issue # 2

Consultation Processes

Private security reform is of significant interest to those already required to be licensed as security practitioners; those who will be required to be licensed under the new proposed legislation; other stakeholders who are impacted by the role and functioning of private security, for instance police and security training/educational institutions; and members of the public. Given the diversity of interest groups, it is challenging to design an efficient and effective process to accommodate input from all possible stakeholders. Inviting written submissions provides a means to receive a wide-range of inputs and insights on private security reform.

Formation of an ongoing mechanism for consultation on private security regulation requires the cooperation of all sectors of the security industry. This itself poses a dilemma given the competition within the industry and the fact that there is no one entity, or even a number of entities, that can be viewed as representing the industry as a whole. Attempts to form a consultation or liaison group with the industry have to date not met with success. This experience has been similar for other provincial jurisdictions.

The Security Programs Office is interested in developing ongoing forums for consultations with the private security industry and stakeholders. The objective would be to improve communication, facilitate strategic partnerships, and provide an avenue for discussion of issues relevant to the security sector.

Your Comments

Your recommendations for ongoing consultation processes or mechanisms for selection of representatives for consultation would be appreciated.

Based on the content of the written submissions received, consideration will be given to hosting regional meetings as part of the consultation process. Please refer to PART IV, Implementation and Consultation, Questions #22, #23 and 24 of the questionnaire.

Regulating Private Security in Nova Scotia Providing Your Feedback Questionnaire

Thank you for completing this questionnaire. Your input will be invaluable to the Department of Justice in examining the regulation of the Private Security Industry. Your responses will be used to determine the next steps in the consultation process.

The questionnaire is divided into four (4) sections, Licensing; Training and Standards; Governance; and Implementation and Consultation. There are 24 questions mostly requiring yes/no responses. There is an opportunity to provide detail or comments following each question. We encourage you to take the time to provide detailed comments.

The attached questionnaire may be used for note taking prior to the completion of the on-line questionnaire. If access to the internet is problematic, this questionnaire can be completed and returned by mail to our office. If additional space is required, please attach a separate piece of paper with your submissions or e-mail comments to SECPROG@gov.ns.ca

Please submit your responses to the questionnaire on-line at www.gov.ns.ca/just/ click "Policing" and "Security Programs Office".

DEADLINE FOR SUBMISSIONS: February 26, 2007

Send written submissions to:

Nova Scotia Department of Justice
Security Programs Office
5151 Terminal Road
Halifax, Nova Scotia
B3J 2L6
Toll Free 1-888-760-5577 or (902) 424-2905

The following identifying information is required in order to accurately reflect your responses. Please note that the data compiled from the questionnaire will be general in nature and comments will not be identified with any specific individual or organization.

IDENTIFYING INFORMATION:

Organization: _____
Name: _____
Mailing Address: _____

Province: _____
Phone Number: () _____
Email Address: _____

I would like to have my **organization** included on a list of respondents to be considered for any potential future consultations. **YES** **NO**

I would like to have my **name** included on a list of respondents to be considered for any potential future consultations. **YES** **NO**

Which of the following applies to you?

Please check one:

- Member of the concerned public (no affiliation with the security industry and/or a police agency)
 - Police (RCMP, Municipal Police agency, etc.)
 - Police Associations (PANS, MAPP)
 - Private Security Sector (Security Guard/Agency; Private Investigator/Agency)
 - Proprietary Security (In-house security, Corps of Commissionaires, body guards, door staff, hospital security, retail security, etc.)
 - Locksmiths and Locksmith Agents
 - Security Consultants and Agencies
 - Alarm Installer, Alarm Agency
 - Government Agency
 - Other
- Please explain: _____

PART I - LICENSING
Who Should be Licensed?

Question # 1

The province of Nova Scotia is proposing to expand the licensing regime to include each of the following components of security that are currently not licensed. **Please indicate whether you believe they should be licensed by checking YES/NO and explaining WHY.**

Canadian Corps of Commissionaires **YES** **NO**

WHY?

In-House Security (Businesses or Organizations with internal security) **YES** **NO**

WHY?

Door Security (Bouncers) **YES** **NO**

WHY?

Personal Protection (Bodyguards) **YES** **NO**

WHY?

Locksmiths and Locksmith Agencies **YES** **NO**

WHY?

Alarm Installers and Alarm Agencies **YES** **NO**

WHY?

Security Consultants and Agencies **YES** **NO**

WHY?

Guard Dog Handlers / Guard Dogs **YES** **NO**

WHY?

Other: Please specify **YES** **NO**

PART I - LICENSING
Classification

Question # 2

Private security functions and responsibilities can differ considerably among practitioners. With the growth of the industry, roles and functions of practitioners are evolving and becoming increasingly diverse.

How should this be reflected in a licensing classification system ?

Different licenses for different categories of security work (alarm installers, bouncers, floor walkers, armed guards).

YES **NO**

Varying levels of security licenses (i.e. Level I = Private Guard, Level II = Senior Guard, Level III = Supervisor/Manager).

YES **NO**

Endorsement on licenses for functions requiring specific authority (use of equipment such as batons, handcuff use and guard dogs)

YES **NO**

Suggestions/Comments:

PART I - LICENSING
Minimum Requirements

Question # 3

The current legislation requires that an applicant for a private investigator, private guard or armed guard license:

- be at least nineteen (19) years of age,
- pass a criminal records screening,
- be a Canadian citizen or entitled to work in Canada and
- pay the prescribed fees.
-

Note A member of a police agency is prohibited from engaging in the business of acting as a private investigator or private guard .

Prescribed licensing fees for 2006/07

\$21-License to act as a Private Guard OR Private Investigator
\$32 -License to act as a Private Guard AND Private Investigator
\$319 License to engage in the business of providing Private Guards for hire or Private Investigators
\$619 License to engage in the business of providing Private Guards for hire and Private Investigators

The same conditions also apply to an applicant for a business license with the additional requirements of evidence of liability insurance, pre-approval of applicant's business name and approval of uniforms and vehicle markings to be used by the business.

Should any of the above requirements for a license be changed?

YES **NO**

Please explain:

Question # 4

Are there additional licensing criteria requirements that should be considered?

Licensing of in-house security personnel would require the employer to be registered with government as a security employer. While it is not proposed that proprietary companies pay a licensing fee, an administration fee will be required to register the company with the Nova Scotia Justice Department.

Question # 5

Should there be specific requirements in order for a proprietary business or organization to be a registered security employer in Nova Scotia? (i.e. business or organization with in-house security).

Please outline recommended requirements

Question # 6

Many jurisdictions in Canada require that security business applicants post a surety bond ranging from \$5,000 to \$15,000 depending on the province. A bond is obtained through the business applicant's insurance company and is required in order to offer some protection to the public by ensuring the honest and lawful conduct of the business applicant and his/her licensed employees.

Should a surety bond be required in Nova Scotia ? **YES** **NO**

If Yes, why and in what amount ?

PART I - LICENSING
Licensing Period

Question # 7

Currently, all licenses for both companies and individuals, regardless of the issuance date, must be renewed by March 31st. While this allows companies to submit renewals for all employees at the same time, it results in some licenses being valid for a much shorter period than 12 months.

Which of the following licensing period options would you support?

A) Maintain current status (keep current licensing year April 1st to March 31st of the following year). **YES**

OR

B) Licenses to be valid for a 12 month period from the date the application is approved.
YES

WHY?

Question # 8

If the current licensing year is maintained, should applicants applying after January 1st be given the option of up to a 15 month license ? (i.e. license would be valid for the remainder of the fiscal year as well as the next fiscal year)

YES **NO**

Please explain:

Question # 9

Should the general licensing period be longer than 12 months regardless of when the application is received?

YES **NO**

If yes, how long should the licenses be valid and why?

PART I - LICENSING
Multi Licenses and Portability

Currently, security practitioners can be employed by more than one company as long as they obtain separate licenses for each company. This ensures that individuals work only under the authority and liability of a company rather than as independent security practitioners. It also places responsibility on companies to retrieve expired, revoked or suspended licenses. Some larger jurisdictions are considering portable licensing (licensing individuals rather than licensing through the company).

Question # 10

Do you agree with portable licensing?

YES

NO

WHY?

Question # 11

If portable licensing is implemented, how could this be effectively managed to ensure accountability and monitoring of individual security practitioners?

Please describe:

PART II - TRAINING AND STANDARDS
Minimum Training and Testing Standards

Question # 12

Currently in Nova Scotia, the only mandatory training requirements for security personnel relate to those licensed as armed guards and those with the authority to carry equipment such as batons and restraining devices. Pre-employment security training prior to the issuance of a security license has been mandatory in British Columbia since 1996 and subsequently has been implemented in other jurisdictions in Canada. The Canadian General Standards Board provides a guideline for minimum training for security guards and supervisors.

Should mandatory training standards be implemented for security guards and supervisors in Nova Scotia?

YES **NO**

Please outline recommended training requirements:

Question # 13

Should security personnel be permitted to work prior to the completion of mandatory training?

YES **NO**

If yes, how could this be implemented without compromising public safety?

Question # 14

What training standards should be implemented for security personnel other than security guards and security supervisors?

For example: Personal Protection Agents; Door Security; Guard dogs and Handlers; Security Consultants; Locksmiths and Alarm Agents.

Please outline:

Question # 15

Should provisions be made for those currently working in the security industry to be 'grand- parented' into the licensing regime without meeting the mandatory training requirement ?

YES **NO**

If yes, how could this be implemented without compromising public safety?

Question # 16

Please outline the length of experience and type of proof that should be required if 'grand- parenting' is considered ?

Please outline:

PART III - GOVERNANCE
Accountability

Question # 17

The effectiveness of any legislation is dependant to a large degree upon the system established for enforcement and monitoring of compliance with legislative requirements. Regulators must have the appropriate legislative authority to enforce compliance to standards. An effective enforcement system requires powers of inspection, investigation, audit, and remedial action.

Do you have any concerns in relation to compliance with current regulations governing the security industry?

YES **NO**

If yes, please list concerns:

Question # 18

Should there be a Code of Conduct (standards of practice) for all agencies and all security personnel?

YES **NO**

If yes, what should it contain?

PART IV - IMPLEMENTATION AND CONSULTATION
Implementation Phase

Question # 21

Implementation of the proposed changes will ensure that public safety interests are addressed while also fostering a positive business environment for the security industry in Nova Scotia. This level of change will have a significant impact on the governance of the security industry and will require planning in order to comply with new legislation.

What issues should be considered in developing a process for the implementation of new legislation?

PART IV - IMPLEMENTATION AND CONSULTATION
Consultation with the Industry and Stakeholders

The establishment of an ongoing mechanism for consultation on private security regulation would be beneficial for both security regulators and for the security industry. An effective forum requires input from all sectors of the security industry. This is a dilemma given the competition within the industry and the fact that there is no one entity, or even a number of entities, that can be viewed as representing the industry as a whole.

Question # 22

Do you feel that a forum should be established for on-going consultation with the security industry?

YES **NO**

If yes, who should be involved?
