

# WHITE PAPER

## **private security** partner in internal security



**Ministère de la Sécurité publique**  
December 2003

## MESSAGE FROM THE MINISTER

For many years, people involved in the private security sector have been requesting the ministère de la Sécurité publique for modifications to be brought to the legislative, statutory and administrative frameworks governing their sphere of activities.

The Act which encompasses private security, namely the *Loi sur les agences d'investigation ou de sécurité*, was sanctioned in 1962 and has never been modified in a significant manner. A gulf has opened during the years between the current legislative framework and the reality of private security in Québec.

In this respect, as much in Québec as elsewhere in North America and in Europe, a considerable expansion has marked this industry. This growth was characterized, notably, by an increasing business volume, by a diversification of the activities made necessary by the demands of the market as well as by the increase in the number of involved parties. It is clear that the current Act and regulations today prove to be inadequate both to insure a more rigorous supervision of this sector and to support its development.

The White Paper submitted to consultation contains favourable directions in matters of private security. The foundations of the proposed reform are based on the adoption of a legislative framework which is better adapted to the current reality and which aims to improve the quality and professionalism of the various members of the industry.

You can count on my commitment to bring this long awaited reform to fruition.

The Minister of la Sécurité publique,

Jacques Chagnon

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## INTRODUCTION

During the past thirty years, the private security industry has experienced a considerable expansion. This growth was characterized by an increasing business volume, by a diversification of the activities and by an increase in the number of participants. This evolution therefore calls on the governments who should ensure that the legislative and statutory frameworks governing private security corresponds to the reality experienced by this industry.

In 1962, the Government adopted the *Loi sur les agences d'investigation ou de sécurité* (L.R.Q., c. A-8) and its *Règlement d'application* (c. A-8, r.1). However, these clauses covered only the contractual portion of private security, namely the agencies which, for remuneration, offer security or investigation services to third parties. In 1978, the government began a revision of this legislation, which however was not completed.

In 1996, repeated demands by the industry brought the Minister of la Sécurité publique to set up the *Comité consultatif sur la sécurité privée au Québec* in order to analyze the problems and to formulate, if need be, proposals leading to solutions. This committee, composed of representatives of the private industry and the public sector, examined four essential aspects of the industry, namely:

- The scope of the current legislation;
- The private/public dynamics;
- The requirements and mechanisms of qualification of the industry;
- The image, unity and integrity of the industry.

The committee identified certain problems and formulated several recommendations, one of which emerged as a priority, namely the implementation of a new legislative framework.

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Presently, several of the aspects related to the operational practices of the private security industry, and its interaction with the public services are not covered by the current Act.

Current legal measures are out-dated, creating a certain confusion for the various parties, by their lack of precision and clarity. This situation created numerous difficulties of interpretation and application, as to the responsibilities of the intervenors in the private and public security sectors.

The White Paper firstly gives a definition of the notion of private security and takes a cursory historical glance in Québec. It addresses the state of the situation of this phenomenon and its main characteristics. Once this fact is noted, it presents a certain number of problems inherent to the industry. It also makes a comparative analysis of the situation prevailing in the other Canadian provinces, in the United States and in Europe. It then presents orientations likely to encompass the proposed reform.

The latter hinges on the essential mission of the ministère de la Sécurité publique of which one of the purposes is to contribute to maintain peace, order and public security, to protect the life and ensure the safety of persons and property. It is based on the premise that a better legislative framework of private security services, where the responsibilities between the public and private sectors are clearly established, will contribute to the prevention of criminal activities.

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## PART 1 : AN OVERVIEW OF PRIVATE SECURITY IN QUÉBEC

### 1. THE EVOLUTION OF THE PHENOMENON OF PRIVATE SECURITY

#### 1.1 Definition

Prior to providing our reflections on the subject of private security, it seems necessary to give a satisfactory definition of it. What exactly is private security? Which sectors does it encompass? An abundance of documentation on the question proposes numerous definitions of which the nuances and subtleties prove interesting and instructive. These nuances appear as a symptom of one of the main problems that private security poses today in Western countries, namely the overlapping of roles between the public services and private security.

However, a descriptive definition is appropriate here in order to begin reflection. It should however be clarified further, when it will be necessary to determine, within a new legislative, statutory and administrative framework, the sectors of intervention which, in Québec, should be subjugated to it. The following definition was therefore retained :

*« Private security corresponds to a group of activities, services, measures and devices, intended for the protection of property, information and persons and which are offered and assured within the framework of a private market. <sup>1</sup> »*

It is also important to distinguish the two major methods of how private security is set up, namely:

- **Internal security**, which corresponds to the services which enable a company or body to respond to its exclusive necessities for security and which employs, to this end, the required personnel and acquires the necessary products and security devices.

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<sup>1</sup> This definition is inspired by that proposed by Martine Fourcaudot in her *Étude descriptive des agences de sécurité au Québec*, unpublished summary report, December 1988, page 16.

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- **Contractual security** indicates, for its part, security services offered on the market by businesses, agencies or individuals on a contractual basis, as well as the sale of products and security devices.

These definitions group together a very wide range of services, activities and functions that are today assumed by the private security sector, such as:

- Guarding;
- Surveillance;
- Patrolling;
- Investigation;
- Searching and gathering personal information for a fee;
- Consulting services in matters of security;
- Installation, maintenance and management of alarm systems, access control and tele-surveillance;
- Intervention in the event of an alarm;
- Transportation of valuables;
- Locksmithing.

## **2. HISTORICAL BACKGROUND**

The first initiatives in strategies of security preceded the actual creation of official police services. Thus, systems of surveillance whereby the population contributes to its own security were based on principles of mutual protection and collective responsibility. The basis of the system was still founded on keeping the community peace and not on that of the individual owner.

In Québec, the XVIII<sup>th</sup> and XIX<sup>th</sup> centuries saw the forming of patrols, watchmen and agents for the maintenance of law and order appointed as guards for the cities of Québec and Montréal. This watchman system, stemming from the community, proved however to

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be insufficient to respond to the increasing and more varied needs. In 1837, following the Patriots' rebellion, the government created the first public police service, which was replaced, in 1843, by police services in the municipalities of Québec and Montréal.

The Provincial Police, ancestor of the Sûreté du Québec, was established in 1870. The state thus very steadily took over the field of the security. However, private security services developed in a parallel way in order to respond to the needs of private business, especially banks and railroads. It was during this era that the private detective's role made its appearance. Between 1890 and 1900<sup>2</sup>, police services frequently had recourse to their services to conduct investigations.

During the XX<sup>th</sup> century, the development of private security became more accentuated on the basis of an actual division of responsibilities between the function of maintenance of law and order and that of the protection of property and money. It is indeed from the first decades of this century that large private security companies saw the light of day on the Canadian and Québécois territories. Their successors are still present in the industry's market in 2003.

Moreover, the division of the functions of public security and protection of the interests of the private socioeconomic sphere did not come about in a hermetic manner. The first legislative measures in Québec, concerning particular detectives (private investigators and investigation firms), was included in the *Loi concernant la police et le bon ordre* of 1909 (Section V). These same provisions were revived, creating similar obligations in the *Loi relative aux détectives particuliers* (1915) and the *Loi concernant les détectives privés* (1941). However, these three legislations encompassed only the sectors of the investigation activities, the agencies and the security agents. Prescribed requirements dealt with the obligation to possess a permit to manage a security agency and the requirement for a special permit for security agents. It was the treasurer of the province

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<sup>2</sup> For more details on the history of police in Québec, see FORTIN, Jean-Guy, 1997, *La police au Québec : une histoire de quatre siècles*, Éditions d'Ici et d'ailleurs.

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who was responsible for the enforcement of the law and to collect the security bond, to guarantee, in all circumstances, as much for the agency as for its agents or employees, perfect, honest and legal fulfillment of the duties which befell him/her as a special detective (*Loi concernant les détectives privés, ch. 49, art. 2*). The use of the title of detective was thus reserved for persons and corporations having been authorized to exercise the profession by the issuance of a permit.

Certain phenomena, such as the hiring of private investigators by the police services and several types of personnel in the contexts of war, enhanced the expansion and development of a certain expertise in the private security industry. Besides the transportation of valuables and goods, surveillance during the construction of railroads, the management of strikes and labor disputes allowed private security to experience an important development in receiving contracts, both in the public sector and in the private sector.

This situation brought the lawmakers to widen the field of application of the law in order that it correspond better to a new reality. The law of 1941 was repealed and replaced by the *Loi sur les agences d'investigation ou de sécurité*, in 1962. The sector of guarding was incorporated into the Act at this time. Let us emphasize that the requirement of verifying a person's competence was removed following the adoption of the new Act.

### **3. CURRENT SITUATION OF PRIVATE SECURITY**

In the years following its effective date, the private security industry, in addition to developing rapidly, took a turn centered on contemporary socio-economic needs.

Its rapid evolution can be notably explained by:

- An increase in its business volume;
- A diversification of its activities in ill-assorted fields and areas;
- A distinct utilization of advanced products and technological methods;
- An increased and existential demand for security.

### **3.1 An increase in its business volume**

Certain data exist allowing the measurement of the phenomenon of private security both in Canada and Québec. However, these data should be treated with a certain caution. They deal almost exclusively with the contractual security sector, that is the security agencies which dispense their services on a contractual basis and which must possess a permit.

They do not allow measurement of the internal security sector, which enables certain companies to answer their own needs. As the persons affected by these functions are employees of the company, they do not require a permit to assume their tasks. It is therefore very difficult to access reliable data, allowing for an evaluation of the magnitude of this sector.

The increase in the business volume of the industry became a reality as a result of the greater number of security agencies and security agents possessing a permit as well as by a growth of incomes. The data of the ministère de la Sécurité publique indicate that the total number of security agencies for which a permit was issued has more than doubled between 1973 and 2002, rising from 96 to 233.

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The numbers relate to security agencies, excluding certain sectors of the private industry such as :

- Agents and agencies which transport valuables;
- Businesses offering services in alarm systems and detection;
- Personal information gathering agencies.

Data supplied by the Ministère equally reveal that in Québec nearly 24,000 persons hold a permit as a security and investigation agent. By comparison, there are 15,000 police officers. The ratio of security agents to police officers is approximately 1.6 to 1. Certain data relating to the private industry in Québec may be found in the annex.

Moreover, as regards the business volume, the industry in Québec followed the particular tendency of North America. In an international context, Europe and North America represent areas where the private security industry knew how to implement its strategies of protection and security. However, the United States and Canada have a much larger number of private security agents than that of police officers. Accordingly, in Canada, the ratio of the number of security agents relative to that of police officers is about 1.5 to 1, which is a ratio slightly lower than that of Québec.

In the United States, this ratio is 8 to 1. In Europe, one observes a situation, which is the opposite of that noticed across North America. Moreover, the private security industry generated a turnover of 2.5 billion dollars for all of Canada, in 1995. This figure however excludes sums produced by internal security services.

In Québec, the business volume, according to the same sources, doubled between 1982 and 1995, rising from 500 million dollars to more than 1.0 billion dollars. In 2003, the business volume could reach 1.5 billion dollars, still excluding internal security services. Obviously it is to be noted that the private security industry became an important economic activity in Québec.

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### **3.2 An industry distinct in its diversification of products and services**

The growth in the number of security agencies, and of the services offered by them, contributed to the diversification of the activities of the industry. In the traditional domains of investigation, surveillance and guarding came additional services, such as :

- Patrol services of all types;
- Protection devices and systems;
- Transportation of valuables;
- Transporting and guarding of young offenders, charged persons and detainees;
- Services in matters of consultation, implementation and management of security plans.

### **3.3 A distinct utilization of advanced products and technological methods**

Technological evolution and increasing demand in security were able to contribute to this diversification allowing private security to widen its field of intervention, to reach new clients and to thereby answer the various security requirements, constantly increasing and ceaselessly in movement. One has only to think of the following fields:

- Alarms and detection systems;
- Telesurveillance technologies;
- Ever more sophisticated access control techniques;
- Distribution and daily use of computer systems in the various working environments.

These new technologies modified the practices of the industry over the course of the years and opened the market to a more varied clientele, namely:

- Private businesses;
- Individuals;

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- Financial institutions;
  - Municipalities;
  - Public and governmental institutions.

Besides, for private companies, the last decades were marked, by a growing preoccupation concerning economic crime, computer crime and all that may be grouped under the heading of crime involving white-collar workers. The financial institutions and commercial companies thus were more attracted to strategies of loss-prevention, investigation and the struggle against internal and external crime. The management of risks, in the exercise of these economic activities, henceforth forms a part of an effective management, for the overall activities of the concerned entities.

The emergence, since the end of the 60's, of larger private properties, notably shopping centers, obliged their owners to consider the advantages of security wherein the responsibility is to exercise a constant surveillance, to prevent losses caused by the commission of certain offences, for example theft.

More and more defined and specialized requirements also favored the emergence of experts in ever more focused fields, and who are able to offer services and products adapted to the necessities of privately owned businesses.

### **3.4 An increased demand for security**

The evolution of the phenomenon of private security was, above all, the result of a strong demand for protection from modern companies, which are also preoccupied by the risk of the numerous threats, which they face. These threats seem more serious and complex than in the past. Technological risks and international terrorism are concrete examples, especially given that their origin and effects are worldwide in scope. Thus, a nuclear accident or a bio-terrorist attack can arise anywhere and their effects quickly felt worldwide.

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In the United States and in Canada, the attacks of September 11, 2001 and those committed some months later with the coal bacillus (anthrax), increased this need for security. In Europe, certain tragic events also crystallized this need. The climate of fear in France became the central theme of the presidential elections of 2002, following a series of sordid crimes, the serious industrial accident in Toulouse and the slaughter in the City Hall at Nanterre. These events, more notably through the media coverage, which was generated by them, were able to contribute to the breathtaking development of the private security market. According to Cunningham, Strauss and Van Meter, in their book entitled "*Private Security Trends*", the business volume for private security could reach the level of 100 billion dollars in the United States, by 2008.

Québec has not been spared by these trends, even though they express themselves less openly. In this way, between 1995 and 2001, events such as the numerous episodes of violence, which involved the bikers' war and gave legitimacy to a tangible rise in the feeling of insecurity. Furthermore, certain natural disasters such as the floods in Saguenay as well as the freezing rain crisis, and their impacts on the citizens involved, contributed, to a certain extent, to the emergence of this phenomenon.

This was translated into a greater demand of protection for which the government of Québec responded by the implementation, over the course of the past decade, of diverse measures, notably the intensification in the fight against organized crime and the development of partnerships between the citizens, the police services, public organizations and private businesses and aimed at the prevention of criminal activities. These measures, however, were not sufficient to reassure certain individuals who, in many instances, then turned to private security services to increase their level of security. This situation explains, at least partially, the veritable explosion, which the residential alarm sector experienced in Québec during these years.

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### 3.5 Comparative analysis

The jurisdiction over private security under the authority of the provinces, and existing laws elsewhere in Canada were examined. Those current in United States and in Europe will also be covered.

According to the laws and regulations of the majority of Canadian provinces, the security and investigation agencies, as well as their personnel, must hold a permit. Some of these legislations have been in effect for some years, but their scope varies vastly. However, several provinces began, since the beginning of the 90's, a reform of their legislation or, at least, a process of reflection on the question.

During the past years, British Columbia, Saskatchewan and Newfoundland modified their respective legislative process to widen the field of application in order to require that the applicants for a security agent's permit must have, first, followed the minimal training necessary for obtaining their permit.

The legislations of Nova Scotia, New Brunswick, Alberta and Newfoundland contain provisions restricting police officers from obtaining a private agent's permit. For their part, Prince Edward Island forbids a special constable from holding an investigation agent's permit. In Québec, Section 117 of the *Loi sur la police* (L.R.Q., c. P-13.1), prohibits all police officers from performing any of the duties of an investigation agent, security agent, collection agent or those of a private detective. The fact of having a direct or indirect interest in a company which exercises any of the activities mentioned above, or an activity which requires a permit from the Régie des alcools, des courses et des jeux to operate a bar or a tavern is also forbidden.

New Brunswick is the only province with an independent administrative court for the determination of appropriate appeals in the event of complaints or of violations of the Act.

For some years, Ontario has shown an obvious will to clarify the respective functions of public and private organizations. To reach this objective, the province imposed limits aiming to restrict possible confusion between the respective status of investigator and security agent. Thus, the *Act on private investigators and guards* contains a clause specifying that different permits are issued depending on if it relates to the field of investigation or security. In addition, it introduced a bill, in July, 2003, modifying the current legislation so that it contains a provision allowing it to require that every applicant for a security agent and investigator's permit follow minimal training, necessary for obtaining the aforementioned permit. Let us mention that the Ontarian legislation is enforced by a civil servant, the "*Registrar*", under the authority of the Ministry of Safety and Public Security.

In 1992, British Columbia enacted legislation covering a larger field of activities than in any other province. It is by far the most innovative in Canada. Businesses and activities related to the private industry and which form a part of the stipulations of the *Private Investigators and Security Agencies Act* are:

- Alarm services;
- Transportation of valuables;
- Private investigation services;
- Consultant services in matters of security;
- Security patrol services.

Internal services in companies, inquiries concerning credit and insurance investigators are excluded from the field of application of the Act.

Following the example of Ontario, various permits were established according to the type of activities, namely:

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Transportation of valuables;

- Locksmithing;
- Investigation;
- Security patrol;
- Alarms.

As in Ontario, it is the "*Registrar* " who is responsible for the application of the Act. He possesses the necessary authority to make inquiries concerning cases of non-compliance with the Act as well as decisions concerning the renewal, suspension or refusal to issue a permit.

Manitoba and Nova Scotia are studying the relevance of beginning a reorganization of the legislative framework covering private security. The basic direction of this reform would aim at enhancing the scope of their legislation to other areas such as:

- Transportation of valuables;
- The fields of alarms and locksmithing;
- Installation or surveillance of security systems.

In summary, one notices a certain convergence in the solutions retained by provinces in the rest of Canada, particularly in training, in imputability and in the integrity of the private security sector and as it relates to a better supervision of its various components. However, so far none of these solutions was able to resolve the problems related to the confusion of roles between the public and private sectors, the exchange of information between these sectors or the development of a parallel justice system.

Besides, throughout the different legislations, internal security in companies is not a part of the field of application of the law, but remains a concern for the provinces in the rest of Canada.

In the United States, the private security services have radically widened their sphere of activity. The appeal of privatization is much more anchored in American values and, in certain States, there is a real private police holding the powers of peace officers. However, the trend prevailing across the country recommends minimal supervision, even a full and complete self-regulation of the private security sector. Nevertheless, several projects of collaboration between the police and private security services were set up and some of them have resulted in a certain success.

In Europe, a tendency is shown in favor of greater control by the State over the activities of the private security industry. Indeed, recent legislative models adopted in Belgium and in France indicate a very clear governmental will to distinguish roles of private police/security and to assure the integrity and competence of the employees of the private security sector.

### **3.6 Summary**

Many convergent tendencies seem to have contributed to the rapid and remarkable development of private security in Québec over the past twenty or thirty years. Following the example of that which is observed elsewhere, there is reason to believe that these tendencies will continue to be more intensified while new phenomena will come to magnify them. One can think of the current instability of world order and, in the longer term, the aging of the population in the Western countries. It is therefore reasonable to believe that these phenomena will create a supplementary pressure on the global demand for protection, and what the public and private services will have to assume.

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## 4. PROBLEMATICAL ELEMENTS

### 4.1 An unsuitable legislative framework

The *Loi sur les agences d'investigation ou de sécurité* was adopted at the beginning of the 60's in accordance with the context in which the private security had evolved, at that time. Because of the expansion and the rapid development of the activities of the industry, over the past fifteen years, there exists today a major gap between the current legislation and the actual situation of private security in Québec.

The *Comité consultatif sur la sécurité privée au Québec*, in its report filed with the ministre de la Sécurité publique in February 2000, had moreover raised such a concern and formulated several proposals, of which the first is based on an in-depth change to the current legislative framework.

The guarding and investigation sectors, as offered to third parties, are at present the only ones subjugated to the Québec Act. The internal security of the transportation of valuables, the personal information gathering agencies and all of the burglar alarms and electronic surveillance industry do not come under the Act. As a result, the private security industry is today much broader and more ill matched. These characteristics are such that the current legislation no longer corresponds to the current situation.

The absence of certain sectors of the industry, within the context of the current legislation, does not allow for the recognition of the agents who work there, as private security professionals. This situation has created a certain disparity as to the quality of services rendered as well as of the practices and current procedures in effect in this field. This fact may then possibly have contributed, at least to a certain extent, to the fragmentation of the private security industry.

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The system for the issuance of permits also contains deficiencies susceptible of having consequences on the process of selecting qualified personnel, capable of meeting the strict requirements, which are appropriate for the private security industry. Presently, the only permits issued by virtue of the current legislation pertain to guarding and investigation. But, the other sectors, such as those of internal security the transportation of valuables, alarms, electronic surveillance, offer more specialized services, requiring personnel with qualified expertise. However, the current legislative framework did not foresee these particular requirements notably in basic and advanced training.

#### **4.2 An overlapping of roles between the public and private sectors**

The initiatives of collaboration and cooperation between the private and public sectors are not the object of a formal supervision. The implication of private security within the functions normally assigned to police officers and to peace officers is likely to have major consequences.

In fact, peace officers and security agents already share functions, such as investigations, patrol, the surveillance and transport of prisoners, the application of certain laws and regulations and referrals to the penal and justice system. In this context, it is difficult to be sure of the conformity of practices and activities invested by private security within the scope of the current legislation, especially since this legislation does not provide adequate mechanisms of surveillance and control of the profession.

Conversely, the function of the police officer is strongly supervised with mechanisms governing discipline, deontology, ethics, criminal allegations, training, exclusivity of functions, etc.

Besides, practices and customs of collaboration between the police and private security are susceptible to entail some slippage and to infringe, in certain situations, on fundamental rights, such as the protection of personal information.

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For example, it is necessary to mention current interactions between the police and private security, which are mainly informal. North American and European authors gave several names to this phenomenon, such as *Moonlighting*, *Blue Drain* and *Old Boys Network*. These expressions make reference to forms of exchange of information, expertise and services during investigations or during particular events and which are not necessarily fulfilled jointly. These collaborations, unsupervised within the current legislation, can give rise to questioning as related to the gathering methods, use, exchange and preservation of information, which is nontransferable, by nature.

These interactions are all the more emphasized as a substantial part of the leaders and the employees of the private security companies is made up of retired police officers, who necessarily, maintain close contacts with their former colleagues.

#### **4.3 Confusion about the powers granted to security agents**

The *Loi sur les agences d'investigation ou de sécurité* acknowledges powers to the private security parties which do not go beyond those of ordinary citizens. Nevertheless, within the scope of their daily activities, security agents can, in all good faith, resort to powers that the current legislation does not confer upon them. This situation can bring them, without being fully conscious of it, to cause infringements of the fundamental rights of a person. The general public is not always capable of making the necessary distinction when confronted by private agents as well as their work methods.

Thus, use by security agents of the powers of arrest, search, detention or resorting to similar methods of investigation as those used by police organizations, without the accruing obligations which ensue from them, is susceptible to undermine the transparency of the industry. Such a situation can also cause citizens to confuse the particular mandate of protecting a client's profits, by the owner of a private security agency, and the mandate of public security of the policemen, towards the community.

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#### **4.4 Insufficient measures of control of the integrity in the private security sector**

To entrust the security of a private residence, a business, a private space, a public establishment, the population, computer systems or confidential information to a third party, requires a relationship and a guarantee of trust. The diversified nature of the mandates confided to private security, notably to reduce losses, damages and criminal activities by reducing their frequency, by preventing the commission of offences, by detecting the perpetrators, by applying certain laws or regulations, could, in certain circumstances, lead the businesses and staff of the private security sector to commit slippages susceptible to infringe upon the democratic values of society.

As examples, let us mention the following situations:

- Infiltration of security services by criminal networks;
- Major thefts committed by security staff, who know exactly the means of by-passing the safety measures that they set up themselves, or with which they work daily;
- Theft, forgery or use of personal information for criminal purposes.

The *Loi sur les agences d'investigation ou de sécurité* requires that security and investigation agents be subjugated to verifications of their criminal records, their reputation and their skills. These verifications apply also to representatives appointed by the security agency seeking or having sought an agency permit. The owners, the shareholders, the directors, the supervisors of security agencies are not, themselves, subjugated to these measures. As a consequence of this fact, it is possible to conclude that the guarantee of integrity of the security agency rests entirely on one appointed representative. Faced with such a situation, certain owners of security agencies may be tempted, as has already occurred, to use a commercial name to commit illicit or even illegal activities.

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Besides, the integrity controls do not always appear to be made with all necessary rigour. The safe control of prior criminal activity does not always allow one to evaluate in a systematic way, the reputation and skills of the applicants. The guarantee of trust which the public has to grant to the private security industry can thus be weakened.

It is a definite fact that difficulties related to the determination of undefined roles and powers by the private security industry can accentuate, in a significant way, the risks arising from the absence of controls to verify the integrity of the private security agencies.

#### **4.5 Absence of deontology and ethics regulations**

The current legislation, except for the principle of confidentiality of personal information collected on others, does not impose precise rules in deontology and in ethics on the private security industry. Although some associations gave themselves certain rules, these are not generalized in the private security industry. Besides, those applied by certain security agencies are often related to a particular working context or ensue from conditions imposed by clients within their service contracts. One has only to think of certain clauses in agreements for surveillance concluded between private security agencies and ministries or governmental bodies.

The absence of regulations of deontology and ethics governing the private security industry is likely to create a vast confusion, for the various parties, as regards practices, which are acceptable, and those that are not. This situation could thus give rise, on the legislative side, to certain incoherence in the private security industry and, ultimately to undermine its credibility and its integrity.

The absence of such regulations in fields as narrowly-specialized as the direct services of guarding and patrol in certain environments, or even the systematic and massive use of computer and telecommunications technologies to meet the needs of certain clients are

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susceptible to have considerable consequences. It can, for example, increase the risks of disregard of the principle of confidentiality of untransferable information, opening the door to possible cases of unethical behavior diversion on the part of the private security personnel. Whereas, the current legislation renders the control of such breaches with quite some difficulty. Such a situation thus does not allow the application of the principles of imputability and surveillance, present in other professions.

In short, the penetration of the private security industry into the public domain has increased, in a significant way, occasions where private security agents had to intervene with the population, within governmental institutions or other areas, especially in municipalities. It is therefore essential that, under these circumstances, the legislation governing this industry foresee stipulations obliging them to respect similar rules of conduct as those in effect in the public network. The trust of the population, but also that of the private companies, will be based in a large part, on a industry respectful of laws and democratic values which are at the base of our society.

#### **4.6 Gaps in the field of training**

Professionalization of the industry is one of the main recommendations of the *Comité consultatif sur la sécurité privée au Québec*. European reforms in private security demonstrated that the professionalization of the industry resulted from training. So, most of the European countries, notably Belgium, made it a condition of eligibility for obtaining a permit. Once again, in Canada, British Columbia, Saskatchewan and Newfoundland have adopted a similar measure for security agents only. Ontario intends to soon impose such a requirement both on security agents and on private investigators.

This tendency must then inspire the future interventions of the private security industry with its personnel in order that the industry be capable of offering quality services to its diverse clients.

In Québec, the current legislation does not provide particular requirements in training for security agents and management assigned to investigation and guarding. Training sessions are however available at secondary, collegiate and university levels, without however being focused only on the requirements of private security. Courses delivered by private establishments are also available to interested parties, but are not always approved nor accredited by the ministère de l'Éducation. Training is also offered internally, particularly in the transportation of valuables sector. On the other hand, all these training methods seem ill assorted and do not necessarily convey the image of professionalism or quality to the degree desired.

In the field of alarms, the vocational training of an electrician is a part of the conditions of eligibility for numerous services such as installation, maintenance and intervention in cases of alarms. However, security issues are not addressed in a precise manner in the training programs involved. Knowledge and skills adapted to the private security market are thus very unpredictable and based on the immediate needs of the clientele. They place the emphasis on principles ranging from prevention to repression.

This absence of uniformity could, in large part, explain the instability of the workforce in this field, as well as the disparities surrounding the hiring criteria.

The acquisition and the upgrading of the skills of the private security agencies' personnel thus become elements to which it will be necessary to accord a particular attention, considering the current use of new technologies by the private industry as well as more and more defined demands on the part of the clientele.

The complexity of tasks will thus become an essential aspect to be integrated into the diverse basic training programs and continuous training, which will be put into force.

## 5. STATE OF THE SITUATION

The *Loi sur les agences d'investigation ou de sécurité* adopted in 1962 as well as its *Règlement d'application* are out-dated. They are no longer capable of supervising the private security sector in a manner, which would assure its control and support its development. There is a major gap between the extent of the current legislation and the characteristics and practices currently in effect in this sector.

The problems which have been raised, notably with regards the absence of rules of deontology and ethics in the industry or gaps in training as much with the leaders as with the personnel, demonstrates the necessity of a major reform in the private security sector, reform which could proceed through the implementation of a new legislative framework, adapted to the realities of the market.

This reform is strongly desired by the interveners of the public and private sectors. In this respect, the report of the *Comité consultatif sur la sécurité privée au Québec*, published in 2001, had drawn up a realistic portrait of the current situation and came to a the same conclusion.

A similar exercise has already been carried out in the other Canadian provinces concerned, they too, had similar problems for which such a solution was necessary. Our approach is in line with an observable convergence throughout the country.

Although necessary, it nevertheless raises certain concerns for which one must not underestimate the incidences. These will be dealt with in subsequent chapters.

Principles and orientations likely to support the desired reform are also presented.

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## **PART 2 : ELEMENTS OF DISCUSSION FOR A REFORM OF PRIVATE SECURITY IN QUÉBEC**

It is undeniable that a reform is necessary in private security. It is with difficulty questionable that characteristics and practices of this sector were transformed profoundly during the last decades. It is also evident that the current Act and regulations, conceived at the beginning of the 60's, are out-dated today and become inadequate to insure the supervision of this sector and to support its development.

As mentioned earlier, this reform is also desired by the interveners of the environment, as evidenced in the report of the *Comité consultatif sur la sécurité privée au Québec*. Amongst the eleven recommendations formulated, the renewal of the legislative framework is certainly the most important and, particularly, the one that follows up on other recommendations of the report.

Although necessary and anticipated, this reform however presents a certain number of problems and concerns, thus one must not underestimate the scope and the complexity. It is necessary, amongst others, to what will be given to private security, in the wider field of public security, to assure respect for the law and the preservation of the peace in a democratic society like Québec.

This question confronts us with choices for society that several other countries have tried to resolve, sometimes in very different ways, without always obtaining satisfactory solutions to the problems arising from the development of private security. Two major trends are observable in this respect.

The first, which prevails in Western Europe, particularly in France and in Belgium, where the governments adopted legislations with very elaborate and constraining rules. The objective sought is obviously to exercise a rigorous control on the private security companies and the services which they may offer, in the field of private security and on those that exercise them, on activities and practices which are either authorized, limited

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or prohibited, on security devices and many other matters. If these laws bring some solutions to different problems caused by private security in these countries, the enforcement has its difficulties and supposes a rather heavy administrative governmental structure.

The second tendency, which prevails especially in the United States, is the complete opposite, favoring minimal supervision, even the full and complete autoregulation of the private security sector by itself. This tendency is naturally very favorable to the development of the private security industry, but leaves the ever-increasing problems without any solutions. From this laissez-faire policy, the results are a more and more complex confusion between the functions of public and private security, sometimes obliging the authorities of large cities to establish mechanisms of coordination between their police service and the security companies.

Between these two tendencies, the middle position seems desirable. Certainly, legislative and statutory supervision is indispensable in order to respect certain fundamental principles of public security and individual rights. However, this supervision does not have to aim at the exercise of a state control of the private security sector, but rather to bring solutions, consensual if possible, to the problems incurred by the québécois society: in light of the current development of private security as well as in the problems experienced by the companies and interveners of this sector, in the exercise of their legitimate activities.

## **1. PRINCIPLES GUIDING THE REFORM OF PRIVATE SECURITY**

Before undertaking the exercise aiming to renew the legislative and statutory scope of private security in Québec, it is essential to reach the widest possible preliminary consensus, as regards the orientations of the reform to be realized. The ministère de la Sécurité publique is totally disposed to receive comments and proposals from the concerned parties, whether closely or remotely involved.

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However, because of the underlying stakes in this reform, notably in what concerns the organization of the plan of action for public security in Québec, the orientations pursued should respect some fundamental principles.

### 1.1 Private security as a prevention activity

The first of these principles, in a global perspective, places private security in the field of the crime prevention and, more exactly, situational prevention. As was defined by the ministère de la Sécurité publique in its policy on the subject, prevention of criminal activities:

*« ... consist of proactive and not penal measures which have as a specific purpose to reduce crime by acting on the factors which determine it, either on circumstances and the environment in which offences are committed or even on the contemporary factors which predispose to criminal activity. <sup>3</sup> »*

This definition establishes a demarcation between repression and prevention, by emphasising the proactive and not penal means, which aim essentially at the reduction of crime. To include private security in the field of prevention is thus not without consequences. Such an inclusion comes to determine *a contrario* that the repression of crime can not arise from the field of intervention by private security. Crime, its repression, preservation of the peace, statements of offences and investigations of a criminal nature are the exclusive responsibility of public security services, mainly police services, and must remain so.

Despite this limitation, a very wide field of intervention remains completely open to private security and its development. It corresponds to activities, services, means and

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<sup>3</sup> Ministère de la Sécurité publique, December 2001, *Politique ministérielle en prévention de la criminalité – Pour des milieux de vie plus sécuritaires.*

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devices aiming to prevent or to detect the perpetration of crimes or, even, to assure the protection of property, information and persons in private locations<sup>4</sup>.

## **1.2 A professional private security, respectful of laws**

The various professions of private security have experienced a very marked evolution during the past decades, becoming more complex and technical. Also, the functions accomplished have, henceforth, considerable incidences in matters of rights and legal obligations, in particular since the adoption, in 1982, of the *Canadian Charter of Rights and Liberties*<sup>5</sup>. The exercise of occupations and the functions, which are appropriate to them, requires henceforth a much higher level of qualification in the workforce than in the past. The adequate training of personnel now appears as an essential ingredient to improve the quality and professionalism of private security services. It is, moreover, for this purpose that the industry demands that mandatory training be established.

Indeed, no particular training is presently required for obtaining a private security agent permit. Moreover, such a requirement would be hardly realistic in the current context, where accessible training is ill matched, of very varied levels and, generally, not recognised by the ministère de l'Éducation. However, this situation will soon find a solution, at least partially, because the ministère de l'Éducation is developing a professional training program for security agents (guarding), the area where the jobs are the most numerous<sup>6</sup>.

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<sup>4</sup> In spite of this principle, a private security agent can, as may every citizen, proceed to the arrest of a person, in a case of a flagrant offence, in order to deliver him to police authorities as soon as possible.

<sup>5</sup> Particularly, Section 5 that stipulates that every person has the right to the respect of his private life.

<sup>6</sup> Le ministère de l'Éducation must wait until the reform of the private security is completed before finalising the contents of this training program, in order to ensure that it corresponds to the new measures which will be adopted.

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Once this program is available, it will then become possible to make this training mandatory for all new guards. However, the problem still remains for the other private security duties that will be subjugated to the new Act, such as investigators, personal information gathering or security consultants.

Nevertheless, the necessities of a basic training, particularly on the legal aspects of private security, are striking. Indeed, some are preoccupied about the fact that owners or directors of private security agencies or internal security services, as well as private security agents, can sometimes abuse their powers or resort to powers which are not conferred on them by any law, by reason of either of a lack of knowledge of existing legal provisions, or of a too wide interpretation of these same provisions, or even the absence of any legal reference.

In order to minimize the risks of abuse of powers, the ministère de la Sécurité publique singled out the following three measures:

- The area of the powers of the private security agents must be clarified in the new Act. In this respect, it will absolutely be out of the question that powers of a peace officer be conferred upon them;
- The obtaining of a permit for all private security agent categories must be subjugated to the successful completion of a basic training course pertaining to the legislative aspects of private security and to the powers conferred upon the agents;
- The new Act must foresee more severe sanctions, applicable both to the companies and the agents, in matters of infractions, serious discrepancies in behaviour and abuse of power. Formal surveillance mechanisms must be set up so that the activities and practices of companies and agents respect the regulations of the Act;
- Costs associated to this reform should be assumed by the industry.

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The application of such measures seems justifiable and meets the essential mission of the ministère de la Sécurité publique, because they aim to guarantee, to the population and to the institutions, that the private security services meet minimal qualitative standards and that they respect current laws. These measures will prove as beneficial to the industry, by allowing it to boost its credibility and its level of professionalism.

However, the professionalization of the industry rests to a large extent on the industry itself. It will indeed be necessary for it to undertake the means to acquire this status. It will notably be able to create one or several associations, representative of these various sectors, created to establish qualitative standards of service, to set up training programs and to take any other measures showing the professionalism of their businesses and their personnel. It also entails that minimal standards of hiring personnel are set and that the industry offers conditions of employment that are attractive enough to retain qualified personnel.

### **1.3 The integrity of the private security businesses and security**

The fundamental role of the private security industry is to offer, either internally, or to outside clients, protection services for property, information and individuals. It is therefore imperative that companies and private security agents demonstrate an irreproachable integrity. The credibility of the industry towards its clients is at stake. It relates also to the confidence of the population and the institutions towards this industry and, to a greater extent, towards all provisions of public security.

It therefore seems completely justifiable to require from companies, their owners and associates as well as from private security agents, guarantees as to their financial and moral integrity. It is then a question of public security arising from the essential mission of the Ministry. In this context, in order to protect the population, it is the responsibility of the Ministry to ensure the integrity of the interveners in the private security industry in establishing suitable and systematic verification mechanisms and by issuing permits

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authorizing companies and personnel to practice their profession in one of these sectors of activity.

Such verification measures already exist by virtue of the *Loi sur les agences d'investigation ou de sécurité*. They must however be strengthened and widened in all the sectors, which make up today's private security industry. Besides, several of the provisions regarding procedures for integrity verifications and issuance of permits have become out-dated over the years and, consequently, should be revised and updated.

It is inevitable that the intensification of control measures and verifications will have the effect of increasing constraints and of requiring investments by the industry in general, but even more, by the businesses and agents who are not presently subjugated to the Act. The ministère de la Sécurité publique will try to limit the impact of these measures and to simplify, as much as possible, the administrative procedures. However, the industry must assume the administrative costs linked to the implementation of these measures as well the ensuing operational costs.

Such verification measures are also comprised of beneficial aspects for the industry, because they will contribute to clean up the market where, at present, some companies have damaged their image by somewhat unprofessional behaviour. Furthermore, the implementation of these measures should answer, at least partially, the recommendations of the report of the *Comité consultatif sur la sécurité privée au Québec* pertaining to raising the level of professionalism in the industry.

#### **1.4 Private security as a responsible partner**

A final principle to guide this reform is the recognition of the private security industry as a partner in the provision of public security in Québec. In the same way as police and correctional services, and those of fire protection and civil security, the private security services contribute significantly to ensure a greater security to the population of Québec.

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It is indeed necessary to recognize that private security, even though it is in the service of particular interests, prevents a certain number of crimes, both internally and with external clients. Their preventive action contributes to containing crime in society and to reduce the impact on victims<sup>7</sup>. It thus acts favorably on the population feeling that they are in security.

Because of its contribution to the public interest, private security must be considered as a full-fledged partner, as much of the ministère de la Sécurité publique as of the local authorities and police services. A better collaboration and a broader coordination of public and private security services are most desirable, to enhance the efficiency of their actions. Interventions in cases of alarms in private residences is a good example where such a collaboration, between the public and private sectors, would be most profitable because it would be likely to promote a better coherence on measures required in this subject.

There is some restraint however towards private security services who cause prejudice to establishment of productive partnerships. In addition to the lack of professionalism of the industry and the questions pertaining to the integrity of some businesses, these reservations often result from current practices, which for many seem questionable from an ethical point of view. The industry is blamed for a certain laxness in good practices, lack of codes of internal discipline, sanctions and not being properly identified. Even worse, they are sometimes reproached for practices of debatable legality, particularly in internal security services that do not report to police services, in a systematic manner, crime that has occurred. The danger inherent to these unacceptable practices is the emergence of parallel justice that can not be tolerated in a democratic society like ours.

In matters of ethics, the private security industry must take responsibility, self-regulate, if it wishes to earn the trust and respect of the other interveners in public security, the

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<sup>7</sup> CUSSON, Maurice, 1998, *La sécurité privée : le phénomène, la controverse, l'avenir*, Revue Criminologie, vol. XXXI, n° 2, pg. 31-46.

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institutions and of the population. The industry has already expressed its intent, in the report of the *Comité consultatif sur la sécurité privée au Québec*, to set up such mechanisms of regulation. If the ministère de la Sécurité publique is inclined to support this undertaking, it does not appear desirable that it would substitute the industry for itself. Indeed, it is up to the industry to begin this step and to give itself the means to carry it to fruition, thus demonstrating that it is a responsible partner.

When reliable links have been established, it will be possible to agree on formal mechanisms of cooperation and coordination between public and private security services in certain fields.

## **2. ORIENTATIONS OF THE REFORM OF PRIVATE SECURITY**

On the basis of the principles mentioned earlier, the orientations were made available in order to eventually bring the necessary reform to private security in Québec to its conclusion. These orientations are as much solutions of the difficulties which the private security industry goes through and the problems that its current development thrusts upon the québécois society. The desired objective is the pursuit of a sufficient consensus surrounding these solutions, which should afterward be confirmed in a new Act.

### **2.1 The structural orientations**

#### **2.1.1 Sectors of private security subjugated to the Act**

By placing private security into the field of prevention of criminal activity, it then becomes easier to set the limits of its field of intervention. As mentioned earlier, it corresponds to activities, services, means and devices aiming to prevent or to detect the perpetration of crimes or, again, to insure the protection of property, information and persons in private places.

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According to this demarcation, the following sectors must be subjugated to legal, statutory and administrative provisions, to be established:

- security or guarding agencies;
- investigation agencies;
- security consultants or firms;
- research and personal information gathering agencies;
- agencies for transportation of valuables;
- businesses in the alarm sector, namely the sale, installation, maintenance and management of alarm systems, surveillance, detection and access control.

For the requirements of the Act, all companies in one or more of these sectors will be referred to as "private security agencies". Also, all persons exercising one or more of the occupations within the sector of activities subjugated to the Act will be considered as "private security agents".

Activities of internal security with a purpose of guarding, security and surveillance of private places, accessible to the public, will also be considered as private security activities. This will also apply to internal investigation services. Consequently, companies possessing their own internal security service must be subjugated to the Act. Thus, their internal security service would have to obtain an agency permit in their company's name. The director of this service would be considered as the representative of the security agency. Also, the agents whom they employ as well as the personnel who manages or oversees the activities of an internal security service, must all possess a permit, appropriate to the functions that they perform. These companies and their personnel must be obliged to respect the statutory regulations in deontology, criminal allegations and inspections. The desired objective is ensuring the competence of the agents and of management personnel who supervise the internal security services, particularly in that which involves the knowledge of the legal aspects of private security.

On the other hand, the sector on locksmithing will be excluded from the application of Act. *A priori*, the problems of the locksmith professions do not come under the competence of the Ministry, since the concerns of this environment mainly touch specialized training, their image and standards of quality. Furthermore, as few concerns with regard to the security of the population were documented, it does not seem necessary to subjugate this sphere of activity to the Act.

#### 2.1.2 The powers of the private security agent

The current Act does not clarify which powers are available to the private security agents in the performance of their duties. It is however stipulated in the regulations governing its application that the private agents do not possess powers devolved upon peace officers. In fact, the powers of private agents are limited to those of every citizen. They may arrest an individual only in a case of a flagrant commission of a criminal act (red-handed), make a secondary search<sup>8</sup> or detain someone, only for the purpose of turning them over to a peace officer.

Within the scope of the reform to private security, private security agents will be considered as civil protection agents. As such, no supplementary or particular power will be conferred upon them. Thus, the text of the Act will stipulate that the private security agents have none of the powers of peace officers, and that their functions exclude the repression of crime, the preservation of the peace and criminal investigations, which must remain exclusive fields of intervention by public security services, notably police services.

Besides, even though considered as crime prevention agents, private security agents will not be authorized to play the role of a social intervener either. In effect, they have neither the training nor the skills required for such interventions, particularly involving youth.

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Their role must then limit itself to a duty of deterrence, control and, when they are witnesses of uncivil acts, delinquency or criminal acts, to a duty of interposition and alerting the competent public services.

### 2.1.3 Functions authorized, prohibited and those regulated by a service agreement

Private security agents are today called upon to exercise numerous and varied functions, in sectors which are very different, one from another. It then becomes difficult to foresee all the particular duties, which are likely to be carried out and to integrate them into a legislative framework. In spite of this diversity, which risks becoming still more pronounced in the future, it is indeed important to properly define the most usual duties which private security agents would be authorized to exercise.

Accordingly, the following duties will be authorized in private places and for private purposes:

- surveillance and guarding in private locations<sup>9</sup>;
- maintaining order in private locations;
- access control and anti-intrusion devices;
- patrol;
- escort;
- intervention in red-handed cases;
- private or civil investigation;
- judicial accounting;
- detection of economic and computer crimes;

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<sup>8</sup> A private security agent can proceed with a search, called secondary, that is summary, only with the consent of the individual concerned or to insure his own safety during an arrest.

<sup>9</sup> The duties of surveillance and guarding include fire security and First Aid.

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- collection and analysis of personal information;
  - transportation of valuables;
  - consulting services and advice in matters of security measures and systems, prevention of losses and protection against industrial espionage, computer hacking or sabotage of equipments, as well as in training in the field of the private security;
  - the sale, installation, maintenance and management of alarms, surveillance, detection and access control systems.

For both the agencies and for the agents, the exercise of any of these functions will be subjugated to obtaining one or another of the categories of permits, in place.

Moreover, it seems essential to put an end to the current confusion of roles between police officers and private security agents, notably as applicable to the exercise of certain duties entrusted to security agencies by municipalities or other public bodies. To accomplish this, the Act will allow and strictly supervise the exercise of the following duties :

- surveillance and guarding in public locations;
- maintaining order in public locations;
- access control and anti-intrusion devices in public places;
- transporting detainees;
- transporting young offenders;
- criminal (or police) investigation<sup>10</sup>;
- «alarm response»;
- enforcement of municipal regulations (bylaws).

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<sup>10</sup> The distinction between a private or civil inquiry and a criminal inquiry is sometimes fine. It should however be clarified and be the subject of a statutory provision. In a case where this was disregarded, penalties could then be applied.

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Thus, it is proposed that the exercise of these duties be subjugated to service agreements, which will apply during contracts between municipalities or public bodies and private security companies. Within these agreements, roles and functions which the private agents would be called upon to exercise will be defined and clarified, within the scope of the contract for services, as well as the procedures for supervision of the activities to be accomplished. These agreements should respect certain principles and to be submitted for the administrative approval of the ministère de la Sécurité publique, in order that it may verify their conformity with the Act. The conclusion of such agreements of services will allow the creation of a formal partnership and collaboration between the private security industry and public authorities.

Finally, it is obvious that only the exercise of duties and activities particularly named in the Act will be authorized. However, a flexible mechanism, allowing for modifications to the list of permitted functions will be provided, capable of quickly bringing any necessary adjustments, either to promote the development of the private security industry, or to put an end to practices which are contrary to the collective interest.

#### 2.1.4 Permits for private security agencies

Taking into account the subjugation of new sectors associated with private security to the Act, the current system of security agency permits has to be revised. Many options are possible, but the most simple one consists in creating one unique permit, containing seven distinct categories, each of which corresponds to the duties which the agency permit holder is authorized to perform, as presented in table 1.

**Table 1 : Authorized functions by category of permit for private security agency**

<b>Category of permit for private security agency</b>	<b>Authorized functions</b>
Security agency	Surveillance and guarding in private locations Maintaining order and control of uncivil activities in private locations Fire Safety First Aid Access control and anti-intrusion devices in private locations Detection of crimes against property Patrol in private locations Escort Surveillance and guarding in public locations <sup>1</sup> Maintaining order and control of uncivil activities in private locations <sup>1</sup> Access control and anti-intrusion devices in public locations <sup>1</sup> Transportation of detainees <sup>1</sup> Transportation of Young Offenders <sup>1</sup> Intervention in cases of alarms <sup>1</sup> Enforcement of municipal regulations (bylaws) <sup>1</sup>
Economic investigation agency	Judicial accounting Detection of economic and computer crimes
Inquiry and investigation agency	Investigation or private inquiry Detection of economic and computer crimes Criminal (or police) investigation <sup>1</sup>
Transportation of valuables agency	Transportation of valuables
Personal information gathering agency	Gathering and analysis of personal information
Security consulting-services agency	Consulting services and advice in matters of security measures and systems, prevention of losses and protection against industrial espionage, computer hacking or sabotage of equipment and in matters of training in private security
Security systems agency	Sale, installation, maintenance and management of alarms, surveillance, detection and access control systems

1. Duty only permitted by virtue of a service agreement.

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This proposal has the advantage of combining, on only one permit, the various duties of private security which an agency will be authorized to exercise. Thus, an agency offering both security services and investigation services – a frequent situation in Québec – will then receive one permit on which both these categories will be registered. This proposal also has the advantage to properly confine the activities in which the agencies would be authorized to exercise, by virtue of their permit.

The businesses which operate private security services internally will have to obtain one agency permit through their internal security service. For purposes of administrative verification, and surveillance of the legitimacy of their practices, these internal security services shall register with the *Registre des agences de sécurité privée et des services internes de sécurité* (cf. section 2.2.3), created for this purpose by the ministère de la Sécurité publique.

#### 2.1.5 Permits for private security agents

The exercise of various duties by private security will continue to be subjugated to obtaining a permit issued by the ministère de la Sécurité publique. It is however proposed that eight categories of permits be created, each category allowing the exercise of a precise group of security duties, as presented in table 2. Thus, whoever wishes to practice one of these duties should then possess a permit for the appropriate category<sup>11</sup>. Personnel in the employ of a private security agency holding of a permit, of an internal security service of a private company, as well as the security staff in the employ of a Ministry or Governmental or public body will thus be subjugated to this requirement.

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<sup>11</sup> The staff and volunteers allocated to a security service during occasional events, such a festival, for duration of less than ten days would be exempted from this obligation, on condition that this security service is under the supervision of a police service.

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The main innovation of this proposal lies in the recognition of various professions, more or less specialized, within the vast sector of private security. Duties are associated in every profession, the exercise of which is authorized by one particular permit, in order to properly confine the field of intervention for each of these duties.

Different permit for guards and the security agents will also be foreseen in order to better translate the varied levels of complexity of the duties assumed by the actual category of the security agents. This distinction allows one to assign simpler and less demanding tasks of surveillance to security guards<sup>12</sup>. For its part, the new category of security agents, in addition to the tasks of a security guard, will include more specialized, more complex duties and, thus require more skills.

Also, the new category of economic investigation agents will regroup those personnel, especially internally, carrying out general or specialized investigations on economic, banking, insurance or data processing frauds. Judicial accounting personnel will also be associated with this category. These agents carry out investigations mainly related to civil law, and their work is essentially one of research. They will not be authorized, except in a exceptional cases, to do any investigative fieldwork or which will require direct contacts with persons or organizations who are the subject of an investigation.

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<sup>12</sup> The category of security guards would also insure a status for the staff of the current number of security agencies which would not succeed in satisfying new requirements, in matters of training, imposed for obtaining a security agent's permit. In the course of the years and the professionalization of this occupation, the numbers of this category of security guards will be expected to decrease.

This investigative work, in the field or in contact with persons, which requires particular skills, as does all the traditional duties of investigation, will be reserved for the new category of private investigators, which corresponds to the current investigation agents.

**Table 2 : Authorized functions by category of permit for agents**

<b>Category of permit for agents</b>	<b>Authorized functions</b>
Security guard	Surveillance and guarding in private locations Maintaining order and control of uncivil activities in private locations Fire safety First Aid Surveillance and guarding in public locations <sup>1</sup>
Security agent	Functions of a security guard Access control and anti-intrusion devices in private locations Detection of crimes against property Patrol in private locations Escort Intervention in red-handed cases Surveillance and guarding in public locations <sup>1</sup> Maintaining order and control of uncivil activities in public locations <sup>1</sup> Access control and anti-intrusion devices in private locations <sup>1</sup> Transportation of detainees <sup>1</sup> Transportation of Young Offenders <sup>1</sup> Intervention in case of alarms <sup>1</sup> Enforcement of municipal regulations (bylaws) <sup>1</sup>
Economic investigation agent	Judicial accounting Detection of economic and computer crimes
Private investigator	Investigation or private or civil inquiry Detection of economic and computer crimes Criminal (or police) investigation <sup>1</sup>
Transportation of valuables agent	Transportation of valuables
Personal information gathering agent	Gathering and analysis of personal information
Security consultant	Consulting services and advice in matters of security measures and systems, prevention of losses and protection against industrial espionage, computer hacking or sabotage of equipment and in matters of training in private security
Security system technician	Sale, installation, maintenance and management of alarms, surveillance, detection and access control systems

1. Duty only permitted by virtue of a service agreement.

It is also proposed to create a permit for agents gathering personal information. This permit will be required for persons tracking addresses, credit verifications or, even more, seeking personal information. Acquisition of a particular permit will also be necessary for employees who transport valuables, security consultants (including instructors in private security) and the personnel in the sector governing alarms, surveillance, detection and access control systems.

The implementation of these eight categories of permits insures recognition of the diversity and particularities of the various occupations in the field of private security and their respective requirements in matters of training, integrity and ethics.

These requirements will also apply to agents who work for internal security services. Contrary to the current situation, it is thus proposed that they also be required to obtain a permit for the category corresponding to the security functions which they are called upon to carry out in the business where they work.

Finally, to insure the greatest possible flexibility in the permit system, it will be provided that the Ministry will have the possibility of adapting the list of duties authorized for each of the permit categories, so as to keep pace with the evolution of the practices of the private security sector. In particular cases, the Ministry will even be able to authorize certain permit holders, who upon presentation of a request accompanied by the appropriate documentary justification, to exercise supplementary duties to those covered by the permit.

#### 2.1.6 A mandatory training

To ensure the competence of the various categories of private security agents, notably as it concerns the legal and ethical aspects connected to their powers and to their duties, minimal requirements in training must be imposed to obtain a permit. In addition, the

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level of training required will vary according to the categories of the permit, as illustrated in table 3.

Thus, a minimal basic training in private security<sup>13</sup> will henceforth be required for to obtain a permit as a security guard, economic investigation agent, personal information gathering agent and transportation of valuables agent. In this latter case, obtaining and renewal of a permit will be also conditional to passing a firing range exam.

Basic training in private security aims to ensure a sufficient knowledge of their duties and powers, to all agents, so that they can exercise their respective occupations respectful of laws and the rights of individuals. That is why this training must mainly cover the legal and ethical aspects of private security. It must also cover fire safety and First Aid. It appears desirable that it be offered as widely as possible, both in public or private school institutes as well as in businesses. It is also necessary that conditions officially certifying the success of the training be put into place.

Indeed, such a certificate will be required to obtain a permit for any of the categories covered by the Act. Once the Act comes into effect, provisions regarding training will not apply to those who are already permit holders, who will have a grace period of three years to conform and to supply the required certificate to the ministère de la Sécurité publique.

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<sup>13</sup> At present, this training is not available. It should be developed and the terms under which it will be offered should be defined.

**Table 3 : The minimum mandatory training  
by category of permit for security agents**

<b>Category of permit</b>	<b>Minimum mandatory training</b>
Security guard	Basic training in private security
Security agent	New agents : DEP – <i>Agent de sécurité privée</i> or AEC – <i>Sécurité industrielle et commerciale</i> Former agents: basic training in private security
Economic investigation agent	Basic training in private security
Private investigator	DEC – <i>Techniques policières</i> or investigator course recognized by the ÉNPQ
Transportation of valuables agent	Basic training in private security and the ÉNPQ firing range exam
Personal information gathering agent	Basic training in private security
Security consultant	Certificate or Bachelor Degree in security or equivalent recognized by ÉNPQ
Security system technician	New technicians: DEP – <i>Installation and maintenance of security systems</i> or recognized equivalent Former technicians: recognized equivalence

Moreover, a training program security agents is in the development process at the ministère de l'Éducation. Once this training becomes available, the diploma of professional studies (DEP) will then be required for a security agent permit. The certificate of college studies (AEC) in industrial and commercial security or any training of a higher level, such as a diploma of collegiate studies (DEC) in police techniques, will also satisfy the requirements in matters of training. For those who are already holders of a permit, a mechanism of equivalence based on the recognition of experience must be established. Nevertheless, it seems justified to require security agents, even experienced ones, to successfully complete the basic training, as is required for the other private security functions. An adequate grace period<sup>14</sup> will be granted to them so that they may obtain and produce the necessary certificate.

<sup>14</sup> A grace period of three years from the moment when this training will be available in a given region appears reasonable.

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The minimum training required to obtain a private investigator permit could be a DEC in police techniques or the successful completion of an investigator course recognized by the École nationale de police du Québec. Equivalencies based on experience will also be established for current holders of an investigation permit, who must also, within a reasonable delay<sup>15</sup> produce a certificate showing the successful completion of basic training in private security.

The security consultant permit will be reserved for holders of specialized university level training in security. In Québec, l'Université de Montréal is presently the only one to offer such a program, namely a bachelor's degree specializing in security and police studies. However, the École nationale de police du Québec foresees putting into place, within a few years, a university level program in public security, accessible to civilians. Considering the duties performed by security consultants, the requirement of a university degree does not seem excessive. However, for consultants who are currently practicing, equivalencies may possibly be established and recognized, for example, on the basis of training at the collegiate level, combined with work experience of a minimum of three years as a security consultant.

Finally, the ministère de l'Éducation is presently completing, the development of a program of vocational training: *Installation and maintenance of security systems* (DEP-5242). As soon as this training is offered in many locations, the diploma of professional studies or a recognized equivalence will be required to obtain a permit as a security systems technician.

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<sup>15</sup> See previous footnote.

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## **2.2 Administrative orientations**

### 2.2.1 Issuance of permits to agencies

The issuance of permits to agencies will be made according to terms that are new and better adapted to the current context of the market and in a manner so as to eliminate certain administrative irritants. It is notably proposed:

- to extend the validity period for an agency permit to three years;
- to spread out the renewal period for permits throughout the year, on their anniversary, rather than on April 1st;
- to modernize security bonds and liability forms;
- to rescind the obligation to provide information already held by the Inspector General of financial institutions.

Moreover, in the current Act, a business or person who seeks an agency permit has to designate a representative possessing the qualities required for obtaining a permit. The role and duties of the representative within the agency however remain vague, and the simple verification of the qualities of the representative is no longer a sufficient measure of control. Consequently, any reference to the representative of an agency will be removed from the Act. It seems more appropriate than the person who seeks an agency permit in the name of a business be either the owner, partner or an active shareholder or, in the case of branches, the main administrator, the director or the supervisor.

Any request for an agency permit, whatever the category of permit considered, should be accompanied with a sworn statement presenting the list of the shareholders, the associates or the owners of the applicant company and the list of its administrators, directors and supervisors. After verification and investigation, the Ministry will be required to issue a

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permit to each business that presents the request, an agency permit or to renew the permit, which it presently holds, unless if, following an investigation, it is of the opinion:

- that the owner, the associates or shareholders, the administrators, the directors or supervisors do not conform to the requirements of the Act and its regulations, amongst others in matters of integrity, and that they can not be reasonably considered financially responsible for their business affairs;
- that the request presented is false or misleading;
- that the owner, the associates or shareholders, the administrators, the directors or supervisors practice or intend to practice other activities, besides the operation of the agency, which can give rise to a conflict of interests or which constitute a violation of the Act and its regulations;
- that the agency does not respect, or that there are reasonable grounds to believe that it will not respect, conditions associated to the category of agency for which the issuance or renewal of a permit is requested, notably as regards the duties for which the exercise is authorized, for which the exercise is prohibited or for which the exercise requires a services agreement approved by the Ministry.
- that the agency does not respect, or that there are reasonable grounds to believe that it will not respect, the rules of ethics governing the proper conduct of activities and businesses of a company in the private security sector and the implementation within the company of good practices, that is to say of security practices, respectful of the rules of the trade, the laws and the fundamental rights of persons;
- that the persons who are to manage the agency or its branch do not possess the experience and competence which, according to the Ministry, are necessary for the operation of an agency and the application of the stipulations of the Act, pertaining to private security and of its regulations;

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- that a police officer possesses a direct or indirect interest in the company which requests or renews an agency permit, whether as owner, partner or shareholder, administrator, director or as a supervisor<sup>16</sup>.
  - that any other motive exists to refuse the issuance or the renewal of a permit, notably if the agency or one of its employees is the subject of allegations<sup>17</sup>.

Finally, it is proposed that each of the branches of a security agency obtains a permit specifying the categories of duties which it is authorized to perform.

The Ministry will proceed to the issuance and the renewal of security agency permits once all the necessary verifications will have been completed.

### 2.2.2 Integrity control measures pertaining to agencies

At present, the control mechanisms of the integrity of the individuals, who own or manage private security companies, present considerable deficiencies. In fact, only the representative appointed by the agency has been the subject of an investigation regarding his integrity. Furthermore, the investigation generally limits itself to criminal records. These measures prove to be insufficient to insure the protection of the public and, as a consequence, they must be revised and strengthened.

Thus, as proposed in the previous section, control measures will be expanded during the issuance or the renewal of an agency permit, covering the owners, associates or shareholders<sup>18</sup> of the company requesting a permit as well as the administrators, management, directors or supervisors. But it is important as well that control measures be narrow, to ensure that these persons are capable of acting in a responsible manner in conducting their activities as authorized by the permit. It is equally necessary to verify that the past behaviour of these persons not offer reasonable cause to believe that the

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<sup>16</sup> In conformity with Section 117 of the *Loi sur la police* (L.R.Q., c. P-13.1).

<sup>17</sup> These clauses are inspired by those of the *Private detectives and security Services Act* (Pg-16) of New Brunswick.

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activities of the agency will not be conducted in a manner not conforming to the Act, nor lacking honesty and integrity.

During the validity period of an agency permit, such verifications should also be made on the occasion of any modification in the ownership or the shareholders of the company which holds the permit and of any change to its orientation or management personnel. After this verification, the Ministry will grant or will refuse these modifications, if it is of the opinion that the new owners, associates, shareholders, administrators, directors or supervisors do not meet the same requirements as those which prevailed at the time of the issuance or renewal of an agency permit.

The Ministry may call upon the *Programme civil de filtrage de sécurité*<sup>19</sup> to conduct the verifications required on prior records, reliability and moral qualities of the owners, associates or shareholders, administrators, directors or supervisors, at the time of issuance, renewal or during a change to a private security agency permit. If during these verifications, suspicions arise that an infraction or a violation of any laws may have been committed, the applicant's file will then be turned over to the Sûreté du Québec for investigation.

It is obvious that the imposition of stricter control measures imply additional costs, which should be assumed by the companies requesting a permit or any modifications.

### 2.2.3 The *Registre des agences de sécurité privée et des services internes de sécurité*

A *Registre des agences de sécurité privée et des services internes de sécurité* will be created with the aim of saving complete files on private security agencies. Information relative to agencies will thus be entered into this register, by the categories of permits that they hold, by their owners, associates or shareholders as well as by their administrators,

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<sup>18</sup> The associates and the shareholders targeted by this clause are those possessing 10% or more shares of the business.

<sup>19</sup> This program comes under the Direction des services de sécurité et de protection of the ministère de la Sécurité publique.

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directors or supervisors. Any change in this information shall be submitted as soon as possible so that updates may be made to the register, after receiving the results of the necessary verifications and investigations.

Information pertaining to service agreements concluded with the municipalities or public bodies, investigations which the agencies were subjugated to and their results, discrepancies observed in matters of ethics, proven criminal allegations and sanctions imposed by virtue of the Act and its regulations will also be recorded in the register.

Businesses and organizations that administer their own internal security service should enroll themselves in this register. In addition to the usual information, these businesses and organizations will have to declare the number of security agents, by category of permit, who are usually in their employ. The mandatory registration of internal security services in this register is a control measure, which will also be of use for inspection purposes (cf. section 2.3.1). Furthermore, it would allow the Ministry to know all the employers who are holders of a security agent permit, which is necessary information in order to maintain the register of security agents (cf. section 2.2.5).

The Ministry will assume management of the *Registre des agences de sécurité privée et des services internes de sécurité*.

#### 2.2.4 Issuance of permits to agents

Major modifications are proposed with regard to the issuance of the various categories of agent permits. Obtaining a permit will, from now on, be subjugated to two main conditions, namely the successful completion of the required training for the permit category requested and a security investigation attesting to no prior criminal record, and nothing derogatory regarding the reputation and integrity of the applicant.

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It will no longer be necessary, as is presently the case, to be in the employ of an agency or to have the intention of being hired by one to obtain a permit, which will have the effect of creating an open job market for the entire private security industry. Thus, permit holders will be able to offer their services to any agency that also holds a permit in their spheres of activity or in internal security services. However, the permit will only be effective if its holder is in the employ of an agency holding a permit or of an internal security service, all of which must be evidenced by a registration to this effect in the *Registre des agents de sécurité privée* (cf. section 2.2.5). Thus, a person who does not work in an agency duly registered in the repertoire of agencies and internal security services will not be able, at any time, to present himself as a security agent, act as such or exercise its functions. Finally, it will be possible to issue temporary permits for security agents during supervised training courses.

A permit will be issued for a term of three years and the renewal must be made in writing and in advance. However, annual verifications may be made relating to prior records, reputation and integrity of the applicant.

In conformity with Section 117 of the *Police Act* (L.R.Q., c. P-13.1), it will be prohibited for a police officer to hold a security agent permit, regardless of the category of permit considered.

It is also important to again revise situations that may lead to the revocation of a permit during its validity period. Revocation must be immediate, that is, without it being necessary to refer to the Minister of la Sécurité publique, in the case where a private security agent is found guilty of an act or an omission that the *Criminal Code* describes as an offence. The revocation must also be imposed when a holder does not respect the conditions under which his permit was issued. Revocation or suspension of a permit must equally be provided in cases of criminal allegations which are proven true<sup>20</sup>, of false declarations at the time of an application for, or renewal of a permit or if facts relating to

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<sup>20</sup> That is to say, when the person against whom the allegations were made pleaded guilty or was declared guilty.

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the reputation or integrity of a security agent, unless he demonstrates that the particular circumstances justify a different sanction.

The issuance and renewal of private security agent permits will be insured by the Service de la prévention de la criminalité et de la sécurité privée, rather than by the Sûreté du Québec as is presently the case. Verifications required relating to prior records, reliability and moral qualities could be made by the *Programme civil de filtrage de sécurité* of the Direction des services de sécurité et de protection of the ministère de la Sécurité publique. If doubts arise during these verifications, according to which an offence against or an infringement of any laws may have been committed, the applicant's file would be then turned over to the Sûreté du Québec for investigation.

#### 2.2.5 The *Registre des agents de sécurité privée*

A *Registre des agents de sécurité privée*, where the file of every permit holder would be stored, shall be created. In addition to the usual list of untransferrable data, information pertaining to qualifications and qualities of the permit holders will be added, as well as the name of the agencies that employ them.

Security agencies will have to inform the Registrar of the hiring of an agent, in order to verify the validity of his permit. In the same manner, the agencies shall inform the Registrar of the cessation of employment by their agents, while indicating the permit number. When an agent is unemployed, the notation "idle permit" will be noted in the register. These provisions will also apply to the businesses that administer their own internal security service. Management of the *Registre des agents de sécurité privée* shall be entrusted to the Service de la prévention de la criminalité et de la sécurité privée.

## 2.2.6 Identification of agencies and agents

The characteristics of security agents' uniforms, the standards applicable to badges and other pieces of identification as well as standards for identification of agencies and their vehicles, shall be established by regulation. The standards taken should allow the public to easily differentiate a security agent from a police officer. Finally, the carrying and usage of certain equipment may be regulated or even forbidden.

## 2.3 Orientations in matters of control

### 2.3.1 Inspection of agencies

It is proposed that a permanent inspection mechanism for private security agencies be put into place in order to promote the improvement of services to the public. Such a mechanism could possess powers of inspection enabling them, amongst others:

- to examine and evaluate the administrative and operational functioning of agencies;
- to verify if the administration and the operations of the agencies and the activities of their personnel are carried out in conformance with the legislative clauses that govern them;
- to evaluate the pertinence and efficiency of control systems as well as the performance of the security agencies and their personnel in the performance of their mandate;
- to provide expertise advice to the administrators in order to help them to objectively evaluate the problems in order that they may make the appropriate corrections.

Inspections would have the priority objective of ensuring the respect of the diverse stipulations of the Act, notably in matters that relate to the assumed duties and practices implemented. Corrective actions could be required and, in all cases of infractions, reports would be implied and could give rise to sanctions. Agencies having signed services agreements with municipalities or public bodies would be the subject of regular

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inspections to ensure the respect of the limits of the duties which were entrusted to them. Businesses which administer their own internal security service would also be the subject of such inspections.

This mechanism remains to be determined with the representatives of the industry and could be the subject of a revision at the end of five years.

### 2.3.2 Provisions for matters of deontology

Private security is an engaging party of overall public security in Québec. As such, it is imperative that the interveners, agencies as well as agents, act with respect for the laws and adopt a behavior respectful of the fundamental rights of individuals. It is also essential that the industry perform its activities with respect for the duties and powers, which were devolved upon it. The trust that the public and the institutions have towards them is at stake. That is why provisions in matters of deontology, applicable as much to the agencies as to the private security agents, must be provided and be integrated into the Act.

These provisions will first be directed to the respect of rights and liberties of individuals, in a manner so as to ensure that agencies and agents do not exceed their powers when they are called upon to intervene with citizens. Precise provisions must thus be provided in order to govern the arrest, detention and search of persons caught red-handed. Other provisions must be established to supervise investigations, surveillance or interrogation of persons suspected of having committed a crime, notably in the cases of internal economic fraud.

To avoid the emergence of a private justice system, provisions of an ethical nature will have also been promulgated to make sure that the security agencies as well as those businesses operating an internal security service convey to the police services every

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person who has committed a crime, or the file on every person for whom founded suspicions exist.

Other clauses should be established to ensure the respect of the *Loi sur la protection des renseignements personnels dans le secteur privé* by the security agencies and agents. These provisions will apply, amongst others, to the methods of collection, use, exchange and storage of information, which are by nature untransferrable. Moreover, it will be forbidden to obtain or to exchange any information, which is protected in Québec, by appealing to connections or networks of connections, to branches of the agency situated outside of Québec or by purchasing this information from jurisdictions where this practice is not prohibited. The Ministry will also be able to distribute a directive to police services to supervise the exchange of any information, expertise and services with security agencies, during investigations or during particular events.

Finally, provisions of an ethical nature must be foreseen to repress any form of abuse of authority and to ban certain doubtful behaviour, such as posing as a police officer, as well as such unacceptable practices as intimidation, threats and harassment, in particular during investigations.

The mechanism likely to assume such a mandate and which will be capable of receiving complaints pertaining to breaches of the deontology regulations remains to be determined with the representatives of the industry. This mechanism could be the subject of an evaluation at the end of five years.

### 2.3.3 Criminal allegations

To be entitled to perform their duties, agencies and agents in the field of private security have to give evidence of an irreproachable integrity. Whoever, within a private security business or within an internal security service, has knowledge of facts which question the integrity of those that are the owners or the shareholders, those that administer or manage

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it or even one or several members of the personnel of the company or the service, whether or not in the performance of their duties, must be capable of being able to reveal these facts. These facts may be gestures, actions or behaviour which appear to be:

- contrary to the Act;
- likely to put the protection of rights or the security of the public at risk;
- likely to constitute a criminal offence.

The most capable mechanism for receiving the criminal allegations and, after preliminary verification of their legitimacy, remains to be determined with the representatives of the industry. However, in cases where investigations seem necessary, the Ministry wishes that they be passed on to the Sûreté du Québec. If need be, statutory sanctions will ultimately be imposed, including the total revocation of all permits.

## **2.4 Sector-based orientations for the industry**

### 2.4.1 A representative association

The private security industry is currently represented by numerous sector-based associations, to which only a portion of agencies belong. Within this context, it is difficult for the Ministry to maintain relations and to collaborate with the industry. It is also difficult for the industry to establish a consensual position and to be listened to by non-member agencies.

It thus appears desirable that the industry provides itself with an association, representative of each of its sectors. Such an association would have, amongst others, the mandate to develop rules of ethics and their terms of application for the entire industry or for each of its sectors. It would also become the privileged interlocutor with the Ministry on any subject which concerns private security, notably in training and ethics.

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This association could also tackle the diverse problems of the private industry and which only it could resolve. It applies to conditions of employment within the industry, problems of retention of qualified personnel, the hiring standards and various measures which could provide the existence of the professionalism within the businesses and their personnel.

#### 2.4.2 Ethics rules and regulations

Private security agencies and agents wish to be recognized as security professionals. This recognition by the public may only be acquired as long as all parties in the industry performance their activities in a responsible way, with honesty and professionalism, respectful of the laws and the rights of individuals.

In fact, the industry must discipline itself more, by giving itself rules of ethics, and by applying them. Such regulations should be developed, notably for the following concerns:

- in the proper conduct of its activities and business affairs in the private security sector;
- in the implementation of good practices within the company, that is to say, of security practices, respectful of the rules of the trade, the laws and the fundamental rights of the person;
- in the behavior of an agent of the private security sector towards others, in the performance of his duties;
- in the duties of an agent in the private security sector, in the performance of his duties;
- in the respect by the agent of the codes of good practices in his sector of activity.

However, it appears desirable that the private security industry takes the necessary means, within a reasonable period, to provide itself with rules of ethics and their terms of

application. Their development should be entrusted to its association, which could afterward establish codes of good practices for each sector of the industry.

#### 2.4.3 On-going training

Given that the private security professions are in continuous evolution, especially because of rapid technological changes, the onus is on the agencies to give a continuous and adequate training to their personnel. Obviously, it is an essential condition to the professionalization of the industry. Through association, the industry will be able to offer, or contribute to the offering continued training services, that is, specialized training in its various sectors of activity.



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## CONCLUSION

The present document of ministerial orientations constitutes the first stage of a process aiming at the implementation of a new legislative and statutory foundation, more adapted to the reality and the predictable evolution of the private security sector in Québec.

These orientations propose a more rigorous supervision of the activities of this sector, so as to ensure the respect for certain fundamental principles in public security and individual rights. Thus, besides being applied to guarding and investigation, the scope is widened to the transportation of valuables, economic investigation, collection of personal information, consulting services and security systems. The duties of the interveners in the various sectors of private security are also limited, to avoid any possible confusion with those of police services. New requirements are also foreseen in training for those involved, control of integrity, inspections, deontology and ethics.

This new supervision is certainly more restricting than that the one which is currently in effect, but it seems essential that further measures of control be put in place to ensure the integrity, reliability and the loyalty of the private security sector as an engaging party for the provision of public security in Québec.

The orientations pursued should answer the expectations of the interveners in the field of private security, who had expressed the wish that measures be taken to promote the professionalization of their industry and dialogue amongst the partners. Furthermore, the reform is an answer to the problems that arise, as much in Québec as in most of the Western countries: due to the growth of the private security during the past decades. Finally, the industry should find within the proposed scope favorable conditions for the performance and the development of its legitimate activities.

Because the reform to be undertaken implies considerable changes for the private security industry, it is important that a consultation be carried out, so as to obtain the widest consensus possible of the interveners in the private and public sectors.

**ANNEX**



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## ANNEX 1

Besides the difficulty in collecting reliable data, which generally concerns only agencies or groups working in the field of the contractual security. They must be interpreted with caution.

Data on internal security, transportation of valuables, alarms and locksmithing are based on estimations made from information provided by the industry itself.

In spite of these reserves, they allow one to draw up a rather realistic portrait of the volume and the scale of private security in Québec.

The statistical data presented deals with the following sectors:

- Investigation and guarding;
- Internal security;
- transportation of valuables;
- alarms;
- locksmithing;
- security consultants;
- personal information gathering agents .

### THE INVESTIGATION AND GUARDING SECTORS

- According to data supplied by the ministère de la Sécurité publique, in December 2002 contractual agencies holding a permit conforming to the *Loi sur les agences d'investigation ou de sécurité* numbered 233, of which 92 were investigation agencies, 68 were security agencies and 73 were a combination (investigation and security);
- From 1973 to 2002, the total number of agencies more than doubled, going from 96 to 233;

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- Investigation agencies made the fastest evolution and to the largest extent, numbering 35 agencies in 1981, and reaching 92 by the end of the year 2002;
  - The number of security agent permits in circulation, issued in December, 2002 by the Sûreté du Québec rose to 22,941, while our estimates are that between 19,000 to 20,000 of these were for active agents;
  - Even though there is no distinction between security agents and investigation agents, one may establish a proportion according to the total number:
    - ♦ investigation agents would represent a little more than 20% of the permit holders and the security agents a little less than 80%;
    - ♦ the number of security and investigation agents in Québec (22 941) exceeds that of police officers, estimated at about 14,400 in 2002, according to the statistics of the ministère de la Sécurité publique.

#### **THE INTERNAL SECURITY SECTOR**

- Personnel of internal security services is estimated at 17,615 jobs (between 1998 and 2000);
- Despite the difficulty in counting this sector, there is a trend for a reduction in the use of this type of service and thus its actual numerical strength;
- Amongst these 17,615 employees, who are connected to the category "Security Guard and comparable staff (CNP 6651)", are found the inhouse agents and those who transport valuables ( Emploi-Avenir Québec);
- Among these jobs, the annual average growth rate is nil (1998-2000) and the majority of jobs (63.9% are full-time).

### **THE TRANSPORTATION OF VALUABLES SECTOR**

- Very little data is available for this sector;
- A limited number of companies work in this sector, the market being divided mainly between two agencies which constitute 90% of this type of service;
- Approximately 1,000 jobs are counted;
- This market is estimated at 75 million dollars.

### **THE ALARM SECTOR**

- The market for this sector is estimated at 70 million dollars in Québec;
- In 1997, this sector numbered 1,200 entrepreneurs in alarm systems;
- Training associated to the required skills are primarily related to those of required for electricians;
- This sector is the one that is the most sensitive to technological changes, and the one that experiences the fastest expansion;
- In Québec, 13% of private residences possess an alarm system connected to a central response centre, whereas another 5% possess one that is not connected to a centre.

### **THE LOCKSMITHING SECTOR**

- According to the *Association des maîtres-serruriers du Québec*, there would have been 250 businesses working in the locksmithing field in Québec in 1997, and these businesses had approximately 600 employees in their employ;

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- Locksmiths belong to the category "Other specialized personnel trades (CNP 7383)" (Emploi-Avenir Québec), which explains why there is difficulty in estimating their number with precision. As an example, one finds 2,200 persons on average (1998-2000) in this category of employment, which includes locksmiths, installer-repairers of vaults and safes, gunsmiths, recreational vehicle mechanics and saw sharpeners.
  - For this category of employment, the annual growth rate is nil, but the vast majority of the jobs (91%) are filled full-time.

#### **THE SECURITY SERVICES CONSULTANT SECTOR**

- In the *Classification nationale des professions*, one finds the category "Other protection personnel", made up mostly of investigators but also with security consultants and security agents;
- The definition which is given is: *"to insure security in the business by establishing security systems and by investigating the personnel and the clientele"*.
- In 1995, this category represented 2,065 jobs, prospects of a professional future seemed restricted, but a major demand for more personnel, for the period 1996-1998.

## **THE PERSONAL INFORMATION GATHERING AGENT SECTOR**

- The actual numbers counted by the Commission d'accès à l'information lists shows evidence of approximately 100 personal information gathering agencies registered in its file;
- These agencies may consist of a single individual or may number a few employees;
- Certain agencies claim to sell, hold or gather information, while others registered in this file, claim neither to ask for, nor to use personal information, without however specifying the type of activities they perform;
- According to the Act, personal information gathering agents must obtain the consent of the person involved to gather, hold and use the information.



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