

SUMMARY

On behalf of the Research and Documentation Centre (WODC) of the Ministry of Justice, policy research agency Regioplan Beleidsonderzoek has carried out an evaluation of the legislative and regulatory provisions governing the private security industry (i.e. the Private Security Firms and Detective Agencies Act (WPBR)). Although the WPBR covers both private security firms and detective agencies, this evaluation deals only with the private security industry. The purpose of the evaluation is to answer the following questions:

1. Are the legislative and regulatory provisions clear, adequate and 'up to date', for example regarding the delimitation and scope of the law?
2. Are the rules governing the granting of licences and exemptions capable of application?
3. How are the regulations enforced and observed?
4. How do the regulations contribute to security and a sense of security?

The survey is based mainly on face-to-face and telephone interviews with representatives of institutions involved in the application of the legislative and regulatory provisions for the security industry. After the interviews the findings were assessed in a workshop with representatives of the police and the private security firms. The interviews were conducted in the period from February to May 2003.

Clarity and adequacy of the regulations

The key concept in the WPBR, namely 'the performance of security activities', is generally regarded as unclear by the wide circle of people involved. The private security firms consider the wide definition of the concept to be objectionable because they are accordingly not protected from unfair competition. Likewise the law enforcement authorities are inconvenienced by the wide definition of the concept because it provides them with little guidance in practice. This lack of clarity means that although the regulations cover all kinds of security work, private security activities are not always carried out by licensed firms.

The duties of the police and the private security firms are not always clearly delimited in the WPBR. In fact, there are few problems in practice, although the police sometimes have little guidance in determining what they can and cannot allow. The division of duties in practice is, however, in accordance with the most up-to-date policy principles.

Adequacy in relation to technological developments

The WPBR is less up to date as regards the use of ‘exploding cases’ for the transport of money and as regards the application of the vehicle tracking systems.

Adequacy in relation to the aim of reducing false alarms (PACs)

Representatives of private alarm monitoring stations and installers of alarm systems have stated very emphatically that the system for the certification of alarm systems is inadequate. The transitional arrangement will end on 1 April 2004 when all non-certified alarm systems must have been disconnected from the monitoring stations. An important aim is to reduce the number of false alarms. The industry considers that the number of false alarms can better be reduced by other measures, such as warnings in the form of yellow and red cards for the customer and user of the system and the calling up of a key holder before the police become involved. Those concerned disagree on the question of whether the number of false alarms can be sufficiently reduced in this way.

Applicability of the regulations

Some aspects of the regulations prove hard to apply in practice because the rules allow a margin of discretion or are unclear to the law enforcement authorities. The hardship clause which can be applied by the regional police is an example of this. Some police forces attach importance to the uniform application of the screening procedure, whereas others believe that the freedom (and responsibility) which it gives to the regional police is the most important factor. In consequence, the treatment which private security firms receive differs from region to region. The firms therefore shop around and, if refused, try to obtain a licence in a different region. The same applies to the application of the exemption from the obligation to wear a uniform. As there are no clear exemption criteria, the police can grant exemptions as they see fit and exemptions are not therefore granted on a standard basis.

Some other obligations in the WPBR do have a clear aim, but do not make a contribution to this. Examples are the check on the curriculum vitae of the director of a private security firm applying for a licence, the examination of the equipment at the premises where the firm is established, and the obligation of licensed firms to file an annual report.

Enforcement and observance of the regulations

Neither the Ministry of Justice nor the regional police and the Public Prosecution Service (OM) devote much time to enforcing the WPBR. The Ministry and the regional police give

priority to granting and renewing licences. The Public Prosecution Service attaches no priority whatever to enforcement of the WPBR.

As regards the extent of the non-observance of the WPBR we cannot make any pronouncements. We note that among the wide circle of people involved with the regulations there is (unsubstantiated) information about firms that operate without a licence (section 2 (1)), and firms that employ staff without a licence (section 7 (2)).

The trade associations of general security firms (VPB), private alarm monitoring stations and installation companies (Vebon and Uneto-VNI) and the special event security firms (VBE) undertake various activities in the field of self-regulation. They concentrate on training courses, codes of conduct and quality systems.

Contribution of regulations to security and the sense of security

Those interviewed agreed that the police and the Public Prosecution Service should do more to enforce public policy and law and order, but realise that they lack the capacity. At the same time, they point to an increasing ‘public need for security’. In their view, this creates a market for private security services. As long as this market demand is met by private security firms a contribution is made to security and the sense of security. The police confirm in some cases that when deciding on the number of police officers to be used for surveillance and choosing the areas in which they operate account is taken of the activities of private security firms. In other words the private security firms relieve the police of work.

The WPBR ensures that the private security industry meets a basic level of quality. The fact that employees in the industry are assessed in terms of their reliability and competence encourages them to act correctly and make correct use of their powers. The police officers who stated that consent is nowadays refused more often than in the past on the basis of the applicant’s past record confirm the operation of the WPBR. Potential security operatives who do not pass the reliability test may not be appointed.

Whether the visible presence of private security operatives gives the general public a greater sense of security is hard to assess. The security firms and their customers (and to a slightly lesser extent the police officers too) assume that the visible presence of private security operatives has a preventive effect. For example, the incidence of shoplifting is significantly lower when private security operatives are present in the store.

The contribution of the WPBR to the reliability of the private security industry is clear: it ensures a minimum level of reliability and promotes the reputation of the industry. The

obligation to wear a uniform and the imposition of training requirements contribute to the correct presentation of the security operatives and the correct exercise of their powers. The latter point is of importance to protection of the private life of citizens: not every person in uniform is entitled to search a home, carry out a body search or make an arrest.