ISSUES IN PRIVATE SECURITY

by

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INTRODUCTION

My topic today is issues in private security. As you may be aware, I headed what was probably the first comprehensive study of private security in the United States, conducted during 1970-71 at The Rand Corporation, under the sponsorship of LEAA. My remarks today are drawn from what we learned in that study. Since we have not continued to study the subject since that time, some of what I will say probably needs updating, particularly in three areas: (1) the ways in which states and localities have altered how they regulate private security; (2) the case law bearing on private security issues; and (3) the resources devoted to private security. Nevertheless, I believe that the basic issues have not changed and I also believe that we have not learned much more about them since our study was completed.

A fundamental premise of the study was that private security services fill a perceived need and provide clear social benefits to their consumers and, to some extent, to the general public. Few would argue that, all other things equal, if private security services were drastically reduced or eliminated, reported crime, fear of crime, and prices of retail merchandise would rise. Thus, our study accepted this premise. The research then focused on examining alternative incremental or evolutionary policy and statutory guidelines that might improve the industry's effectiveness and reduce the seriousness and prevalence of its problems, without threatening its financial viability. That is we did not attempt to build a theoretical economic and legal framework for analyzing the benefits and costs of radical alternatives to current public and private policing arrangements.

Let me first briefly summarize the nature, extent and problems of the private security; then I will address the major issues in somewhat more detail. Finally, I will summarize the recommendations we made in our study reports.

* An invited paper presented to the LEAA Private Security Task Force to the National Advisory Committee on Criminal Justice Standards and Goals at their first meeting on April 22-23, 1975.

** See the five-volume study:
Over the past few years, the public police have received a great deal of attention and serious study; the private police have not. But of roughly 800,000 public and private security personnel in the United States in 1969, only half were public police officers. And expenditures on public police (counting the costs of security devices as well as personnel) account for only roughly half of the $8.7 billion spent annually on both public and private security.

Private security forces (guards, investigators, patrolmen, armored-car guards, guards who respond to burglar alarms, etc.) perform a variety of legitimate security roles; under current arrangements most of these roles are complementary (rather than supplementary) to those of the public police.

With the possible exception of private investigators and security executives, private security personnel are drawn from a different labor pool than are their public police counterparts. Private guards and patrolmen, in particular, tend to be older, less educated, much lower paid, and more transient than the public police. And private security personnel receive almost no initial or in-service training.

On the basis of evidence from several sources, including surveys of private security employees and of state and local regulatory agencies, interviews with security executives, security agencies' complaints and insurance-claim statistics, court cases, and media accounts, it is abundantly clear that a variety of potential and actual problems do exist with private security forces. But the evidence is insufficient to judge the precise extent of these problems. There are problems of abuse of authority, such as assault or unnecessary use of force (with and without a gun), false imprisonment and false arrest, improper search and interrogation, impersonation of a public police officer, trespass, illegal bugging and wiretapping, breaking and entering, gaining entry by deception, false reporting, and improper surveillance. There are problems of dishonest or poor business practices, such as inaccurate reporting, franchising licenses, operating without a license, failure to perform services paid for, misrepresenting price or service to be performed, and negligence in performing security duties.

Current regulation and legal remedies need improvement. Licensing and regulation of private security businesses and employees, is, at best, minimal and inconsistent, and, at worst, completely absent. Sanctions are rarely invoked. Moreover, current tort, criminal, and constitutional law has not been adequate -- substantively or procedurally -- to control certain problem areas involving private security activities, such as searches, arrests, use of firearms, and
investigations. Finally, current law has not always provided adequate remedy for persons injured by actions of private security personnel.

PUBLIC AND PRIVATE POLICE INTERACTIONS

One major issue is the relationship and interactions among public and private police. These relationships currently are quite variable, depending on the particular city or county, the type of security job, the setting in which the private policeman works, the policy of his employer or client, and so on. The relationships range from cordial, close, and cooperative working arrangements to very limited, formal contacts required by law (e.g., where a police department licenses or commissions private police personnel or businesses), or none at all.

A recent survey probed such relationships.* Of 121 responding police departments in cities with populations in excess of 25,000, 11 percent described the relationship as excellent, 39 percent as good, 40 percent as fair, and 5 percent as poor. When queried as to whether the establishment of a close, well-defined working relationship with private agencies would be considered valuable, 83 percent of the police departments answered affirmatively, whereas only 12 percent responded negatively.

Cooperative arrangements take many forms, and these are enumerated in our report.

The private police view of the relationship is consistent with perceptions of the public police. In the main, private security executives feel that public police are helpful and that their relationship with them is good. We conducted a survey of 275 private security workers which revealed that 77 percent believed that the public police are helpful when called. When queried as to what they thought the typical public policeman's attitude toward them was, 61 percent felt that public police view the private security service as being valuable and helpful, 22 percent felt that public police were indifferent toward them, and 12 percent thought that public police felt superior to them. The private security

employees generally felt that public police viewed them in a more favorable light than did either the general public or their fellow nonsecurity employees.

Many private security contractors feel that public police who moonlight in private security jobs constitute unfair competition. The extent of such moonlighting cannot now be ascertained because there are no published comprehensive statistics. But even if reliable comprehensive statistics could be gathered (perhaps by a survey of public police agencies*), the mere fact that police moonlight is not necessarily a problem. In fact, if the aim is to have more private police who have training equivalent to that of public police, moonlighting is a positive good, insofar as illegal methods for soliciting such work are not used. One view holds that the market mechanism should determine who provides security services. That is, if a user desires an off-duty policeman because he feels he will be more effective (due to better training and broader powers) than a private policeman, he should have that option. Some police agencies feel that moonlighting creates a conflict of interest. Others deny a conflict of interest but limit the number of hours per week that police may moonlight on any job, on the theory that extensive moonlighting makes the policeman less effective in his primary job. Still others are neutral, and some even encourage their personnel to moonlight in private security.

Many state and local regulatory agencies voiced a strong desire that private police should report all crimes, and any information relevant to a crime, to public police agencies. These views, no doubt, reflect a serious concern shared by many observers; namely, that private police, with their employer's or client's explicit or tacit approval, often mete out their own justice rather than invoking the formal processes of the public system of criminal justice. This private system of justice invokes its own sanctions, such as dismissing a dishonest employee, transferring the errant employee to a less sensitive job, inflicting physical injury on a suspect, releasing a shoplifting

*It is not at all clear, however, that candid responses would be forthcoming, since some police agencies deny their sworn personnel the opportunity to moonlight in private security. Those policemen who disobey such rules would certainly not admit to it. Thus, such a survey would almost certainly underestimate the extent of moonlighting.
suspect with a warning on the condition that he make restitution, and so on. However, other observers feel that society is better served under such private arrangements than it is by invoking the formal process.

One last comment regarding public police/alarm company interaction is in order. False alarm rates * are generally very high -- usually over 95 percent and sometimes over 99 percent -- for central station alarm arrangements, and particularly for alarms directly dialed into police headquarters. Police departments are divided in their opinion on this matter. Some view residential and commercial alarm systems as quite valuable and are willing to expend resources in responding frequently to false alarms on the grounds that these systems do prevent crime as well as aid the police in apprehending suspects. Others refuse new direct-dial alarm hookups and are even considering disconnecting the ones they currently handle. **

In short, the relationships between the public police and private police parallel those that exist between any "professional" and "paraprofessional" groups. Some public police will tend to look on the private police as relatively unqualified persons who might be mistaken for public police by citizens, and who might create an unfavorable reaction to the public police in general. The likelihood of improved relationships between the two will depend upon, among other things, a clarification of roles, opportunities for cooperative ventures, and the degree to which private police are supervised or regulated locally (i.e., at the municipal or county level) rather than at the state level.

PRIVATE SECURITY INDUSTRY PROBLEMS

On the basis of all the available evidence and a legal analysis, it is abundantly clear that a variety of potential and actual problems do exist. Some are more serious than others, but all have certain social costs or social disbenefits. It is also clear that the available evidence is insufficient for making judgments about the precise extent or prevalence of these problems. A sufficient basis for

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* The police generally define a false alarm as a situation in which no crime complaint is filed.

**For example, the White Plains (New York) Police Department. See Security Systems Digest, November 11, 1970, p. 5.
making such judgments requires a costly effort to collect and evaluate information which is now either unavailable or difficult to unearth. Most importantly, such an effort requires complete cooperation from private security organizations and personnel — the very sources that might be most reluctant to cooperate.

In assessing the problems in private security, we compared and evaluated information from diverse sources, testing for consistency. I will merely summarize our conclusions below.

Abuse of Authority

There is a constellation of problems involving abuse of authority which impact on society at large. These range from very serious instances in which a private security officer unjustifiably shoots someone or otherwise inflicts great bodily harm, to minor instances of use of offensive language. These actions often occur in the context of an attempted arrest, detention, interrogation, or search by a guard or a retail security officer. There is such striking consistency among private security executives' views, personal-injury-claims statistics, responses of security personnel to our survey questionnaires, complaints recorded by regulatory agencies, court cases, and press accounts that one is led to the inescapable conclusion that serious abuses occur — even if their true frequency is unknown. Abuse of authority takes the following forms, in order of decreasing relative frequency: assault or unnecessary use of force (with and without a gun), false arrest, false imprisonment or improper detention, and improper search and interrogation. In our judgment, low-cost measures aimed at alleviating such problems should be implemented immediately; and higher-cost measures of presumably greater effectiveness, should be considered seriously.

The fact that many private guards and patrolmen are armed and largely untrained deserves special emphasis as an indicator of potential abuse of authority. National statistics do not exist. But our survey of security workers (drawn largely from Southern California) revealed that about 40 percent were armed full-time and 10 percent were armed part-time. A recent statewide survey taken by the California State agency that regulates private security* showed striking consistency with these figures: Overall, 49 percent of almost

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*The Bureau of Collection and Investigative Services of the Department of Consumer Affairs, State of California.
16,000 guard-company employees in 241 companies were armed. The fraction armed in smaller companies was much higher than that in larger companies. The Michigan regulatory agency reported a percentage of armed guards similar to the above figures.* Executives of larger firms indicated that they avoid liability for shootings by not arming their men. For example, only 33 percent of the guards were armed in companies with over 500 employees; 53 percent were armed in companies with 100 to 500 employees; and 77 percent were armed in companies with less than 100 employees. We do not know whether these figures are high or low compared to the national average, but most security executives of larger firms assert that in the Southeast and Southwest, at least, armed security guards are much more common than in other areas.

In any event, these figures are very revealing, and society should be concerned, especially in view of the fact that firearms training is woefully inadequate. For example, responses to our security-employee survey indicated that only 19 percent received any firearms training on their present job, and only 10 percent receive periodic retraining, yet nearly 50 percent of those surveyed were armed.

There is another constellation of problems, more frequently associated with actions or practices of private investigators, which also impact on society at large. These include impersonating a public police officer, trespass, invasion of privacy, breaking and entering, gaining entry by deception, inaccurate or false reporting, improper surveillance, and bugging and wiretapping. We presented a good deal of data indicating that impersonation of public officers is a very prevalent problem. The hard evidence on the other problem areas in the above list is not abundant because these problems are difficult to detect, but, in our judgment, the evidence is sufficiently consistent and persuasive to warrant serious consideration of implementing low-cost remedies. For example, we believe it is clearly significant when a state regulatory agency reports that about half of the licensed detective agencies in the state agencies are believed to be violating the bugging and wiretapping laws and that these agencies are currently under investigation.

Dishonesty and Poor Business Practices

On the basis of regulatory-agency reports of the number of complaints filed and the reasons for licenses being suspended and revoked, and on the basis of impressions gleaned from security executives, we conclude that substantial dishonesty and poor business practices exist. The former entails common crimes by some security employees and employers, including burglary, robbery, theft, and extortion. The latter include franchising licenses, operating without a license, failure to perform services paid for, misrepresenting price or service to be performed, and negligence in performing security duties.

Access to Confidential Police Records and Gathering Information from Third Parties

It is common knowledge, and is freely admitted by security executives, that private security firms have easy access to confidential arrest records of local police agencies, even in jurisdictions in which such access is prohibited by law or by public policy. Further, security agencies frequently have access to FBI records through accommodating local police agencies. There is a legitimate need for the in-house or contract security employer to determine the trustworthiness, character, and criminal record of potential employees, especially those entrusted with sensitive positions and those who guard valuable property. There is also a legitimate need for private investigators to check the criminal record and character of their clients' insurance applicants, credit applicants, and potential employees. But these legitimate needs must be balanced by adequate safeguards and sanctions against the many potential social disbenefits flowing from such activities as inaccurate, incomplete, and false reporting of information and invasion of citizens' privacy.

Proscribing access to public police records by private security organizations has not worked in the past. Even occasional convictions for bribery, for giving unlawful gratuities to a public servant, or for rewarding official misconduct seem to be inadequate deterrents.

*For example, New Jersey's regulatory agency reports that 20 percent of private security employees were found, through a fingerprint check, to have arrest records.
The recent Fair Credit Reporting Act is one step in the proper direction, although it does not directly regulate the gathering of information from third persons. It regulates the reporting of such information; it requires that notice be given to the individual being investigated; and it is concerned with the accuracy of information. The Act applies to agencies which furnish "investigative consumer reports" to third persons concerning characteristics of an individual if the report is to be considered in granting credit, if it is to be used for employment purposes, or if it is to be used by someone with a "legitimate" need for information in connection with a business transaction with the subject of the report. But, in our judgment, mere regulation of accuracy does not erase all of the social disbenefits involved in credit, insurance, and employee background investigations. There are additional measures that could be taken to reduce such social disbenefits as invasions of privacy, which would still meet the legitimate information needs of employers, insurance companies, and credit granters.

Nonreporting of Crime and the "Private" System of Justice

It is clear that some criminal activities, particularly pilferage and shoplifting, are often handled by the employer and never reported to police. Many security executives and half of the security employees we surveyed admitted it. If the suspected perpetrator is an employee, he may be fired and the crime never reported to the police. If the suspected perpetrator is a customer, the store policy often is to seek restitution and warn the suspect. Thus there are several private systems of justice operating in which crimes are not reported, nor are suspects confronted with society's official system of justice. Whether these private systems create net social benefits or disbenefits, they will continue to coexist with the formal public system of justice. And often there are real and perceived disincentives for reporting: the high costs of prosecution, the low probability of a conviction, and the perceived adverse effects of prosecution on a company's image.
High False-Alarm Rates

The alarm industry provides valuable social benefits by preventing and detecting crime, and by assisting the public police in the apprehension of criminals. However, high false-alarm rates (typically 95 percent or more) create a significant drain on public police resources. The net social benefits of the private alarm industry would be even greater than they are now if the false-alarm problem could be alleviated.

Personnel Quality, Training, and Supervision

In a real sense, many of the problems associated with the private security industry are the result of using low-paid, low-quality, under-educated, and untrained employees. This may be particularly true of problems involving abuse of authority, and to some extent, poor business practices. Although no one has yet shown conclusively that higher-quality, better-trained personnel cause fewer of these problems, it is probably a reasonable assumption from which to proceed.

Private security executives admit that good supervision is needed precisely because of intense competition within the poor and limited labor market they operate in. And many executives in the larger firms allege that it is precisely the lack of good supervision that distinguishes the poorer from the better firms.

SUGGESTED POLICY AND STATUTORY GUIDELINES

Now, although the topic for my talk is issues in private security, I believe it would be useful to summarize our view of preferred policy and statutory guidelines that have the potential of improving the effectiveness and reducing the social costs of private security. These guidelines are aimed at (1) broadening, strengthening, and applying uniformly restrictions such as the licensing and regulation of private security businesses and personnel and the laws regulating private security functions or activities; (2) improving the state of knowledge and making
available the information that legislators and regulatory agencies need to carry out their functions; and (3) providing positive incentives, rather than negative sanctions, for improving private security.

In developing these guidelines, we have proceeded from two major premises:

- If government regulation is necessary, it is desirable that it be applied as uniformly as possible.

- Any measures aimed at upgrading the quality of private security, or at alleviating certain problems, should impose the minimum possible interference or impairment of an individual's ability to conduct business or to work in private security.

Finding sweeping general solutions is not easy. However, we can make a number of specific policy and statutory suggestions that may alleviate some of these problems and, at the same time, improve the effectiveness of private security. We suggest, for example, state licensing of owners and executives of all types of private contract security businesses and directors of in-house security operations, and state registration of all types of private security employees. Licensing and registration statutes should provide for mandatory job-specific training (including firearms training where necessary), mandatory bonding or insurance requirements, certain job-specific personnel background and experience standards, and clear (and sometimes mandatory) provisions for sanctions such as fines, imprisonment, and suspension or revocation of licenses or registrations for certain violations or activities. To a large extent, the effectiveness of our proposed licensing and regulation scheme will depend on the regulatory agencies' access to information about problems, as well as their resources. Their current knowledge is fragmentary at best; our suggestions include ways of improving such access.

Other suggestions concern tort remedies, the applicability of constitutional standards, and specific statutory provisions. They include ways of controlling access to public police records; provisions giving individuals more control over the extent to which information concerning them is collected; ways of determining whether information obtained by private police in an illegal search of property should be admissible as evidence in either civil or criminal judicial or administrative proceedings; regulations concerning the wearing of uniforms and badges
(which can lead to impersonation of, and confusion with, public police); criteria for determining the applicability of constitutional standards to activities of private police such as arrest, detention, search, interrogation, and the use of force; and regulation of the alarm industry, with special reference to false-alarm rates.

Finally, we suggest that the federal government should consider funding a research center that would continuously evaluate the costs and effectiveness of private security personnel and equipment.

Now, I would like to focus on just a few of these areas -- namely, licensing and regulation, training, firearms, regulatory sanctions, and information systems -- and explain our recommendations in some detail.

**Licensing and Regulation**

We suggest that regulations for private security forces be established primarily at the state level. However, certain aspects of the state regulations should be administered at the local level, and localities should be permitted the option of establishing additional regulations over and above those set by the state. The federal role in this area should be tertiary.

The principal rationale for this suggestion is that private security agencies generally operate in geographic areas too small to make federal regulation practical and too large for control by local jurisdictions (with local control, excessive duplication and nonuniformity of regulation would be inevitable, since a single contract agency usually operates in many neighboring localities). However, local jurisdictions are more capable than are states of efficiently implementing certain aspects of state regulations -- for example, conducting personnel background checks, monitoring the industry's activities locally, and performing initial processing of complaints. Regulations that depend on local situations -- those concerning which private security uniforms are permitted, for example -- should also be implemented locally. Since local problems may warrant additional controls beyond the basic state regulations, localities should be free to impose such additional controls.
Not surprisingly, the 15 state regulatory agencies that responded to our survey unanimously agreed that the private security industry should be regulated at the state level. However, their opinion was divided on whether local or federal regulations should also exist.

In light of the foregoing, then what guidelines can be established for government regulation? Our general conclusion is that current regulation at all levels is clearly inadequate. It should be broadened to include categories of security organizations and personnel not now included; it should be extended to include standards, qualifications, and requirements not now included; and above all, the regulatory agencies should be given the resources -- the personnel, money, information, and administrative machinery -- for adequate enforcement. We recognize that current licensing provisions often are not vigorously enforced and that other remedies are available under constitutional, criminal, and tort law, and under specific laws regulating certain private security functions such as wiretapping. Our hope is that adequate resources and information would nurture the will to enforce.

In general, we suggest that directors or managers of in-house private security forces as well as owners, corporate officers, and branch managers of contract security agencies be licensed by the state. All security employees of such organizations, both in-house and contract, should be registered by the state. Each person who is licensed or registered should meet certain minimum standards or qualifications; these standards may vary among types of licensees and registrants. Renewals should be required periodically, say every 2 or 3 years.

In this regard, let me make the distinction between licensing and registration. Licensing implies that a person or business must show that certain minimum qualifications and standards are met before lawfully engaging in an activity. Registration implies that certain minimum standards can be met within some specified time after engaging in an activity. Thus, in a system of employee registration, reliance is placed upon striking the unworthy from the rolls when their unworthiness becomes demonstrable. But registration does not prohibit a person from working while extensive investigations are being made into his fitness. This feature of permitting work while the registration is being processed is especially relevant
to contract guard work, where a sudden demand for guards may arise and must be filled quickly and where annual turnover rates are high. We make no distinction between full-time and part-time private security employees; both should be registered, since both do the same work.

The underlying rationale for licensing any organization or business, of course, is that it is a means of screening out the least qualified managers, and of preventing particularly problem-prone organizations from continuing to operate. However, the licensing of organizations is a very indirect and ineffective means of regulating their employees. Registration of employees would serve to eliminate those least qualified and those involved in serious or repeated abuses. Thus, licensing and registration together should improve both the quality of new security services and personnel and the quality of those already in the industry.

Under present rules in most states, only one officer in a security organization is required to be licensed. We suggest that all branch office managers as well as owners and directors of security organizations be required to be licensed, because some firms use a "front man" on the license application.

Now, why license and register in-house as well as contract security organizations and personnel? Since both do the same type of work, and since the actions of either may lead to the same potential problems and result in the same actual consequences, we see no basis for excluding in-house security directors and security personnel. Why should a retail-store detective employed by the store not be registered if a store detective supplied by a detective agency must be registered? Currently, very few in-house organizations or personnel are licensed or registered at either the state or local level. Generally, the rationale offered for this exclusion has been that the in-house employer's self-interests cause him to exercise care in selecting trustworthy and competent employees and in supervising their work. But contract employers have similar self-interests, and they are presently regulated. There is ample precedent for licensing or registering the in-house employee. In Chapter III of Rand Report R-371-DOJ*, several jurisdictions that currently license or register in-house security employees are noted. One purpose of a licensing or registration scheme is to ensure that all practitioners meet certain minimum standards.

*op. cit.
Finally, which categories of security organizations and employees should be licensed and regulated? In our view, all guard, investigative, patrol, central station alarm, and armored-transport organizations should be included. Although not all categories are now regulated by all states and local jurisdictions, the responses to our questionnaire from regulatory agencies generally support this view.

**Training**

Although current private security training programs vary considerably in quality, training is, by and large, either nonexistent or clearly inadequate. Only 3 states and a few cities and counties require any training for guards or investigators; where required, the training course ranges from 3 to 120 hours. In addition, 10 states that license polygraph examiners require graduation from an approved training school and/or 6 to 12 months internship. A basic assumption underlying our training suggestions is that adequate initial training and in-service training will upgrade the quality of all personnel and thereby reduce the frequency and seriousness of problems involving abuse of authority. Higher personnel quality should also mean greater effectiveness.

Our suggested training guidelines are the following:

- State regulatory agencies should require minimum training programs for all types of private security personnel. Part-time personnel should receive the same training as full-time personnel.

- Separate training programs should be tailored to each major private security job category -- guard, investigator, polygraph examiner, central station alarm respondent, supervisory personnel, etc. All trainees should be required to pass an examination.

- Federal funds -- perhaps through the Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice -- might well be made available to develop appropriate training programs, including curricula, materials, and methodology. It might be desirable for the
LEAA to sponsor a commission or study group to develop such training programs. The commission could also recommend preferred ways of operating and financing training programs. Perhaps the Task Force on Private Security can perform such a function.

- Our preliminary recommendation is that all types of private security workers receive a minimum initial training program of at least 120 hours (some types, such as polygraph examiners, may require more). Eighty hours of the program might be waived for private investigators with previous experience in local, state, or federal investigation.

- Initial evaluation suggests that it be mandatory for each security worker and supervisor to receive at least 2 days of retraining per year. The state regulatory agencies should supply bulletins on current industry problems or information of special importance, as a supplement to the retraining program.

The total cost of suggested training programs is not excessive when viewed over the employee's term of employment. In contract security arrangements, the cost would probably be passed on to the client as an increased fee per hour per employee. We estimate the approximate cost of the recommended 3-week guard training program at 23 cents per hour worked (in 1970 dollars), given the following assumptions: guard and instructor wages are $2.00 per hour and $4.00 per hour, respectively; overhead rate is 50 percent of wages; average length of employment is 1 year; training classes have 10 students per instructor; and the trainee's full wages are paid to him during his period of training. With larger class sizes, or with employee turnover rates of less than 100 percent per year, the cost would be less.

Twenty-six regulatory agencies responding to our survey advocated mandatory training for certain types of private security personnel, while only 2 opposed it.

*Because the polygraph interpretation is very subjective, the Florida requirement of 1-year internship should be considered for adoption in other states.*
A smaller majority, 18 regulatory agencies, favored mandatory retraining, while only 5 opposed it. Those recommending retraining typically favored firearms retraining one to four times each year, and other types of retraining once or twice each year. The length of recommended training programs ranged from 12 to 150 hours, and averaged 58 hours. The length of retraining recommended ranged from 2 to 24 hours, and averaged 12 hours.

Throughout this study, we contacted a wide variety of people having various roles in private security. These included workers, employers, and regulatory agency officials. There was never any doubt raised about the necessity for training security employees. Nor was the existence of significant variations in quality among guard training programs ever questioned. Thus, the issues are how much training is needed, and whether such training should be made mandatory. Since the private security industry has not voluntarily provided the necessary training, we feel it should be made mandatory by the regulatory agencies. We see no viable alternatives to mandatory regulation that will rectify the present situation in which large numbers of security employees receive little or no training. Positive benefits such as increased security effectiveness and an alleviation of abuses should result. Because they perform the same functions, both contract and in-house personnel should be subject to the same mandatory training regulations. Part-time personnel not under constant supervision should be trained because they perform the same functions as full-time personnel.

As to the issue of how much training should be required, the United Plant Guard Workers of America (the largest guard union) recommends a minimum of 4 weeks of training. The state of Ohio has studied the problem in detail and now specifies 3 weeks of training in its present law. The responsible official who directs the federal guard forces for the General Services Administration, and who has had extensive private guard management experience, recommends a 4-week training program for private guards. We conclude, therefore, that a minimum of 3 weeks is a tentative, but reasonable suggestion for initial private guard training. The precise period should be set after an in-depth study of training needs for each type of security employee. The basic premise with respect to investigators is that their job is at least as complex as that of guards, and that the potential for improper action by an investigator is probably greater. Therefore, they need
at least as much training as a guard needs. Alarm respondents certainly need
at least as much training as regular guards, and perhaps more, because of their
higher exposure to crime-related incidents. Each supervisor should also receive
at least 3 weeks of initial training. Given the complexities of the situations
that supervisors must handle, and given their role in training other security
employees, this period of training appears minimal.

To facilitate the scheduling of new employees into the training programs,
new personnel could be allowed to work for a brief period of time, say 2 months,
before certification of completion of training is required for continued employ-
ment. During the 2-month grace period, new personnel would be permitted to work
as guards only when under the direct constant personal supervision of a fully
trained supervisor.

Close supervision is suggested primarily to lessen the probability that the
new employee will take improper actions or abuse his authority during the grace
period. These procedures would also increase the chances that undesirable employ-
ees would be detected and screened out before creating problems.

If a training program is to be required, the regulatory agency must have some
means of controlling the quality of that program; we suggest certification of
instructors, schools, and specification of curriculum as the method of control.

We recommend that the federal government develop training curricula materials
and methodology for private security for two reasons: First, the availability of
such training materials could greatly improve the quality of training, especially
in the many smaller jurisdictions and security organizations. These smaller agencies
have neither the funds nor the expertise to develop effective training materials.
And second, it would seem very inefficient for thousands of security forces or scores
of regulatory agencies to develop their own training material, when many of the
training topics will be common to most.

Regional training schools (conducted perhaps by private schools, by larger
security firms, or by the public police) would enhance the quality of instruction
and achieve economies of scale, in comparison to the current system which often
finds one instructor teaching one or a few students.
Firearms

Because (1) a large fraction of private guards and patrolmen are armed (many in situations where there is no apparent need for a deadly weapon), (2) a very small fraction of these people receive firearms training, and (3) a relatively large fraction of cases of serious abuse of authority involve firearms, we suggest that several policy measures be considered:

- *All* armed private security personnel should be carefully screened and be required to complete a mandatory accredited firearms course as part of their initial training. The course should include safety measures, situations in which the gun may or may not be used, range qualification, and testing. Thereafter, periodic retraining and range qualification should also be mandatory.

- Uniformed private security personnel should not be allowed to carry a concealed firearm while on duty. Concealed weapons do not serve a crime-deterrent function, and persons interacting with the security employee may be less apt to provoke him if they are aware he is armed.

- Company-furnished guns should remain on company property during the security employee's off-duty hours. (Many shooting incidents involving security employees occur during off-duty hours, and this provision should reduce the number of such incidents.)

- Contract security executives should discourage their clients from requesting that security personnel be armed. In-house security directors should similarly discourage their management.

- Investigators and most guards or patrolmen need not be armed except in cases where arms are essential for their safety or where extremely valuable property is at risk.

- Since the gun should be viewed as a defensive weapon only, standards for the type of weapon, grains of gunpowder, length of barrel, etc., should be stated explicitly.
- If a reliable psychological test, or other instrument, exists for screening out those individuals who obviously should not be allowed to carry a gun, it should be implemented as part of the licensing and registration process. If there is no such reliable instrument, but if there seems to be a reasonable possibility of developing one, federal funds might well be used to support such an effort. But the instrument should be practical -- that is, it should not imply high administrative costs and it should be able to be applied mechanically, rather than requiring a highly trained individual to interpret the results.

- Legislators should give greater consideration to imposing explicit statutory liability on private security businesses for the weapons abuses of their employees against private citizens. This and/or other legal threats of criminal and economic sanctions could be expected to result in stricter control by the industry, with a resulting diminution in the number of abuses.

By and large, responses from regulatory agencies agree with most of these suggestions. Several jurisdictions already have mandatory firearms training programs for certain types of personnel. Most favor range qualification one or more times per year; most would prohibit certain types of personnel from carrying concealed weapons while on duty; and most would prohibit certain types of personnel in certain situations from carrying firearms. The regulatory agencies were split equally on the question of whether weapons other than firearms should be prohibited. The president of the United Plant Guard Workers of America also strongly favors mandatory firearms training programs for those guards who need to be armed.

More radical, but less feasible, alternatives are available, too. One alternative is to prohibit private security personnel from carrying firearms altogether, except in extreme cases. Some argue that other weapons such as the baton and/or aerosol agents would serve as well. Our security-employee survey data indicate that one-third of the employees thought a gun was unnecessary. Moreover, only 35 percent of the employees felt they would need a police baton if they were not allowed to carry a firearm on duty; 28 percent felt they would need a chemical
spray; 12 percent would want a sap or blackjack; and 35 percent felt they would not need any weapon. A program aimed at disarming guards, however, would undoubtedly meet determined resistance from certain quarters of the security industry. Such a program would forego the benefits to be derived from trained armed security personnel in those situations in which arms are necessary.

**Regulatory Sanctions and Effectiveness**

Penalties for violations of the current licensing statutes and administrative regulations generally include license denial, suspension, and revocation; imprisonment; and fines. Many states specify detailed controls on the conduct of private security business in the licensing statute and classify violations of the statute as misdemeanors. Some violations are classed as felonies (for example, one state considers the falsification of fingerprints required in the application a felony). Grounds for license revocation generally include commission of a felony, violation of the licensing-act provisions, unprofessional conduct or dishonest business practices, impersonating a public police officer, addiction to alcohol or drugs, and certain misdemeanors. Theoretically, then, in many jurisdictions sanctions are already available to cover problems involving dishonesty and poor business practices, as well as some of the problems involving criminal abuse of authority.

But, in practice, sanctions are rarely invoked, and the penalties imposed are minimal. When invoked, the license suspension and revocation procedure is typically cumbersome, slow, and costly. Regulatory agencies have few personnel and very limited financial resources, and as a result they rely largely on informal and completely inadequate means of detecting violations and abuse of authority. The average state regulatory agency has less than 4 people, of which half are investigators, and spends about $50,000 annually. Local regulatory agencies have even more meager resources.

Half of the state and local regulatory agencies responding to our survey indicated that they did not have sufficient personnel to adequately perform assigned functions. On the average, the state agencies reporting a current staff
level of inadequacy felt they needed a 126 percent increase in total employees and a 92 percent increase in investigators. Local agencies reported similarly inadequate levels of staff.

- We suggest, therefore, that the regulatory agencies be given sufficient resources to enable them to screen and monitor licensees and registrants and to investigate violations of the regulations.

We suggest broadening the applicability of regulatory sanctions to include private security employees (i.e., registrants as well as licensees) and to expand the grounds for suspension and revocation of a license or registration, as follows:

- The violation of any major provision of the licensing statute should result in immediate suspension of the license. For some violations, a fine plus compliance with the statute would follow. For others, license revocation and/or criminal prosecution would follow. Temporary suspensions should be permitted, at the discretion of the regulatory agency, while allegations of serious violations are being investigated.

- Grounds for suspension and revocation of a license or registration, for levying fines, and for applying criminal sanctions should be explicated in the statute.

- Certain actions which constitute abuse of authority should be made grounds for suspension, fine, or revocation of license or registration, depending on whether the licensee or registrant was responsible for the abuse. Although civil sanctions are available to redress such abuse of authority, the addition of regulatory sanctions should help deter and alleviate such problems.* I suggest, too, that the Task

*As indicated in Rand Report R-869-DOJ, tort, or civil, remedies are not a completely satisfactory sanction because (1) litigation is slow, expensive, and relatively inaccessible to some people, particularly the poor, since it requires a lawyer, and (2) tort law does not necessarily change with evolving concepts of personal rights, and therefore one is often left without adequate remedy for his injury.
Force on Private Security formulate guidelines to determine which sanctions should be applied to which actions.

- Maximum fines and prison sentences should be severe enough to have a significant deterrent effect.

**Monitoring and Information Systems**

We assert that no system of regulatory sanctions can succeed unless the agencies' resources are adequate and they have sufficient information systems and administrative machinery to detect and assess violations and improper conduct. Along these lines, we suggest that:

- Regulatory agencies should be given the investigatory authority and resources to conduct random field spot checks of private security records and operations.

- Complaint channels should be set up so that both aggrieved clients and members of the public can make their complaints known directly to the regulatory agencies.

- The local public police agencies should be required to forward to the regulatory agency information about incidents (particularly those involving shooting), arrests, convictions, and complaints involving private police of which they become aware.

- Insurance and bonding companies should be required to forward data on all major complaints and dispositions involving private police.

- The regulatory agency might be given the power to adjust fees and/or to publicize those in-house and contract security organizations which have either extremely good or extremely poor records of founded complaints. The latter would act as an incentive to firms with good records by improving the firms' image and, in the case of contract agencies, the ability to attract business.
NEEDED WORK

Our study should be viewed as a seminal work needing future development in several directions. For example, studies should be conducted of the basic cost-effectiveness relationships between inputs and outputs of private security for specific types of crime, specific segments of the security industry and specific types of consumers of private security; campus policing, business burglaries, and shoplifting and pilferage, are illustrative examples. Studies of ways of enhancing cooperation between public and private police should also be conducted. Needed, too, is fundamental theoretical work on the appropriate division of labor between public and private police and on the division of spending between public and private funds. Another direction is a class of activities in which the fruits of the research reported here would be refined and transferred to the appropriate people, business organizations, and public agencies. And finally, there is a need for descriptive studies and surveys aimed at increasing our basic knowledge of topics such as moonlighting by public police in private security and the deputization and commissioning of private police.