

The need to regulate private security in Zambia

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Abstract

Lack of regulations laws in Zambia that regulate the Private Security is a critical threat to security of Zambia. This paper argues that Zambia is one of those few countries that does not have a comprehensive legal structure to regulate the private security industry. It only depends on the international and national approaches to private security, with a view of providing guidance for an effective framework capable of addressing security threats. Furthermore, this paper argues that because of the lack of a regulatory framework, there has been a proliferation of private security companies that handle firearms that are not registered with any relevant regulatory authority in Zambia. The paper also argues that the statistics of security companies who provide private security

services in the country is not known and this poses a security threat to the country. The guides for future legislative reforms are highlighted meant to address the regulatory of private security company concerns by the State and the public as depicted in the two policy documents. This paper again advocates for the adoption of an appropriate legal and regulatory framework on the regional and international level

Key words

Private security, Private Security Company, Regulatory framework. Regulations, Security

1. INTRODUCTION

If all countries in the world regulated their private security companies (PSC) in a similar fashion, our

lives in the private security industry would be easier and the regulatory pitfalls that face the monitoring and oversight of security services would be more predictable and easier to avoid. The problem is, governments regulate private security in very different ways. Some ways work better than others. Frankly, some don't work well at all. Zambia is one of the few countries in Southern Africa who do not have any regulatory framework to regulate their private security. This has raised concerns in both the public and state authorities. Recent incidents of the

proliferation of unregistered security companies and the recent developments where there were reports of some illegal training being conducted by foreigners in the Chingola area has heightened the need to seriously consider the regulation of private security in Zambia. This paper explores the current status of the regulatory situation in Zambia and recommends that Zambia should seriously think how to regulate the private security and join the rest of the Southern Africa Development Countries, (SADC) and the rest

of the world in ensuring that the private security is well regulated.

1.1. Background

The under-regulation of the private security industry has increasingly become a topic of media and academic interest. This Paper enters the debate by explaining why the private security industry requires to be regulated, and what is wrong with the current system. It begins by briefly defining the industry and explaining the need for effective regulation. The paper makes several unique

contributions. First, it argues that no regulatory system dealing with private security companies can ever be perfect. The nature of the industry means that it will be inherently difficult to regulate. As a result, it is important to enhance all three types of regulation as much as possible. Second, it takes the option of self-regulation seriously. While on its own self-regulation is unlikely to regulate the industry sufficiently, it has an important role to play alongside other forms of regulation. In particular,

self-regulation enabled by legislation could be an effective means of regulation.

1.2. Statement of the problem

In Zambia, private security is as old as humane kind. It started when man protected himself primarily against the onslaught of beasts and his enemies. Castles, houses built on mountain tops and marshy country that could only be reached with the aid of ladders and protected by walls were all intended to protect inmates against external attacks. The system in place was that the population contributed to its

own security based on mutual protection and collective responsibility and were governed by traditional regulations that were most not documented.

More often than not, security guards are the first people to be on the crime scene. Their importance is illustrated by the fact that a security guard gave a tip to police to stop the massacre of thousands of Americans in Las Vegas recently when a lone gunman Stephen Paddock went on rampage shooting and as a result killing 58 people before

taking his own life. A security guard, Jesus Campos led police to the killer's hotel room to save lives of about 25, 000 concert-goers who were targeted for elimination by Paddock. Campos, who took in a bullet from the gunman, led police to the 32nd floor of Mandalay Bay where Paddock was firing at concert-goers at an open-air event. The guard has been eulogised for his bravery and saving thousands of lives of concert-goers.

In Zambia, security guards have helped provide important leads to police to either thwart crime or

arrest outlaws. They also provide security services at business premises and household level.

Despite playing a vital role in providing security to individuals and eminent institutions in both the private and public sectors, the security guard sector is plagued by lack of adequate regulation.

Security guards are usually at the frontline of loss prevention, risk management, safety and security of businesses and individuals, but they lack basic understanding of law enforcement and the criminal justice system. Having security guards who are

better educated, trained and qualified in many aspect of preventing and investigating crime is not going to happen overnight. But the push by companies that want professional security services and the demand by the general public, create optimism to radically change the frontline for combating crime.

The expanding economy has helped growth of the private security industry. It is for this reason that security guards are a common sight in communities and business premises.

Another notable feature is that the number of armed

guards has increased in the recent times compared to previous years.

However, the growth has not been matched by effective regulation and standards. The private security in Zambia is not regulated at all. Most African countries have Acts of Parliament to regulate the operations of the private security sector but in Zambia, no such regulations exist. This has resulted in a proliferation of unregistered security companies and unlicensed firearms. The security guard jobs being relatively low-paying and this has resulted in

the guards themselves becoming a threat as they engage in criminal activities instead of fighting crime.. Further, the public hold security guards in low esteem because of their limited powers and perceived lack of education.

This gives rise to a significant need to come up with a regulatory framework that will regulate the industry. This paper therefore argues that there is need for the private security industry in Zambia to be regulated.

1.3. Objective of the paper

The main general objective of this research paper is to examine the regulatory frameworks that Zambia can adopt in regulating its private security industry.

The specific objectives are as follows:

1. To identify the various regulatory frameworks that Zambia can adopt in regulating the private security industry
2. To make a comparison with other countries and identify the regulatory gaps that need to be closed.

3. To identify and discuss the advantages of each regulatory model so that Zambia can make informed decisions.
4. To make recommendations to the Zambian Authorities on the best option to adopt.

1.4. Theoretical framework

The purpose of the study is to examine the state of regulation of the private security in Zambia which seem to be increasing every day and has since become a national concern.

2. LITERATURE REVIEW

Private security guards conduct searches on people who enter the premises that they will be guarding. They can easily abuse or infringe on the public's human rights hence the need to have them regulated. Adamson (2004: 1) once said:

“Kansans can settle into their hairdressers' chairs, confident that their stylists are licensed to wild their shears. They can't be so confident that the private security guard standing outside their office building is trained to protect their lives or property,”

The writer recognizes that no private security industry can develop successfully without a well-defined regulatory framework. If the private security is well regulated, it will result in meaningful development. Regulations also protect the public, and not a specific occupation or private security practitioner.

According to Hoh (2004: 54) the private security industry is growing worldwide and because of this growth, there is need to control and monitor its activities. If the security industry is not adequately

regulated, undesirable elements may take advantage of the situation and start engaging in unethical activities such as private drug cartels and terrorism etc. The private security industry is also strategic in the prevention of crime and because of this strategic role in ensuring safety and security of life and property, its activities requires strict monitoring and proper regulation.

Regulations also ensure that high quality of security service is provided and that high standards of professionalism are maintained. Regulations also

ensure that desirable security activities are encouraged whilst undesirable trends are discouraged. Regulations ensure that minimum standards are set and implemented.

The need to regulate private security can be summed up by the following literature:

In South Africa, the statement from the Security Officers Interim Board (2000a:41) reaffirms the need to regulate.

“It is self-evident that persons placed in such a position of relative power over other members of society should be

closely regulated and monitored to ensure that members of society are not harmed by them. Persons who are not even their clients rely on their integrity and competency.”

Cunningham & Taylor (1995: 228) re-enforce the need to regulate when they say

“In an occupation where error of judgment or incompetence can cause serious social and economic consequences, every effort needs to be extended to embrace forceful remedies”

.Adamson, (2004: 1) also quotes Victor Polek, a senior vice president of Pinkerton Security as saying,

“Leaving an industry that employs more than a million guards unregulated is bad business and a threat to security” The private security, in the author’s point of view falls under the category of occupations whose error of judgments affects the general public. For example, if private security guards negligently discharge fire arms due to lack of training and legislation, it has serious consequences to the general public’s safety. Siatt (1980a: 7) strongly argues that there is need to regulate the private security industry when he says: *“The intent behind any standard for*

regulation would be to ensure a certain level of competent response by security personnel to a given situation”

Weber (2001: 2) argues that it is crucial for legislation governing private security to be reviewed and harmonized and that this should be achieved through a harmonization of legal provisions on the basis of the implementation of minimum baseline standards, which can provide assurances that all reputable providers in the sector are subject to the same minimum requirements. The effectiveness of

regulations is therefore diminished if the objectives are unclear or seem to be inappropriate

The South African Security Industry Regulations Bill (Bill 12 of 2001) clearly defines the objectives of regulating the private security in South Africa. These are shown below.

1. Promote a legitimate private security industry which acts in terms of the principles contained in the Constitution and other applicable law;

2. Ensure that all security service providers act in the public and national interest in the rendering of security services;
3. Promote a private security industry which is characterized by professionalism, transparency, accountability, equity and accessibility;
4. Promote stability of the private security industry;
5. Promote and encourage trustworthiness of security service providers;

6. Determine and enforce minimum standards of occupational conduct in respect of security service providers;
7. Encourage and promote efficiency in and responsibility with regard to the rendering of security services;
8. Promote, maintain and protect the status and interests of the occupation of security service provider;

9. Ensure that the process of registration of security service providers is transparent, fair, objective and concluded timeously;
10. Promote high standards in the training of security service providers and prospective security service providers;
11. Encourage ownership and control of security businesses by persons historically disadvantaged through unfair discrimination;
12. Encourage equal opportunity employment practices in the private security industry;

13. Promote the protection and enforcement of the rights of security officers and other employees in the private security industry;
14. Ensure that compliance with existing legislation by security service providers is being promoted and controlled through a process of active monitoring and investigation of the affairs of security service providers;
15. Protect the interests of the users of security services;

16. Promote the development of security services which are responsive to the needs of users of such services and of the community;
17. Promote the empowerment and advancement of persons who were historically disadvantaged through unfair discrimination in the private security industry.

There is need to also extensively discuss these issues with all the industry stakeholders.

According to the South African Private Security Industry Regulation, (Act No 56 of 2001) the authority

must take steps to achieve its objectives with the means at its disposal and may, subject to this Act and any other law, for the purpose of achieving its objective:-

1. Exercise such powers and perform such duties as may be given or assigned to the authority in terms of this Act or any other law
2. Enquire into and report to the Minister on any matter concerning the objects of the Authority
3. Advise the Minister on any matter deemed by the Authority to be necessary or expedient to be considered by the Minister in connection with

the provisions of this Act or the Levies Act, or the application thereof, and on any other matter relating to security services which has been referred to by the Minister as the Authority for the advice and recommendation of the Authority

4. Conduct an ongoing study and investigation of the rendering of security services and practices of security service providers in order to identify shortcomings of the Act and the Levies Act, or any policy or rule made in terms thereof, and to

deal with any evasions, abuse or violation of the procedures principles contained in this Act or the Levies Act, or any policy or rule made in terms thereof.

5. Institute legal proceedings and defend or oppose any legal proceedings against the authority
6. Receive and consider applications for the registration and renewal of registration as security service provider and grant or renew registration to applicants who comply with the

requirements for such registration or renewal of registration in terms of this Act

7. Suspend or withdraw the registration status of a security service provider in terms of the Act
8. Take such steps as may be necessary to develop and maintain standards and regulate practices in connection with the occupation of security service provider, and persons pursuing or intending to pursue such occupation
9. Gather information relevant to the occupation of security service provider in connection with

persons who are security service providers or who are applying for registration as such

10. Take steps to protect and assist security officers and other employees against or in regard to acts, practices and consequences of exploitation or abuse
11. Take such steps as may be expedient or necessary in connection with the training of security service providers and prospective security service providers to ensure a high

quality of training and in particular with regards to:

- a. The accreditation and withdrawal of the accreditation of persons and institutions providing security training
- b. The monitoring and auditing of the quality of training functions performed by accredited persons
- c. The participation in the activities of other bodies or persons entitled by law to set standards in respect of training of security

service providers or bodies entitled to formulate, implement or monitor skills development plans for the private security industry

- d. The appointment of persons to monitor and assess achievements or outcomes in respect of standards applicable to training
- e. The determination and accreditation of qualifications required by security service providers to perform particular types of security services, and

- f. The taking of reasonable steps to verify the authenticity of training certificates presented by persons for the purpose of this Act
12. Cause its work to be performed by persons employed or appointed by it in terms of this Act
13. Develop and maintain a computerized data base with information required for the proper performance of its function
14. Establish and manage branch offices

15. Provide or disseminate information promoting and encouraging compliance with the provisions of this Act, and the Levies Act
16. Provide information to the users, prospective users or representatives of users of security services regarding the compliance of security services with the provision of this Act and the Levies Act
17. Establish a guarantee fund for the private security industry which is managed in the prescribed manner

18. In the prescribed manner, establish a complaints office to receive, process, refer or deal with complaints regarding the compliance of security service providers with the provisions of this Act and the Levies Act
19. Furnish information required by any department or any organ of the State for the purpose of its official function
20. Receive, expend and generally administer funds

21. Open accounts with any banking or other financial institution approved by the treasury
22. Acquire or hire movable or immovable, or hypothecate, let, sell or otherwise dispose of movable or immovable property of the Authority
23. Accept donations with the approval of the Minister
24. Raise finance from other sources in the course of normal business
25. Manage and safeguard its assets

26. Determine minimum internal control system for security businesses, including but not limited to, accounting and reporting procedures and any other procedures or systems
27. Become a member of an association or organization which seeks to promote any matter in which the Authority has an interest
28. Establish relations with or enter onto cooperation agreements with bodies or offices regulating the private security industry in other

countries, or bodies representing such
regulators

29. Conduct, or cause to be conducted, hearings, investigations and inquiries with regard to any matter falling within the scope of its functions
30. Enter into contracts including insurance agreements
31. Enter into agreements with or obtain the assistance of any department or organ of State to conduct or assist it in conducting any

investigation or performing any other function
in terms of this Act or the Levies Act

32. Cooperate with any person or body in the performance of an act which the Authority by law is permitted to perform, and
33. Generally perform any act that contributes to the attainment of its obligations.

Once the need to regulate and the objectives to regulate have been defined and agreed, the next question that should be answered is “Who should

regulate the Private Security in Zambia?" This

question will now be explored in the next section.

Research has established a number of models that can be adopted for the regulation of private security.

These models will now be explored in detail.

1. Regulatory models

According to Braithwaite, (2000 : 222-238) there has been a shift most recently towards deregulation of the private security from the old state centered model that relied on command and control towards responsive regulations that have become a layered

web, with strands contributed by public agencies, professionals and community organization.

Braithwaite also states that this deregulation has led to a new form of regulation that have resulted in most countries having to recently update their regulations and establish regulatory authorities that regulates the private security industry.

Irish identifies (1999: 34) three models that can be used to regulate private security in Zambia. These are:

- a. Non-interventionist approach

In this model, the state does not take any responsibility for the regulation of the industry. It is left to the market to regulate itself.

b. Minimal regulations approach

The state introduces the minimum legislation to regulate the private security industry

c. Comprehensive regulations approach

The state extends regulations beyond controlling the type of person who enters the industry.

George & Button (1997 : 187-199) shares the same models with Irish but goes further to identify five

models of regulating the Private security industry.

These are:

a. The non-interventionist regulatory model.

This is when there are no statutory national standards in existence. The industry fully regulates itself.

Zambia currently falls under this model as it does not regulate the manned guarding and private investigators at all.

b. Minimal regulatory model.

This model only prescribes minimal standards that do not go beyond the regulating of the manned guarding services and the private investigators.

c. Minimal wide regulatory model.

Under this model, minimal regulations that exist are also applied to sectors beyond guarding services and private investigators. These may include sectors such as; electronic systems installers, security consultants and in-house security etc. The standards generally relate to the character of the prospective employer

and there are no minimum standards for the employees.

d. Comprehensive narrow regulatory model.

The regulations under this model only govern parts of the manned guarding sector and/or private investigators. The regulations may only regulate the manned guarding service and leave out other sectors such as guard dog services etc.

e. Comprehensive and wide regulatory model.

Comprehensive and wide regulations regulate the private security industry beyond the manned

guarding and/or private investigative sectors. A range of regulations relating to licensing training and minimum standards exist. The regulations regulate both the employees and employers in the industry. The literature review shows that George and Button went on to recommend the *Comprehensive wide model* for the British and Wales private security industry regulation.

Irish (1999: 135-136) also makes a comparative study of the European regulatory system and concludes that they all have common mistakes, which include:

- a. The regulations focus more on guarding services
- b. They also focus on competition

The writer would like to acknowledge the work that has been done by the abovementioned authors and others in trying to come up with the best model of regulating the private security industry. This paper argues that the above authors have subdivided the options into too many similar models and that it becomes confusing. The author reduces the models to

three models that can be adopted for regulation the private security in Zambia. These are as follows:

a. **Model one** – Full Government Regulatory Model (FGRM)

Under this model, the responsibility of regulating the private security industry is left in the hands of the government. The government appoints the regulator. This is the current scenario as the current legislation appoints a Controller of private investigators and security guards under the Ministry of home Affairs.

Under this model, there is no participation of all the stakeholders that can make significant or meaningful contributions to the governing of the industry.

Canada also went through the same stages as observed by Shearing C.D (1992: 209) when he said the shift from private policing to the adoption of a public police model indicates that policing within a modern state was fundamentally the responsibility of the public government. This model lacks ownership and accountability as it is not participatory. If the government wants to fully regulate the private

security, it should put in place regulations and monitoring mechanisms that include minimum standards that allow objective judgments about the quality of service to be made.

b. **Model two** – Self-regulatory Model (SRM)

The second model is the self-regulatory model (SRM). Under this model the industry is left to regulate itself. If this model is adopted, then a national body that represents the whole industry should be formed. That national body must then be recognized by the governments as a self-regulating profession or

sufficiently advanced as a profession to be responsible for itself. The national body should then be responsible for the setting of the minimum standards that should regulate the industry. A voluntary code of practice would however, not be effective in dealing with the sort of unscrupulous company or individual that the regulation would be designed to weed out. It would also be difficult for the government to control the industry and issues such as mercenaries and private armies may surface.

c. **Model three** – Semi-Government Regulatory
Model (SGRM)

Model three is the middle-of-the-road scenario where both the government and the private security industry play significant roles in the regulation of the private security. This model was observed by Bayley and Shearing(1995 : 591) when they said although the modern state enjoyed a monopoly in the regulation of private security in the nineteenth and early twentieth century, this monopoly has been eroded in the latter half of this century. “As pluralization of policing and

the search by the public police for a new role and methodology mean that not only has government's monopoly on policing been broken in the 20th century, but police monopoly on expertise within its own sphere of activity has ended" The government sets the operational regulations whilst the private security industry sets the administrative regulations. There would be consistency throughout Zambia in terms of number of licenses, license conditions and training standards. The duplication and bureaucracy that is associated with the government is kept to a

minimum. There would also be benefits from economies of scale as both the government and private security industry can coordinate and ensure that the industry pools its resources together. If this model is adopted, there would be need to establish an authority or board to be tasked with the responsibilities of regulating the private security industry.

Currently, there are no regulations that regulate the private security industry in Zambia. In comparison according to the South Africa PSIR Act No 56 of 2001)

there is provision for the establishment of a juristic person known as the Private Security Industry Regulation Authority (PSIRA) under the Ministry of Safety and Security.

Zambia needs a regulatory framework that spells out the objectives of regulating its private security. In South Africa, the objectives and functions of the Regulatory Authority are clearly spelt out as follows:

1. Exercise such powers and perform such duties as may be given or assigned to the authority in terms of the Act or any other law

2. Enquire into and report to the Minister on any matter concerning the objectives of the authority

3. Advice the Minister on any matter deemed by the authority to be necessary or expedient to be considered by the Minister in connection with the provisions of the Act or the Levies Act, or the application thereof, and on any other matter relating to security services which has been referred by the Minister to the

authority for the advice and recommendations of the authority.

4. Conduct an on-going study and investigation of the rendering of security shortcomings in this Act and the Levies Act, or any policy or rule made in terms thereof, and to deal with any evasion, abuse or violation of the procedures or principles contained in this Act or the Levies Act, or any policy or rule made in terms thereof.

5. Institute legal proceedings and defend or oppose any legal proceedings against the Authority
6. Receive and consider applications for registration and renewal of registration as security service provider and grant or renew registration to applicants who comply with the
7. requirements for such registration or renewal of registration in terms of the Act

8. Suspend or withdraw the registration status of a security service provider terms of this Act
9. Take such steps as may be necessary to develop and maintain standards and regulate practices in connection with the occupation of security service provider, and person pursuing or intending to pursue such occupation
10. Gather information relevant to the occupation of security service provider in connection with

persons who are security service providers or who are applying for registration as such

11. Take steps to protect and assist security officers and other employees against or in regard to acts, practices and consequences of exploitation or abuse.
12. Take such steps as may expedient or necessary in connection with the training of security service providers, and prospective security service providers to ensure a high quality of training and in particular with regard to:-

- a. the accreditation and withdrawal of the accreditation of persons and institutions providing security training
- b. the monitoring and auditing of the quality of training functions performed by accredited persons
- c. the participation in the activities of other bodies or persons entitled by law to set standards in respect of training of security service providers or bodies entitled to formulate, implement or monitor skills

- development plans for the private security industry
- d. the appointment of persons to monitor and assess achievement or outcomes in respect of standards applicable to training
- e. the determination and accreditation of qualifications required by security service providers to perform particular types of security services, and
- f. taking the reasonable steps to verify the authenticity of training certificates presented

to persons employed or appointed by it in terms of the Act

13. Cause its work to be performed by persons employed or appointed by it in terms of this Act
14. Develop and maintain a computerized data base of information required for the proper performance of its functions
15. Establish and manage branch offices
16. Provide or disseminate information promoting and encouraging compliance with this Act, the

Levies Act and the code of conduct, by
security service providers

17. Provide information to the users or representatives of users of security services regarding the compliance of security service providers with the provision of this Act and the Levies Act
18. Establish a guarantee fund for the private security industry which is managed in the prescribed manner

19. In the prescribed manner establish a complaints office to receive, process refer or deal with complaints regarding the quality of service by security service providers
20. Furnish information required by any department or any organ of State for the purposes of its official functions
21. Receive, expand and generally administer funds

22. Open accounts with any banking or other financial institutions approved by the Treasury
23. Invest money with financial institutions registered in terms of any law
24. Determine charges and collect fees as provided for in this Act or in respect of any service rendered by Authority or any object made available by the Authority
25. Acquire or hire movable or immovable property, or hypothecate, let, sell or otherwise

dispose of movable or immovable property of
the Authority

26. Raise finance from other sources in the course of normal business
27. Manage and safeguard its assets
28. Determine minimum internal control systems for security business, including but not
29. limited to, accounting and reporting procedures and any other procedures or systems

30. Becoming a member of an association or organization which seeks to promote any matter in which the Authority has an interest
31. Establish relations with or enter into co-operation agreements with bodies or offices regulating the private security industry in other countries, or bodies representing such regulators
32. Conduct or cause to be conducted, hearings, investigations and inquiries with regard to

any matter falling within the scope of its
functions

33. Enter into contracts including insurance
agreements

34. Enter into agreements with or obtain the
assistance of any department or organ of State
to conduct or assist it in conducting any
investigation or performing any other function
in terms of this Act or the Levies Act

35. Cooperate with any person or body in the performance of an act which the Authority by law is permitted to perform, and
36. Generally perform any act that contributes to the attainment of its objectives

3. A COMPARISON OF LITERATURE ON REGULATIONS REGULATING THE PRIVATE SECURITY

When one does a comparison of the literature that governs the private security industry in the United

States of America, United Kingdom, South Africa and Zambia, (**See table 1**) the observation is that there are no uniformity or minimum standards that are being followed worldwide. There is however glaring gaps between Zambia and other countries. This therefore calls for a serious need the regulating authority to carry out extensive consultations with all stakeholders before coming up with any regulatory framework that will regulate all those who are deemed due for regulation.

Table 1 – A comparison of the level of regulation of other states to Zambia

Sector	
	USA
Security companies	yes
Security company employees	yes
Private Investigators	yes
Private Investigators employees	yes
In-house	yes
Security consultants	yes

Security trainers	yes
Electronic security systems installers	no
Bouncers	yes
Locksmiths	no
Wheel clampers	no
Security managers/supervisors	yes
Cash in transit	yes
Armed reaction	yes
Dog handlers	yes

The table shows that Zambia is far behind in its regulatory framework when compared with other regional and international countries.

Literature review on private security regulation reveals some interesting recommendations that have been made by previous researchers and adopted by certain countries. These will now be discussed.

In Kansas, Randall Listrom, a Topeka Police Lieutenant and private security company owner introduced a bill in the Kansas House of

Representatives that would mandate regulation of private security by the State. Adamson (2004: 1)

In **Queensland**, (Reynolds (1996: 8) the provisions regulating the providers of private security services was reviewed and the following recommendations were made and adopted: That

1. All security guards be licensed
2. Licensing to include screening for relevant criminal records
3. Licensing be conditional upon the completion of an approved training course

4. All security firms be licensed
5. The Registrar should have the powers to cancel a license.

This view is supported by Richards and Smith (2007:

6) when they recommended that a thorough system of regulation at the national level is necessary for achieving public oversight and control over the private security sector. They identify the following areas as priorities:

1. Licensing of private security companies and its personnel

2. Limitations on the use of force or fire arms
3. Clear distinction between public and private security
4. Transparency and accountability, and
5. Political affiliations prohibited

In **Quebec**, in 1995, representatives of the private security industry and the Minister of Security (2001:

1) focused on the issue of regulation of private security. A committee of stakeholders was established and in their report, identified the following as the major areas that needed to be

considered when regulating the private security industry:

- a. The scope of the current regulations
- b. The private/public security dynamics
- c. The personnel qualifications requirements,
and
- d. The image, unity and integrity of the private security industry.

The **Scottish Executive** (2009) in their survey to the industry players and public, found overwhelming support for regulation of private security to protect

the public and to provide sound framework within which all those who work in the sector can operate.

In **Canada**, the steering committee on private security regulation (1996: 41) identified licensing, and training as key areas that should be regulated. The committee recommended that the industry is best regulated through a combination of government and industry regulations

According to the summary of recommendations from a workshop held in the **British Columbia** on private

security (Weber 2001: 3) the following areas should be included in regulations that regulate private security:

1. Entrance requirements for firms
2. Restrictions on background of owners/managers
3. Restrictions on operational staff
4. Performance requirements for companies
5. Minimum requirements for training and education
6. Regulations concerning wearing of uniforms

7. Legislation governing the use of fire arms
8. Provisions regarding the use of dogs on duty,
and
9. Provisions relating to government control and
sanctions of the private security industry.

According to a summary of recommendations from the workshop (Weber 2001: 42) the following recommendations were made:

1. The participants recommended that the minimum standards for different levels be

implemented to delineate what training is required for each level

2. That there be self-regulation standards for consultants
3. That licensing process should be changed to include the performance before renewing a license, and
4. That the standards for private investigators requiring mandatory membership in the industry association be implemented.

Charbonneau (1997: 43) seems to support the above submissions when she claims that the majority of the security professionals in **Canada** agree that the private security industry needs standards to govern selection, training and performance to gain professionalism. She also suggests that the Solicitor General should perform a facilitation role.

According to the Law Commission of **Canada** (2002: 7) the professionalization of the private security industry may address some of the issues affecting the regulation of the private security industry. The

commission recommended two models that could be adopted. The first model would have private security companies regulated by public security forces. The second would see the development of community driven policing boards that would organize and regulate both public and private policing activities in a community.

In **Korea**, Lee (1995: 223-238) recommended that a security specialization policy along with security specialization schools be established and operated in order to improve the regulation of private security.

According to Bearpark & Schulz, (2008: 14) The **British** government has adopted for now, the self-regulation model. This was done through the creation of the British Association of Private Security Companies in February 2006. This association functions as the interface between government and the companies. Their argument is that the industry understands itself than the government and can therefore apply sanctions that are better targeted.

Kaminju. J et al (2004: 106) however recommended the full government regulation model for Kenya, Sierra Leone and other African countries.

The author's major observation is that whilst most researchers have recommended self-regulation, most developed countries have adopted the *semi government regulation model* whilst governments from Africa have adopted the *full government regulation model*. This could be because of the many wars that are currently happening in Africa. Governments are not willing to have private security regulate itself.

This argument has been re enforced by the use of private armies in recent wars such as Iraq and Afghanistan. South Africa seems to have taken the first step as they have adopted a semi government regulatory model.

4. METHODOLOGY/RESEARCH DESIGN

a. Research Approach

This research paper was done through desk research. However, relevant published and where necessary unpublished works were consulted. Relevant pieces

of legislation were also utilized to provide information which played a very fundamental role.

b. Target population and sample size

Private security affects all, be it on the personal or organizational.

c. Instruments of data collection

Like earlier alluded too, this research was a desk research and as such, the main data collection instrument was publications from the Internet regarding regulation of private security in Zambia.

The Materials collected was far enough to handle and fulfil the objectives of the research.

d. Ethical considerations

Voluntary participation:

- *Informed Consent*: This is the most fundamental ethical principle that enables participants to fully understand the nature and purpose of the research that they give consent to participate without coercion. Usually potential participants sign an informed consent form which describes the

purpose of the research, its procedures, risks and discomforts, its benefits and the right to withdraw. This makes the situation clear and provides a degree of proof that the person was informed and consented to take part.

- *Privacy and Confidentiality:* Confidentiality involves the disclosure to the subject the use to which data will be put while ensuring that responses to personal questions, scores on tests and so on, are kept confidential and anonymous.

- *The right to access to information* is now enshrined in the UN Human Rights and national legislation. Individuals can communicate what information in government, bank offices, etc. can be made public
- *Right to continue:* Subjects who participate in this study have a right to withdraw or discontinue.
- *The right and welfare of participants are protected.*
The research avoided unnecessary

psychological harm or discomfort to the subject.

- This research made sure the risk to participants is minimized by procedures which do not expose subject to risk.

5. RESULTS/DISCUSSION

a. Research findings

It is very important that the private security industry should be regulated. This researcher identifies the following findings

1. There should be a common regulation system that regulates every organization and every individual involved in private security service provision.
2. Zambia does not have any regulatory framework for regulating the private security industry thereby exposing it to national threats
6. Zambia should adopt an approach that is very clear on the responsibility that relate specifically

to issues that include licensing, training, labour issues and firearms control.

7. This research argues that the Private Security industry must be regulated and if the recommendations of this paper are implemented, a number of benefits and potential problems that may be experienced may be averted if the public or state police go into partnership with the private security.

6. CONCLUSION

The paper draws the conclusion that there is recognition amongst the Zambian government, the general public and industry players that both the service providers and their employees should be regulated effectively. The major reason why the industry should be regulated is that in the performance of their duties, security practitioners' deal with members of the public. They can easily abuse or infringe on the public's rights with impunity if they are not effectively regulated. The public and regulatory authorities are raising

concerns on the increasing threat level to the country and the growing voice from the public that the industry should be regulated.

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REFERENCES

- Adamson. E. (2004). Police want private security guard industry regulated: Delta Private Security – San Diego. California.
1<http://www.1delta.net//better.html>

Bayley D.H & Shearing C.D. (1995). The future of Policing: Law and Society Review, Volume 30, number 3.

Bearpark A & Schulz S. (2008). The Regulation of the Private Security Industry and The Future of the Market. Oxford University Press

Braithwaite, J. (2000). The new Regulation State and the Transformation of Criminology. British Journal of Criminology 40: 222 - 238

Charbonneau, C. (1997). An analysis of Private Policing. Report submitted to the Department of the Solicitor General in August 1997.

Cunningham W.C & Taylor T. H. (1999). The Hallcrest Report: Private Security & Policing in America. (Chancellor Press. United States of America 223

George B & Button M (1997). Private Industry Regulations: Lessons from abroad for United Kingdom, International Journal of Risk, Security and Crime Prevention. 2 (3)

Irish, J. (1999) Policing for Profit, The future of South Africa's Private Security Industry. ISS, Monograph series, no 39

Joh E (2004). The Paradox of Private Policing, School of Law, University of California, Davis.

Kamenju, J et al. (2004). A seminal study on Private Security Sector in Kenya. Institute of Security Studies. (Monograph No 139. November 2007). 9

Law Commission of Canada, (2002). In Search of Security: The Roles of Public and Private Agencies Ontario. JL 2-19/2002

Lee. Y.K. (1995). Tasks Facing Korea's Private Security Business and its Prospects for the 2000's. International Journal of Comparative and Applied Criminal Journal. Fall. Volume 19 No 2 223-238

Private Security in Quebec. (2001). Report and Recommendations of the Committee Consulting on Private Security in Quebec 1.

<http://www.msp.gouv.qc.ca/police>. (accessed
08/01/2009)

Private Security Industry Bill (2001), Private Security
Industry Bill - Special Report. Security Park.
co. uk

Republic of South Africa, (2001). Private Security
Industry Regulations Act, (Act No 56 of 2001)

Republic of South Africa, (2001). Security Industry
Regulation Bill (Bill 12 of 2001)

Reynolds C, (1996). *Private Policing; Creating New Options in Australian Policing: Contemporary Issues*. Butterworth.

Security Officers Interim Board (2000a). Discussion paper: Principles regarding the future regulations of the private security industry: SOIB Pretoria.

Shearing C, (1992) *Policing: Relationship between Public and Private Forms* “in M Tonry and N Morris” (eds) *Modern Policing*, Chicago University Press, Chicago.

Siatt H.W. (1980a). Industrial Standards: Setting the
Pace for World Security. June 1980a)

Weber, T (2001), A Comparative overview of
legislation governing the private security
industry in the European Union. Brusells.

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