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PRIVATE SECURITY REGULATION IN THE EUROPEAN UNION: LESSONS FOR TURKEY

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Output	A.4. A gap analysis of the private security sector legislation and mechanisms in selected EU countries and Turkey
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Private Security Regulation in the European Union: Lessons for Turkey

Mark Button with Yusuf Dalda

Table of Contents

	Page
Executive Summary	3
1. Introduction	6
2. The Turkish Private Security Sector and Regulatory System	7
3. European Standards	15
4. Best Practice in the European Union	22
5. Conclusion	37
6. Summary of Recommendations and Priority	37
Appendix	38

Executive Summary

Turkey has a private security sector which has rapidly expanded and if they were to join the European Union it would be one of the largest in terms of numbers employed at 217,302 actively working security staff. The sector undertakes roles comparable to other European Union countries such as:

- Transportation of valuables
- Protecting public transport locations: airports, ports and railway stations.
- Protecting retail and leisure facilities.
- Protecting factories, offices, building and other workplaces.
- Protecting hotels and other residential complexes.
- Protecting sporting events.
- Responding to alarms.

The private security sector is subject to a system of regulation built upon **Private Security Services Law – 5188** issued on 26.06.2004 (29 items) which sets a system of licensing for firms and individuals and requirements for users of private security to secure permission. Responsibility for regulation is divided between the Governors, Ministry of Internal Affairs, Private Security Commission and the police. The regulations also set out the powers and responsibilities of security staff, minimum standards of training and potential penalties for the breach of the law.

In the European Union there is no standard template for the regulation of private security, but there are a number of areas where there are requirements relating to the internal market and European Charter of Fundamental Rights which would be likely to require reform of the current law in Turkey.

The European Union has also encouraged a number of initiatives amongst the key social partners for private security at a European level: the Confederation of European Security Services and UNI-Europa, to enhance standards. These include:

- Code of Conduct and Ethics for the Private Security Sector
- European Vocational Training Manual for Basic Guarding 1999
- European Educational Toolkit for three Private Security Activities 2006
- Preventing Occupational Hazards in the Private Security Sector (manned guarding and surveillance services)

There are also an extensive list of Directives related to the protection of workers which would be important for the private security sector – which are considered in the report Preventing Occupational Hazards in the Private Security Sector (manned guarding and

surveillance services), which Turkey would need to assess if it meets these standards and that the private security sector works to them.

There is a great deal of experience to learn from within the European Union and previous research has suggested Belgium and Spain have some of the best regulatory systems for the European Union. Turkey is also compared to the United Kingdom which has one of the less stringent systems.

The United Nations Office on Drugs and Crime has set a standard with key principles for the regulation of private security. This report uses some of those key standards to compare Belgium, Spain, United Kingdom and Turkey, which included whether the systems have a:

- Specific statute, with scope for detailed secondary regulations
- Appropriate regulatory body
- Regulation of wider private security industry (clear definitions and exclusions)
- Regulation of firms and operatives (licences, standards linked to licence)
- Standards related to weapons (where allowed)
- Mandatory training
- Specialist training
- Enforcement, sanctions and complaints

The analysis shows the regulatory system which has evolved in Turkey is based upon principles similar to most other EU states. There are provisions in the regulations which place it amongst some of the best in the EU, such as the training standards for unarmed and armed guards.

There are, however, a number of areas where Turkey could enhance the regulation further, such as building mechanisms for consultation between the regulating bodies and industry, extending the breadth of regulation to some sectors currently not regulated, developing more specialised licences to reflect the complexity in the private security sector, creating more mandatory specialised training and making clearer the provisions for making complaints about private security staff and companies.

Many of these recommendations would also apply to other states in the EU, if their systems were to be assessed. In conclusion Turkey does not have a regulatory system which would be out of place in the EU, but like many others it could be improved further to make it even more effective.

The report makes 11 recommendations which are all listed below:

Recommendation 1. *Turkey should amend and enhance the reciprocity related parts of the legislation to:*

Enable EU citizens to become licensed to work for, own and set up security firms;

Develop a system for the recognition of persons and firms who have secured licenses from other EU states; and

Develop a system for the recognition of training and professional courses from other EU member states

Recommendation 2. *Turkey should consult appropriate legal opinion to examine whether prohibitions for strikes and lockouts would be acceptable under European Law.*

Recommendation 3. *Turkey should consider creating a formal consultative council with wide representation from the Turkish private security industry (employers and employees), consumers of security, interest groups and the general public which **must be consulted** on all major regulatory issues. Such a body could also act to promote partnership between the public and private sectors.*

Recommendation 4. *Turkey should extend licensing to private investigators (private detectives), security consultants and other relevant security activities where there is a need to enhance the contribution to public security.*

Recommendation 5. *Turkey should consider creating specific licences and training courses for specialised security roles: senior managers, managers, in-house security managers, close protection officers, cash-in-transit officers, door supervisors etc.*

Recommendation 6. *Turkey should also consider developing codes of conduct to raise standards further, in partnership with the private sector which become linked to individual and company licences.*

Recommendation 7. *Turkey should consider developing further specialised training courses for specialist security roles with appropriate number of hours, particularly managers. The training of the police should also be amended to introduce them to the work and role of the private security sector.*

Recommendation 8. *Turkey should set up a website and use others appropriate measures to publicise the procedures for complaints against firms and personnel.*

Recommendation 9. *Turkey should pursue measures to encourage firms and personnel to join appropriate professional associations.*

Recommendation 10. *Turkey should encourage the development of voluntary higher level training and education courses which are recognised in some way to encourage take up.*

Recommendation 11. *Further research should be commissioned into the current relationship between the private security sector and state security bodies in Turkey and how this can be enhanced, learning from best practice in the EU.*

1. Introduction

In most countries throughout the world there has been a substantial growth in the private security industry over the last 50 years. The dominant position of the state as the main provider of security has been challenged. Private security guards, which are the most ubiquitous manifestation of the private security sector, can be found in many countries guarding factories and office complexes; protecting shopping malls, retail outlets and leisure facilities; securing public transport locations such as airports, ports and railway stations; and even patrolling public streets, guarding prisoners and protecting critical national infrastructure. The extent of activities and size does vary significantly between nations, but the factors of increasing fear of crime, the growth of mass private property and fiscal pressures on public bodies to reduce costs, all continue to fuel the growth of this sector.¹

The growth of private security has not been without problems in some states. Criminal infiltration, low standards of performance, abuse of authority by security staff, links to extreme political organisations and/or organised crime are just some of the problems which have been documented. Some states have also realised raising standards for this sector can also enhance community safety and crime prevention overall. Most states have responded to the growth, associated challenges and potential positive contribution with regulatory systems to control private security. The quality of these systems has varied greatly.²

Turkey has also experienced substantial growth in private security and sought to adequately regulate the sector with a number of regulatory statutes.³ According to Cihan⁴ the Turkish private security sector has undergone one of the most significant bursts of growth of any industrialised country, with only 1,394 employed security officers in 2004⁵, growing to over 200,000 in the most recent statistics. Security staff in Turkey can be found protecting factories, buildings, hotels and other residential complexes; at mass transport locations such as airports; securing retail facilities; responding to alarms; and transporting valuables, to name some of the most common. Many security staff in Turkey are armed with firearms too. As in many other countries regulation has been introduced and then reformed. The first major attempt at regulating private security was the Private Security Law of 1981, which was replaced with a new law in 2004, which forms the foundations for the current regulatory system.

This report will seek to assess the private security sector in Turkey and the system of regulation. It will assess the system against European norms and best practices and make

¹ UNODC (2014) *State Regulation Concerning Civilian Private Security Services and their Contribution to Crime Prevention and Community Safety*. Vienna: UNODC.

² Ibid.

³ Cihan, A. (In Press) *The Private Security Industry in Turkey: Officer Characteristics and their Perception of Training Sufficiency*. *Security Journal*. doi: 10.1057/sj.2013.4.

⁴ Ibid.

⁵ Ibid, p 5.

recommendations for the improvement of the system in Turkey. The report will begin with a consideration of the private security sector in Turkey and a basic description of the regulatory system. The report will then move on to consider some of the European standards and initiatives for raising standards in the European Union. Finally the report will consider some of the best practice in regulation across the European Union using some of the key criteria set by the United Nations Office on Drugs and Crime for regulating private security.⁶ It will make particular comparison to Belgium and Spain, which have some of the best systems; as well as the United Kingdom, which has one of the less stringent. Reference will also be made to other states where there is particular good practice. This section will also include some recommendations for Turkey to consider. The report will end with a conclusion bringing together the main findings from this report.

2. The Turkish Private Security Sector and Regulatory System

This section will set out a brief overview of the private security sector in Turkey and the regulatory system in place. It will start by illustrating the substantial size of the Turkish private security sector. However, it is first important to note, some of challenges with estimating the numbers employed in the private security sector.⁷ First, there is often high labour turnover and large numbers of part-time employees, which means active licences do not always mean that is the number of full-time staff actively working in private security. Second, there are often activities within the private security sector not subject to licensing and securing information on their number is often difficult. It is therefore not possible to say with confidence which country in the European Union has the biggest private security sector by staff numbers. Nevertheless if Turkey were a member of the European Union it would have one of the largest private sector in terms of the numbers of staff employed, with 217,302 active security officers and over 1600 companies (see table 2.1). This is a remarkable growth given in 2004 there were less than 2000.

⁶ UNODC op cit.

⁷ Van Steden, R. and Sarre, R. (2007) The Growth of Private Security: Trends in the European Union. *Security Journal*, 20: 222-235.

Table 2.1. Turkish licensing statistics for private security⁸

	Category	Number
1	The number of undertakings which have permission to hire private security.	65,187
2	The number of Private Security Companies	1,618
3	The number of Training Institutions	760
4	The number of persons who have private security training certificate	1,447,241
5	The number of private security guards who have licences	640.475
6	The number of private security guards actually working	217.302
7	The number of alarm centres	304

As of 31st March 2014.

To put this in context figures compiled by COESS suggest there are over 360,000 licensed guards in the UK, over 188,000 in Spain, 168,000 in Germany and over 147,000 in France.⁹ Given the comparable size to the population of Germany this further illustrates the substantial size of the Turkish private security sector, which also builds upon an already substantial state policing sector built upon the 259,269 employed by the National Police and a further 187,690 employed by the Gendarmerie.

The private security sector in Turkey is typical of many other European countries. Some of the most common activities found include:

- Transportation of valuables

⁸ From www.egm.gov.tr

⁹ COESS (2011) *Private Security Services in Europe*. Brussels: COESS.

- Protecting public transport locations: airports, ports and railway stations.
- Protecting retail and leisure facilities.
- Protecting factories, offices, building and other workplaces.
- Protecting hotels and other residential complexes.
- Protecting sporting events.
- Responding to alarms.

Some of the large transnational security companies which operate across the European Union, such as G4S and Securitas operate in Turkey, along with many local firms. As table 1 illustrates, there are over 1600 recognised firms. As in many other countries in the EU private security staff tend to work long hours in Turkey for pay around the minimum levels. The partnerships between the public and private sectors were beyond the scope of this report, but the legislative base and other comments suggested this was an area which could be substantially improved. Some Turkish companies also operate in neighbouring countries, such as İstanbul Güvenlik which operates in Kosovo.

The Turkish private security industry is regulated by **Private Security Services Law – 5188** issued on 26.06.2004 (29 items). This replaced the previous law passed in the early 1980s. There have been several amendments to this law (2008, 2011 and 2013) and there is scope for more detailed instructions to be issued under it by the regulatory bodies. Another major reform of the law is currently being considered by parliament. Some of the key components of the Turkish regulatory system will now be considered.

Responsibility

Responsibility for regulation is divided between the local Governor's office, the Ministry of the Interior, the Private Security Commission and the police. The different functions they undertake are listed in figure 2.1

Figure 2.1. Key Agents and their Responsibilities in Regulating Private Security

Governor	Private Security Commission (PSC)
<p>Decision on whether private security maybe employed and its shape in consultation with PSC bar emergency and temporary where Governor only. (Private Security Services Permit Certificate)</p>	<p>(Assistant Governor Chairs, representatives of local security department, gendarmerie, chamber of commerce)</p>
<p>Receives list of guards employed and their insurance within 15 days.</p>	<p>Assist in determining security need of applicant. Can stipulate maximum number of staff, equipment and number of guns.</p>
<p>Investigation of prospective security guards, managers and trainers.</p>	<p>Determine need for armed personnel and their nature.</p>
<p>Issue of individual licenses (five years) (identity cards)</p>	<p>Allow purchase and possession of firearms by companies in CIT, temporary services, training centres.</p>
<p>Receive written notification of security company branches within one month.</p>	
<p>Receive written agreements between security companies and clients at least one week prior to commencement (covers name, title, address, scope of services, number of staff, term and other relevant matters).</p>	
<p>Supervise and audit private security units, companies and training centres.</p>	
<p>(Public administrators) authorised to supervise and audit private security measures in public places such as airports, ports, customs, railway and in places where mass activities occur such as sports, stadiums etc.</p>	
<p>(public administrator) order private security personnel.</p>	
<p>Allow purchase and possession of firearms by companies in CIT, temporary services, training centres.</p>	
<p>Issue permits for alarm centres.</p>	

<p>Ministry of Internal Affairs</p> <p>Security company approval (must be solely security).</p> <p>Receive written notification of security company branches within one month.</p> <p>Provision of training (in law but not much in practice).</p> <p>Approve security training companies.</p> <p>Supervise and audit private security units, companies and training centres.</p> <p>Approval of uniforms and equipment used by security companies.</p> <p>Prepare examination questions and hold exams.</p>	<p>Police (National, Gendarmerie etc)</p> <p>Enforce legislation.</p> <p>Order private security personnel.</p>

In the regulatory system there is virtually no formal role for the private security sector (employers or employees), consumers of private security, the public or other relevant stakeholders. Turkey has a number of professional and trade associations which represent the interests of the private security sector. The largest organisation is GÜSOD – Güvenlik Servisleri Organizasyon Birliği Derneği (Association of Security Service Organisations) which represents some of the larger companies. Generally such bodies are consulted by the Ministry of Interior, but they do not have significant influence. There is also a Chamber of Commerce dedicated to private security, but this does not draw upon a wide representative base from the sector and is also not considered to be that influential.

Authority and powers of private security

The legislation clearly sets out the authorities and powers of private security staff in Turkey. These include:

- To Ensure that the people wishing to enter to the site they guard, pass through the metal detectors, and search them by manual metal detectors, and having their belongings pass through X-ray detectors or similar other security systems;
- In the case of mass activities such as meetings, concerts, sporting events, stage performances and similar activities, as well as funerals and wedding ceremonies; asking for identification of the visitors or participants, ensuring that they pass through the metal detectors, searching them by manual metal detectors, and having their belongings pass through X-ray detectors or similar other security systems;
- To arrest a person in accordance with the article 127 of the Code of Criminal Procedure with the number 1412 (general citizens right).
- To arrest and search in their assignment area people for whom a warrant of capture, a warrant of arrest or a criminal sentence has been issued.
- To enter premises and houses in their area of work at times of natural disasters, such as earthquakes and fires when help is requested.
- To ask for identification, ensure people pass through metal detectors, search them by manual metal detectors and have their belongings pass through X-ray detectors or similar security systems at public transportation buildings and facilities such as airports, ports, railway or other stations.
- To retain the objects and articles resulting from a crime or which may be evidence of a crime found during the search, or articles which, though not of criminal nature, can be hazardous, on the condition of informing police or gendarmerie immediately
- To retain abandoned or found articles
- To capture a person in order to protect him from a present and imminent danger threatening his body or health
- To protect the place of incident and the evidence of a crime and for this purpose, arresting a person according to and in the meaning of the Article 157 of Criminal Procedures Law
- To use force in accordance with the Article 981 of Turkish Civil Code, Article 52 of The Law of Obligations, clauses (1) and (2) of the paragraph I of the Article 49 of Turkish Criminal Code

In the seminar to discuss private security regulation held on the 9th June 2014 in Istanbul Professor Yenisey raised some serious issues for the private security sector, by suggesting some of the normal practices of private security staff may not be authorised under the current law, such as collecting the names and personal details of visitors and retaining CCTV footage. It was clear from the debate that the rapid growth of private security in size and role has meant that the law has not kept up-to-date with some normal industry practices and further reform may be necessary.

Approval to use private security

The foundations of the Turkish regulatory system starts with a requirement, which is unusual compared to other European Union systems, for an undertaking seeking to use private security to first apply to the Governor's office for a Private Security Services Permit Certificate. This permits sets out the number and shape (equipment, strategies) of private

security. This is done in consultation with the Private Security Commission, except in temporary and emergency cases where it is the Governor's office alone.

Licensing of private security

Most private security activities are subject to regulation and licensing. Regulation covers the following sectors:

- Manned guarding sector (contract and in-house unarmed and armed security guards, door supervisors working in pubs and clubs, guards in cash-in-transit and managers of these staff).
- Security training centres and their staff
- Alarm centres

Licensing, however, does not apply to private investigators or security consultants. There is also little differentiation between licences, other than a security guard and armed security guard licence. Individual licenses are secured from the Governor's office and for an unarmed security guard licence they must be a Turkish citizen, 18 years old, have achieved 8 years education, have good character (exclusions relating to various criminal convictions), good health (physical and mental) and have passed the 100 hours training course. If they are to be armed they must also be 21 years old, achieved high school education and undergone an additional 20 hours training on top of the 100.

Companies also require a licence from the Ministry of Interior, whose founders/managers must be Turkish citizens, of good character (bars on numerous convictions) and should:

- be graduates of a college or university of four years study,
- not be barred from public rights, and
- completed a private security basic training course comprising theoretical and practical training, as well as gun training with a total duration of one hundred and twenty course hours.

There are also requirements for security companies (and undertakings in the case of in-house security) for minimum standards of insurance and the use, storage and purchasing of weapons. There are no compulsory codes of conduct for either firms/undertakings or individual licence holders.

Training

There are provisions for training for unarmed and armed security guards which last 100 and 120 hours respectively. Refresher training is also mandated every 5 years and consists of a further 50 and 60 hours respectively. A more detailed breakdown of the training courses is set out below in Figure 2.2 and the trainee has to pass an examination with at least 60 percent to pass.

Figure 2.2. Basic training for licensed unarmed and armed guards

	Subject	Basic training (duration) hours	Refresher training (duration) hours
1	Private security law and human right	20	10
2	Security measures	20	10
3	Security system and equipment	5	3
4	Basic first- aid	10	4
5	Fire and intervention to the natural disaster	8	4
6	Narcotics substances	2	1
7	Effective communication	12	8
8	Event control	10	4
9	Close protection	9	4
10	Relation with law enforcement officers	4	2
11	Knowledge about weapons and shooting	20	10
	total sum	120	60

Red is for the armed guards only

There are no mandatory training courses for any of the specialised security roles within this sector (cash-in-transit; close protection, door supervisors etc) nor for managers. These courses are provided by around 760 licensed training institutions. However, between 13-16 June 2014 a ‘security training improvement project workshop’ was held at Bolu under the leadership of Directorate General of The Police in cooperation with Police Academy and Hacettepe University, with over 100 participants from companies, training institutions and universities. At the meeting discussions focused upon developing specialist provision for:

- Close Protections Training
- Facility and Establishment Security Training
- Strategic Business Units Security Training
- Collective Transports Security Training (Including Civil Aviation and Maritime Security)
- CIT Security Training
- Alarm Centre Security Training
- Temporary Activities Training

There is also another ongoing project looking to develop training standards for maritime security.

Turkey also has an advanced base of higher education provision for the private security sector. There are around 27 higher education institutions offering courses which provide exemption from the basic training. This is the largest provision in Europe. However, at the seminars to discuss private security there was debate over the quality of such candidates and the lack of appropriate managerial positions available for them in the sector.

Enforcement, sanctions and complaints

There is a high degree of compliance with the regulations in Turkey. The requirements to apply for permission to use private security mean the regulatory authorities know where private security is and therefore by implication know when there is no permission for it. The basic structures are supported by around 800 police officer who work in the Private Security Departments, in 81 Districts with a further 100 inspectors who work in Private Security Inspection Department and some Regional Districts.¹⁰ Breach of the regulations (and other laws) can result in the sanctions of loss of licence and administrative fines of up to 1000 to 2000 Turkish Lira per incident and criminal sanctions of fines and up to 1 year imprisonment too. There is no detailed provision in the legislation for complaints against licence holders. Complainants would be expected to pursue matters with the undertaking or company in the first instance or their insurer. More serious complaints or those not adequately dealt with by the first, can be made to the Governor's office and if there is a case investigated by the police. If evidence is found to support a breach of the regulations or other relevant laws than a case would be made for administrative or criminal sanction depending upon the severity.

3. European Standards

In the late 1990s the International Federation of Associations of Private Detectives keen for there to be common standards across Europe contracted lawyers to write a draft European Directive on: *Regulation of the Professional Standards of Private Investigators*. The EU was to show no interest and this is the only attempt to date to create a common template for regulation of (a part of) the private security sector across Europe. However, this does not mean that the private security has been neglected in regulation. There are a number of areas where there are EU standards which affect the private security sector. These include:

- Requirements relating to the single market;
- 'Soft' European standards promoted by the European Union; and
- European law relating to the protection of workers;

Some of these areas will now be considered.

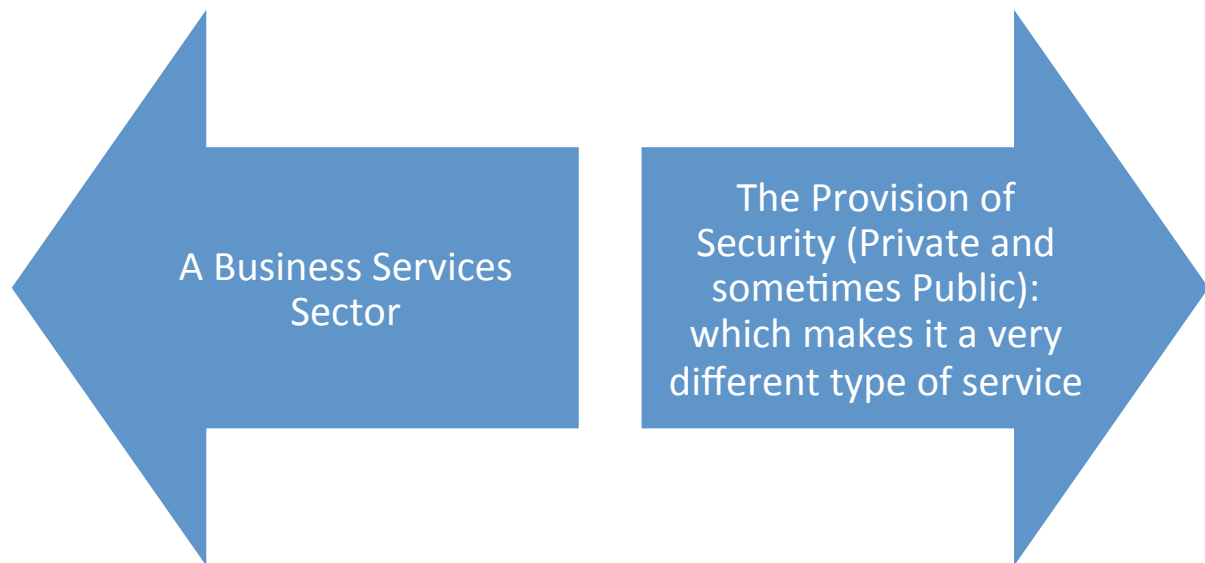
European single market

The private security sector is not a typical business service. Agents of the sector contribute to provision of security in private space and in some cases public space too. As such they are contributing towards the broader public security of society. Some agents exercise powers available to them in EU states through a variety of sources: special powers given to them in law, general citizens' powers and utilising the powers derived from landowners from operating on private space. However, despite these differences from other business services sectors, such as cleaning, catering etc European law has treated private security like any

¹⁰ Personal communication.

other business service. Therefore the private security sector faces requirements that stem from both the single market and the conditions relating to the respect for human rights that apply to public security agencies exercising powers. The private security sector is therefore a different type of business service. This has also affected what some member states have sought to require in their regulatory systems for the private security sector.

Figure 3.1. The twin demands on the European Union private security sector



Under Articles 39 (Now 48) Articles 43 (now 49) and 49 (now 56) of the EU Single Market it provides for:

- Free Movement of Persons, Services and Capital: Workers
- Freedom of Establishment
- Freedom to Provide Services

These have meant some regulations in the regulatory systems for the private security industry have been challenged by the European Commission and found to be not compliant by the European Court of Justice. Several members of the European Union have sought derogations for private security regulation on the grounds that the sector contributes to public security, which is possible for activities which in themselves are directly and specifically connected with the exercise of official authority. However, the European Court of Justice has found this does not apply to security undertakings and security staff, as

merely making a contribution to the maintenance of public security, which any individual may be called upon to do, does not constitute exercise of official authority.¹¹

As a consequence there are a number of states in the European Union which have been found not to be compliant with the single market regulations in their regulatory systems for private security. These include: Spain, Italy, Portugal, Netherlands, Belgium and Hungary. Some of the requirements which have required reform include:

- Nationality requirements (restricting licences to one requirement).
- Residence requirements (requiring licence holders to live in one state).
- Minimum share capital (requiring a minimum share capital for owners).
- Requiring authorisation (without accepting authorisations from other Member states)
- Licences linked to territorial area or sub-district in state, which means multiple licences would need to be sought to operate across a state.
- Not recognising other states training/professional qualifications.
- Operators must be a legal person (company), rather than individual.
- Setting minimum standards for number of workers in undertaking.
- Securities/guarantee must be with home country.
- Requiring swearing oath of allegiance to home country.
- Price approvals by local regulator.

In the Turkish system of regulation there are a number of requirements, which given past experience, would not be compliant with the European Union single market regulations. These relate to Turkish citizenship requirements, recognition of licenses from other EU states and recognitions of other training and professional courses. There are reciprocity provisions in the legislation, but this may not meet the conditions of the single market. This area of regulation therefore needs to be reviewed and reformed.

Recommendation 1. Turkey should amend and enhance the reciprocity related parts of the legislation to:

Enable EU citizens to become licensed to work for, own and set up security firms;

Develop a system for the recognition of persons and firms who have secured licenses from other EU states; and

Develop a system for the recognition of training and professional courses from other EU member states

¹¹ See <http://www.coess.eu/?CategoryID=325>

Another area which the Turkish regulatory system may need reform relates to trade union activities. Under Article 28 of the Charter of Fundamental Rights for the European Union it states workers have the rights , ‘to take collective action to defend their interests, including strike action.’ The regulations in Turkey for private security prohibit strike action and lockouts and this, given the past decisions confirming private security as a business service and not a public authority, may mean this provision also needs to be reformed.

Recommendation 2. Turkey should consult appropriate legal opinion to examine whether prohibitions for strikes and lockouts would be acceptable under European Law.

‘Soft’ European standards promoted by the European Union

The EU through the main social partners in the European private security industry has facilitated a number of important minimum standards, which have been promoted for those member states who do not have standards or currently operate below them. These are not mandatory, hence the term ‘soft’, but they do carry much support in the EU. The main social partners at an EU level are for the employers the Confederation of European Security Services (COESS) and for the trade unions, UNI Europa. These initiatives will now be explored:

Code of Conduct and Ethics for the Private Security Sector

This is a code directed to companies and employees. It covers and advocates:

- Compliance with regulation
- Transparency of procedures and systems established at companies
- Securing appropriate permits by companies and employees.
- Selection and recruitment of staff according to objective principles.
- Vocational training: basic (in absence of national standard working to European vocational training manual), specialised and ongoing.
- Constructive social relations between employer and trade unions.
- Working conditions should be good and improve.
- Salaries and income must be appropriate.
- Appropriate standards of health and safety.
- Equal opportunities and non-discrimination
- Organisation of work.
- Relations with clients.
- Relations with police.
- Relations with other private security companies,

This was published by European Economic and Social Committee (EESC) and the Single Market Observatory (SMO) in 2007.¹²

European Vocational Training Manual for Basic Guarding 1999

Funded by the European Commission but with strong support from COESS/UNI Europa a detailed basic training manual has been created. The main areas covered are listed below in figure 3.2. For member states with low or no training standards this is seen a basic standard from which to build upon.

Figure 3.2. Main modules of European basic guarding manual.

<p><u>Unit 1. The Private Security Industry</u> Culture and History Sectors and Services EU Consultative Process Regulations and Standards Legislation for the Security Industry Definition and Terms</p>	<p><u>Unit 2. The Security Guard</u> Profile of Basic Guard Licensing Requirements Common Duties Beneficial Skills</p>	<p><u>Unit 3. Security Equipment</u> Personal equipment Duty equipment On-site documentation Electronic systems</p>
<p><u>Unit 4. Practical Security Procedures</u> Patrolling for Security Patrolling for Safety Patrolling for Fire Gate Duties Control Room Duties Observation Skills</p>	<p><u>Unit 5. Emergency Procedures</u> What is an Emergency? General Response Fire Alarm Activation Break-in Accident or Incident Major Incident Emergency First-aid Conflict Emergency Services</p>	<p><u>Unit 6. Law and the Basic Guard</u> Legal System Overview for Security Distinction between Criminal and Civil Categorise Codes Relevant Legal Codes Court Systems and Procedures</p>
<p><u>Unit 7. Fire</u> Effects of Fire Principles of Fire</p>	<p><u>Unit 8. Health and Safety</u> Legislation</p>	<p><u>Unit 9 First Aid</u> Emergency First-aid Regulations</p>

¹² <http://www.coess.eu/?CategoryID=200&ArticleID=329&SearchParam=single+market>

Fire Extinguishers Workplace Procedures	Role of Social Partners Terms and Definitions Personal Protective Equipment	First-aid Kit Common Causes of Injuries Precautions
<u>Unit 10. Customer Care and Quality</u> Principles of Customer Care Customer Care and Security Principles of Quality System ISO 9000 Quality and Security Customer Responsibility for Quality	<u>Unit 11. Communications</u> Communication Skills Recording and Reporting Conflict Defusing Information to the Public Following Instructions Teamwork	<u>Unit 12. Labour Relations</u> Historical Developments Common Terms System Structures Social Partners Impact
<u>Unit 13. Labour Regulations</u> Labour Legislation Collective Labour Agreements Rules in the Company Individual Labour Contract Employees Checklist	<u>Unit 14. Assessment Criteria</u>	<u>Unit 15 Performance Criteria</u>
<u>Unit 16. Grading</u>		

European Educational Toolkit for three Private Security Activities 2006

Another initiative funded by the EU in partnership with COESS/UNI Europa is the toolkit for three private security activities. This basically sets out the minimum module checklist of requirements for the following activities:

- Mobile Patrolling
- Alarm Response Centres
- Aviation Security

This was also published by European Economic and Social Committee (EESC) and the Single Market Observatory (SMO) in 2007.¹³

Preventing Occupational Hazards in the Private Security Sector (manned guarding and surveillance services)¹⁴

Work funded by the EU with support of COESS/UNI Europa sets out the minimum obligations based upon EU directives applied to private security context. There are so many requirements in this context it deserves consideration in its own right.

European law relating to the protection of workers

The European Union has set a very extensive set of basic rights to protect workers through a variety of Directives. Many private security staff work in positions which put them at risk in a variety of contexts. Some security staff work to protect valuables, which means they are at risk of attack from criminals. Assault is a common risk for many security staff working in places the public frequent, particularly where alcohol is served. It is also very common in the security sector to work shifts and longer than average hours. Some security staff also use hazardous equipment routinely as part of their daily work, such as x-ray screening machines. The document noted above, *Preventing Occupational Hazards in the Private Security Sector*, noted some of the many Directives which apply and how these should be applied to the private security sector. The Turkish government will need to assess its general legislation protecting workers to ascertain if these are compliant with the EU basic standards. The key Directives noted by the COESS/UNI Europa are noted below:

86/188/CEE Protecting workers against noise exposure risks while at work.

89/391/CEE Implementing measures to improve the health and safety of workers (framework directive).

89/392/CEE Approximation of member states' legislation on machines.

89/655/CEE Minimum health and safety requirements for workers using work equipment at work.

89/656/CEE Minimum health and safety requirements for workers using personal protective equipment at work.

89/686/CEE Approximation of member states' legislation on personal protective equipment.

¹³ <http://www.coess.eu/?CategoryID=200&ArticleID=329&SearchParam=single+market>

¹⁴ http://www.coess.org/Uploads/dbsAttachedFiles/Preventing_occupational_hazards_manual_EN.pdf

90/269/CEE Minimum health and safety requirements for manual handling of loads where there is a risk particularly of back injury to workers.

90/270/CEE Minimum safety and health requirements for work with display screen equipment.

90/679/CEE Protection of workers from risks related to exposure to biological agents at work.

92/58/CEE Minimum requirements for the provision of health and/or safety signs at work.

92/85/CEE Introduction of measures to encourage improvements in the health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding.

93/104/CEE Directive concerning certain aspects of the organization of working time.

96/29/Directive Euratom of the Council of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from radiation.

98/24/CEE Protection of the health and safety of workers from the risks related to chemical agents at work.

2002/73/CEE Principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

2003/88/CEE Directive concerning certain aspects of the organization of working time.

4. Best Practice in the European Union

There is a lack of a common standard/template for the regulation of private security in the European Union, but there is much experience to learn from. First of all there have been studies to compare the regulatory systems and the quality of private security in the European Union. The first study was not very sophisticated and was undertaken in the early 1990s by Berglund,¹⁵ a senior security industry executive from Sweden attempted to produce a league table of the security industry in Europe. His research was based upon 9 questions that covered legislation, wage levels, working hours, second jobs, mandatory

¹⁵ Berglund, T. (U.d.) *The Security Industry in Europe - How to Act and React Towards Europe*. Unpublished Paper Presented to the Confederation of European Security Services.

training, relations with trade unions, trade association and the size of the market vis-à-vis GNP. The results of his research led to the league table below.

Table 4.1. Berglund's security industry league table

Country	Points
Sweden	1
Belgium	3
Netherlands	4
Norway	4
Denmark	5
Italy	5
Spain	5
Finland	6
Luxembourg	6
Portugal	6
France	8
Switzerland	9
Ireland	10
UK	10
Austria	11
Germany	12
Greece	12
Hungary	12

In another assessment, this time of regulatory systems, Button¹⁶ compared the regulatory systems of 15 EU states applying points relating to criteria such as licensing of guards, in-

¹⁶ Button, M. (2007) Assessing the regulation of private security across Europe. *European Journal of Criminology*, 4, 109-128

house guards, companies, standards for managers and the level of training. The research for both of these league tables was undertaken over 10 years ago and there has been a substantial enlargement of the European Union and many states have reformed their regulation.

Table 4.2. League table of the regulatory systems for the static manned guarding sector in 15 EU States

State	Licensing of contract security guards	Special licensing of security firms	Mandatory Training for security guards	Managerial competence/ training standards	Licensing of in-house security guards	Total points
Spain	2	2	4	2	2	12
Belgium	2	2	4	2	2	12
Netherlands	2	2	3	2	2	11
Portugal	2	2	2	2	2	10
Sweden	2	2	4	2	0	10
Denmark	2	2	3	2	0	9
Finland	2	2	3	2	0	9
France	2	2	1	2	2	9
Ireland	2	2	1	2	2	9
Austria	2	2	0	2	0	6
Germany	2	0	1	2	0	5
Greece	2	0	0	0	2	4
Italy	2	2	0	0	0	4
England and Wales	2	0	1	0	0	3
Luxembourg	0	2	0	0	0	2

Second, the United Nations Office on Drugs and Crime (UNODC)¹⁷ has recently published an *Introductory Handbook* which sets out the foundations for a good regulatory system. Therefore in the following section some of key foundations of regulation will be outlined and best practice from some of the best examples from European Union states will be used to illustrate what is in place. Particular reference will be made to Belgium and Spain which have some of the best systems in the European Union and the United Kingdom, which has one of the less stringent regimes. Comparison will also be made to Turkey with recommendations for reform.¹⁸

Specific statute, with scope for detailed secondary regulations

The most effective regulatory base is a law specifically dedicated to private security, which offers scope for issuing more detailed regulations/instructions under it. In some states in the EU, such as Germany and Austria general legislation is used, which often means some of the particular requirements of the private security sector cannot be regulated on. The founding statute usually sets out who has responsibility for regulation, defines the parts of the private security sector subject to regulation (and those activities which are exempt), sets the licensing requirements for the regulated activities and the penalties for not complying. The basic law often allows for more detailed regulations to be issued under it and often these include the standard of character for a licence ie what criminal convictions bar entrance into the sector; the training standards; norms for security equipment; complaints procedures to name a few. Systems do vary to the extent to which these different types of regulations appear in the basic law or the regulations issued under it. Greater scope for more detailed regulations issued under the law does make the regulatory system more flexible and change easier, as it is not necessary to go back to the legislature and secure a new law or amendment, which can often be time consuming. However, this must be balanced against the risk of the loss of democratic oversight over regulations being issued, which often occurs with secondary regulations.

Belgium, Spain and the UK have a regulatory base which meets such requirements. In Belgium the basic laws are the Law on Private and Special Security, enacted in 1990 (amended 2005) and the 1991 law regulating Private Detective Activities (further amended in 1996). Under these laws there is scope to issue decrees which provide much of the detail. In Spain the regulation of private security has recently been amended with Act 5/2014 of 4 April on Private Security, which replaces the previous law Act 23/1992, enacted in 1992, which had also been amended on several occasions. The new law has codified some of the secondary and primary provisions built on the previous law into one primary law. It has,

¹⁷ UNODC, op cit.

¹⁸ Much of the data on regulatory systems will be drawn from COESS (2011) op cit; http://psm.du.edu/national_regulation/; <http://www.sia.homeoffice.gov.uk/Pages/home.aspx>; and Act 5/2014 of 4 April on Private Security.

however, more clearly enshrined private security as a key partner with the public security forces and extended the scope for private security to operate in some public areas. Some requirements for individual licensing have also been made less stringent to open up the market to more and therefore reduce costs. Greater regulation of private investigator activities has also been introduced. This law is very extensive and detailed, amounting to over 20,000 words. There is also scope under the main law for more detailed regulations to be issued under it. For example under the old law in 2002 an order was issued regulating the transport of cash and valuables which set out detailed technical requirements relating to the vehicles that provide such services, amongst other provisions.

In the United Kingdom the legislation is set by the Private Security Industry Act 2001 (there is separate legislation for Scotland and Northern Ireland who have responsibility for this in their devolved parliaments, who both opt into the UK system). The law gives much scope for more detailed regulations to be issued under this legislation by the Home Office (the Government department responsible) and for more detailed rules to be set by the regulator, the Security Industry Authority. Indeed, compared to the new Spanish law it is only about 11,000 words long. As noted in section 2 Turkey has a main law with scope for more detailed provisions to be issued under it, compared to the UK and Spain the main law is not that extensive, amounting to around 4000 words (English translation).

Appropriate regulatory body

In most of the states in the European Union responsibility for regulation is usually a government department, most commonly the Ministry of the Interior, often in partnership with local government structures and the police. The major exceptions are the UK (Security Industry Authority), Republic of Ireland (Private Security Authority) and France (National Council for Private Security Activities) where semi-autonomous state bodies have the main role in regulation. In both Belgium and Spain the Ministry of the Interior is the main regulatory body with overall responsibility and the functions relating to issuing licences to individuals and companies. Although in Spain in the regions of Catalonia and Basque responsibility is devolved to them and local government across Spain also plays a role. The police also have a role in the enforcement of the legislation in both Belgium and Spain. As noted above, in the United Kingdom the regulatory is the Security Industry Authority which is a semi-independent state body created by legislation to regulate the private security industry. It is governed by a board of, currently, six members who are appointed by the Home Office. The Home Office usually chooses some of the members with relevant experience or knowledge of the private security sector.

It is also worth noting the clear emphasis in the law and structures of regulation in Spain for enshrining the role of private security in the provision of public security and creating mechanisms for co-operation and partnership between the state security forces and private security. The Turkish structure has more in common with Belgium and Spain, than the UK.

However, creating serious structures and expectations of co-operation and partnership are absent from the Turkish legislation.

The challenge with regulation for policy-makers is also to avoid capture of the regulatory body by the regulated, but at the other extreme to avoid a system so independent that regulations produced become unworkable and ignored. In the UK, Irish and French systems an industry role is built into the regulatory system in the governing structures. For a system like Turkey has a good example of best practice is Finland. Here the Ministry of Interior is largely responsible for regulation, but an advisory board has also been created, composed of representatives of the security industry (employers and employees), the business world and consumers of security (Section 51-2 of the Private Security Services Act 282/2002) who have a formal role in advising the regulator (Section 52 of the Private Security Services Act 282/2002 – Unofficial translation).

Recommendation 3. *Turkey should consider creating a formal consultative council with wide representation from the Turkish private security industry (employers and employees), consumers of security, interest groups and the general public which **must be consulted** on all major regulatory issues. Such a body could also act to promote partnership between the public and private sectors.*

Regulation of wider private security industry (clear definitions and exclusions)

The private security industry consists of many sectors, but in many states in the EU not all of the activities which fall within it are subject to regulation. Commonly the industry is divided into the following distinct sectors listed below (not every possible activity is listed), although even these do not have universal agreement as in some countries door supervisors would not be considered as part of the manned guarding sector.

Manned guarding services: security guards in static positions and transporting valuables, door supervisors (also known as bouncers working in night-clubs, bars), close protection officers (bodyguards), alarm response officers and CCTV monitors to name the most common. These can also be distinguished by who employs them and whether they are contract or in-house. Some states also distinguish further by where they operate, most commonly: aviation, maritime, sports etc.

Alarm response centres

Private investigation (or detective) services: these can also be contract or in-house.

Security consultant services

Installer of security equipment: alarm and other electronic security equipment installers, locksmiths (these tend to be regulated as part of private security in systems in North America in the states of the USA and provinces of Canada).

Additionally **training centres** are also often regulated.

It is most common in regulatory systems for regulation to apply to the contract manned guarding sector. In-house provision is not always regulated in every state or some of the other activities further down the list above. For instance many EU states do not regulate private investigators, security consultants or security equipment installers. As will also be seen shortly be shown, some systems make clear some of the specialist roles as distinct licenses within the main sub-sectors above ie close protection officer.

In Belgium the manned guarding sector is subject to regulation and different types of standards are set for sub-activities within this sector, such as close protection, door supervisors etc. Private investigators are also covered by regulation as are alarm monitoring centres, training centres. In Spain these same sectors are also regulated and those who have installation roles related to alarm monitoring stations, amongst some other specialist roles.

In the UK the licensing applies to the contract guarding sector (static and transport of valuables), door supervisors (contract and in-house), contract close protection officers and contract CCTV monitors. Plans have been announced to extend licensing to private investigators, but this has not yet been implemented.

Recommendation 4. *Turkey should extend licensing to private investigators (private detectives), security consultants and other relevant security activities where there is a need to enhance the contribution to public security.*

Regulation of firms and operatives (licences, standards linked to licence)

The spine of most regulatory systems is the licensing of staff and companies (firms). For staff the licensing usually sets a minimum age, standard of character and requirement to complete a minimum standard of training. Sometimes conditions are also set for minimum standards of physical and mental health. For companies there is usually a requirement for the owner(s) and/or senior manager relating to age, standard of character, appropriate experience and/or having undergone appropriate training. Conditions also often relate to the equipment used by the company and minimum standards of insurance to name some of the most common.

In Belgium for firms licences are issued from the Ministry of Interior (positive advice of Ministry of Justice), setting minimum standards of insurance, with a requirement one manager at least has done specialist managerial training, that there is the necessary infra-

structure and material and the manager must be 21. For individuals the licence is also issued from the Ministry of Interior, the individual must be free of criminal record, have a positive medical examination, a positive psychotechnical examination, have undergone the appropriate minimum training, be at least 18 years old and citizen of a EU member state.

Spain also sets similar requirements for individual licences with some of the most important including: being aged between 18 and 55; of good character (in the most recent law this has been made less strict in terms of past convictions excluding the opportunity to secure a licence), a citizen of a EU, EEA member state or country with an agreement with Spain; pass medical and psychotechnical test; undertaken the basic education and completed mandatory training or possess the appropriate qualification. Companies require the owners or senior managers to meet similar requirements and there are also standards relating to minimum standards of equipment and resources. There is much detail in the legislation which effectively creates obligations on the conduct of firms and individuals licensed. For example under Article 8 of the new law there are clear obligations that information secured during the course of their duties by security staff can only be shared with appropriate authorities and not disclosed to third parties.

In the UK there is no licensing of firms, but a voluntary approved contractors scheme instead. The government have consulted upon creating a compulsory system of licensing for firms and have indicated this is something they would like to do, although no firm proposals have yet emerged. For individual licences applicants must be 18 years old, pass an identity and criminal record check and have undergone the appropriate minimum standard of training. Licences are issued for some of the different roles in the regulated sectors such as: security guard, cash and valuables in transit, door supervisors, close protection and public space surveillance (CCTV monitors). There are codes of conduct set for some of the licence holders in the standards for training set by the SIA, but these are largely to *promote* higher standards, rather than create enforceable standards with breaches dealt with by the SIA. For example in the Code of Conduct for Door Supervisors it covers issues such as being smart, greeting customers in a courteous manner, use moderate language, amongst many others.¹⁹ However, an un-smart, rude and cursing door supervisor would not be subject to the sanctions of the SIA. As there is no compulsory licensing of firms there are also no enforceable codes of conduct for companies.

Turkey could learn from the experience of these EU states and start to create more distinct licences and standards relating to them to acknowledge the wide range of distinct roles in the private security sector.

¹⁹ SIA (2010) Specification for Learning and Qualifications for Door Supervisors. London: SIA.

Recommendation 5. Turkey should consider creating specific licences and training courses for specialised security roles: senior managers, managers, in-house security managers, close protection officers, cash-in-transit officers, door supervisors etc.

Recommendation 6. Turkey should also consider developing codes of conduct to raise standards further, in partnership with the private sector which become linked to individual and company licences.

Standards related to weapons (where allowed)

Not every state in the EU allows security staff to be armed and even in states where this is allowed routine arming of private security personnel is not common.²⁰ There are, nevertheless, in some states thousands of security personnel who are armed. Requirements for armed security personnel vary, with conditions for employees and for the firms. In Belgium for firms a licence from Ministry of Interior is required and this sets conditions of storage, registers and limitations on the types of weapons/ammunition and the licence lasts for 5 years. For individuals a licence is required from the Provincial Governor or Ministry of Justice if not resident in Belgium and involves additional training of 42 hours (12 hours theory, 6 hours weapons, 12 hours practical exercises, 12 hours shooting hours) and a test. In Spain a special licence for companies is also required which sets conditions relating to the storage of weapons, registers with limitations on the type of weapons and ammunition. Individuals also require a specific licence which involves a minimum standard of training and test. In the United Kingdom no private security staff can carry weapons. Turkey has equivalent standards in this area to Belgium and Spain for individuals and firms.

Mandatory training

It is also important to have an appropriate minimum standard of training for licensed roles mandated in the regulatory system. The base and most ubiquitous role is the unarmed security guard. In most EU states a minimum number of hours is set along with a curriculum. Figure 4.1 lists all the states of the EU plus Turkey and compares the minimum number of hours drawn from COESS and other sources where more up-to-date.²¹ Some states set a diploma instead (Greece and the Netherlands) which makes comparison difficult. Italy and Malta have not yet set hours. The table reveals the highest standard is in Romania with 360 hours, followed by Hungary with 320 hours and Sweden with 288 hours. Turkey with 100 hours would come 9th. In this respect the standard in Turkey is very good. However, on the next category specialist training, Turkey does not do as well.

²⁰ Small Arms Survey (2011) Chapter 4: *A Booming Business Private Security and Small Arms*. Geneva: Small Arms Survey.

²¹ COESS (2011) op cit. and <http://www.sia.homeoffice.gov.uk/Pages/training-qualifications.aspx>

Figure 4.1. Turkey compared to EU28 on minimum training standard in hours for unarmed security guard

Romania 360	Bulgaria 40
Hungary 320	Croatia 40
Sweden 288	Germany 40
Spain 180	Slovakia 40
Latvia 160	Ireland 28
Belgium 127	United Kingdom 26
Denmark 100	Poland 8
Finland 100	Austria 7.5
Turkey 100	Cyprus 0
Slovenia 94	Czech Republic 0
Luxembourg 80	
France 70	Greece: Diploma
Estonia 66	Netherlands: Diploma
Portugal 58	Italy: Yes but no hrs yet
Lithuania 52	Malta: Yes but no hrs yet

Specialist training

This report has highlighted some of the many activities which constitute the private security industry. These roles require different sets of skills and knowledge. For example being a close protection officer requires very different skills to an ordinary security guard. Managers require specialist training to enable them to lead and manage staff. The better systems in the EU acknowledge this complexity by setting a variety of different training standards to fit the appropriate role. These are often built upon the basic unarmed guarding training.

Figure 4.2. Mandatory specialist training in Belgium, Spain, United Kingdom and Turkey compared

Belgium	Spain
<p>Managerial Managers (middle) 52 Managers (senior) 100</p> <p>Specialist Security guard: 127 Beat patrol: 40 Door supervision: 32 Bodyguarding 51 Cash-in-transit 68 Alarm and CCTV monitoring: 70 Aviation: 80 Maritime: 16 Private investigation: 250 Several others too</p> <p>Refresher Every 5 years covering legal aspects</p>	<p>Managerial Mandatory but amount not specified</p> <p>Specialist Security guard: 180 Mobile alarm and response: 10 Bodyguarding: 60 Alarm and CCTV monitoring: 60 Aviation security: 10 Maritime security: 10 K9: 10 Private investigations: 1800</p> <p>Refresher 20 hours per year</p>
United Kingdom	Turkey
<p>Managerial None</p> <p>Specialist Security guard: 26 Cash and valuables in transit: 26 Door supervisor: 38 (30 in classroom) Public space surveillance: 32 Close protection: 138</p> <p>Refresher No refresher training required (bar some categories of door supervisor)</p> <p>In the UK it is not necessary to do security guard training as foundation to others.</p>	<p>Managerial None</p> <p>Specialist Security guard: 100 Armed security guard: 120</p> <p>Refresher Every five years 50 for unarmed and 60 for armed</p>

One of the most important parts of specialist training is for middle and senior managers. As the leaders, role models and working in a sector often characterised by high labour turnover it is important those in these positions have the appropriate skills and knowledge. In both Belgium and Spain this is recognised with mandatory specialist training. The number of hours set for other specialist roles does vary between the two states, but it does illustrate the depth of the diversity in the standards of training. Even the UK has differentiated training standards for some of the distinct security roles it regulates.

Recommendation 7. Turkey should consider developing further specialised training courses for specialist security roles with appropriate number of hours, particularly managers. The training of the police should also be amended to introduce them to the work and role of the private security sector.

Enforcement, sanctions and complaints

It is important for regulation to be complied with by the private security sector. It is very difficult, however, to secure objective and rigorously secured data to illustrate degrees of compliance. This would require further more depth research. Central to enforcement is an appropriate body which inspects and pursues sanctions for those in breach. This invariably falls to the public police to do in most systems and sometimes police dedicated specifically to this function. In both Belgium and Spain the police take on the main responsibility in this area. In the UK the SIA has its own enforcement team, but it also works in partnership with the police on many enforcement operations. As illustrated in Section 2 of this report Turkey has the ability to enforce the regulatory provisions very well with the requirements for a permit and a reasonable resource to enforce.

Another important part of securing compliance is an appropriate set of sanctions which can be used by the regulator to ensure a degree of deterrence for non-compliance. Good regulatory systems have the ability to utilise criminal sanctions for the most serious breaches which can lead to imprisonment, fines and other relevant criminal penalties. Also important is the ability to sanction licence holders through the suspension and revocation of licences. Good systems also have the ability to use administrative sanctions too for breaches of the regulations.

In Belgium there are provisions for criminal and administrative sanctions for up-to €25,000 and the licence of individuals and companies can also be revoked. In Spain sanctions vary according to whether the offence is minor, serious or very serious and whether a company or individual. For companies the most serious can attract fines of between €30,001 to €600,000, serious €3001 to €30,000 and the minor €300 to €3000. Depending upon the level revocation of the licence and suspension is also possible. For individuals the fines range from €6001 to €30,000 for the most serious, €1001 to €6000, for serious and €300 to €1000.

Warnings, suspensions and revocation of licence are also possible. The sanctions can be imposed by a variety of administrative bodies depending upon the severity and the status, such as Minister of Interior, Secretary of State for Security and the police (Article 66). In the UK the regulator's only sanction is a written warning, or the suspension and revocation of licences. There is currently no provision for an administrative fine, although this has been consulted upon and the Government has indicated it would like to introduce such a provision. There is, however, scope for criminal sanctions which depending upon the breach if indictable (very serious and tried in a Crown Court) could result in a fine (no limit set) or up to five years in prison; and if summary (tried in Magistrates Court), a fine up to £5000 and imprisonment up to six months. As noted in section 2 there is scope for fines and imprisonment in Turkey for breaches. The potential fines from a company perspective seem low in comparison to Belgium, Spain and the UK and this may also warrant further consideration by the Turkish government.

Given many private security staff are in positions of authority and exercise powers and sometimes the use of force it is important there are appropriate mechanisms for receiving serious complaints by the regulator and for appropriate sanctions to be administered to those found to be guilty. Surprisingly in many systems there is not much specialist detail in the regulations relating to this. The most common means is for any complaints relating to the criminal law are directed at the enforcing body or police who then deal with it as a criminal matter. If evidence is found a prosecution is sought and if successful in the courts results in a criminal sanction; which in turn may often lead to the loss of the licence. Minor complaints are usually expected to be dealt with by companies or the client hiring the private security firms. It is rare for regulatory systems to have specially created complaints mechanisms set in the law and regulatory structures. In the UK system, for example, there is no provision in the law or special structure and guidance on the regulator's (SIA) website to make complaints against licensed staff. Complaints – if criminal – are expected to be dealt with by the police and SIA inspectorate staff and anything not criminal dealt with by the employing company or client of the company.

The Republic of Ireland is one of the few regulatory systems to have a complaints system set in the main regulatory Act, which is publicised on its website. Under section 39 of the Private Security Services Act 2004 provisions for the dealing with complaints against licence-holders are set out. Upon completion of the investigation the regulator has the power to: revoke the licence, suspend it for a specified period of time, or issue a reprimand, warning, caution or advice. Despite the legal base, however, there is still very little information on the regulator website to inform a potential complainant what to do. This is an area where many regulatory systems could improve by making clear on their websites the procedures and appropriate places to pursue complaints. This is the case in Turkey where no clear guidance is set out for the making of complaints.

Recommendation 8. Turkey should set up a website and use others appropriate measures to publicise the procedures for complaints against firms and personnel.

Encouraging higher standards

The regulatory system should provide the base for standards and there should be higher standards which firms and individuals can aspire to and achieve. In some states there is a strong base of self-regulation which builds upon the statutory minimum usually rooted in trade and professional associations. For example in the UK the main trade association representing guarding companies, the British Security Industry Association (BSIA), requires member companies to adhere to various standards depending upon the field of operation (British Standards, European Norms and International Standards). Many firms are not members of the BSIA, but this does at least offer some degree of higher and minimum standards beyond the minimum to a substantial part of the private security industry. Other mechanisms have also been used in some systems to build upon the statutory minimum and encourage higher standards amongst those in the private security sector.

In Finland for example they have recognised the desire for symbols of status, where guards who complete the recognised vocational training, which goes beyond the statutory minimum, are entitled to wear the letter 'A' on their epaulettes (Government Decree on Private Security Services 534/2002 Section 9 (2)) (see appendix 1). Another good example is In England and Wales there is the additional framework of the Community Safety Accreditation Scheme established under the 2002 Police Reform Act (ACPO, 2009). These are run by local police forces (although there are national standards) at the discretion of the Chief Constable. Where these are in operation it enables security companies, entities (such as a hospital, shopping centre) as well as local authorities *if they wish* to secure additional powers for their staff, which inter alia include the right to confiscate alcohol and tobacco, issue fixed penalty notices and require the name and address of a person. There is a national training course set for this as well as other requirements set by the local police. Successful accreditation, however, entitles the person to wear the 'Community Safety Accredited' badge set out in appendix 1.

Recommendation 9. Turkey should pursue measures to encourage firms and personnel to join appropriate professional associations.

Recommendation 10. Turkey should encourage the development of voluntary higher level training and education courses which are recognised in some way to encourage take up.

5. Conclusion

This report has considered the following key areas: the private security sector in Turkey and the current regulatory system, the EU standards and norms for private security and best practice in the EU using a variety of examples, but with particular reference to Belgium and Spain which are considered very good systems and the UK, a less stringent system. Comparison of Turkey with these states and against EU standards and norms shows a mixed picture. Turkey is a country with a fast expanding and large private security sector which set against other EU states would make it one of the largest, if not largest in the EU in terms of the numbers employed in the private security sector. The regulatory system which has evolved is based upon principles similar to most other EU states. There are provisions in the regulations which place it amongst some of the best in the EU, such as the training standards for unarmed and armed guards. There are, however, a number of areas where Turkey could enhance the regulation further, such as building mechanisms for consultation between the regulating bodies and industry, extending the breadth of regulation to some sectors currently not regulated, developing more specialised licences to reflect the complexity in the private security sector, creating more mandatory specialised training and making clearer the provisions for making complaints about private security staff and companies. Many of these recommendations would also apply to other states in the EU, if their systems were to be assessed. Turkey does not have a regulatory system which would be out of place in the EU, but like many others it could be improved further to make it even more effective. There are, nevertheless, also a variety of provisions, which if EU joins the EU, would need to be amended to meet the requirements of the single market and Charter of Fundamental Rights. This report has also not sought to investigate the relationship between the private security sector and state security bodies. The legislation and indications from the research conducted for this report, suggest that Turkey could benefit from initiatives to better promote and encourage partnership between the sectors. This is also an area which requires further research.

Recommendation 11. Further research should be commissioned into the current relationship between the private security sector and state security bodies in Turkey and how this can be enhanced, learning from best practice in the EU.

6. Summary of Recommendations and Priority

This report has made 11 recommendations. Below these are repeated and the priority in which they should be considered.

The first set of recommendations listed below should be considered first because they would not involve the need for primary legislation and so could be pursued relatively quickly and some also inform the development of any legislative changes, such as the consultative council and the research.

Recommendation 3. *Turkey should consider creating a formal consultative council with wide representation from the Turkish private security industry (employers and employees), consumers of security, interest groups and the general public which **must be consulted** on all major regulatory issues. Such a body could also act to promote partnership between the public and private sectors.*

Recommendation 11. *Further research should be commissioned into the current relationship between the private security sector and state security bodies in Turkey and how this can be enhanced, learning from best practice in the EU.*

The next recommendation is already under consideration by the Turkish authorities and should also be a priority and recommendation 8 would also not require significant resources to develop.

Recommendation 7. *Turkey should consider developing further specialised training courses for specialist security roles with appropriate number of hours, particularly managers. The training of the police should also be amended to introduce them to the work and role of the private security sector.*

Recommendation 8. *Turkey should set up a website and use others appropriate measures to publicise the procedures for complaints against firms and personnel.*

Recommendation could also be undertaken without the need for legislation, although some measures which emerge to encourage this might need some legal base. The same would apply to recommendation 10.

Recommendation 9. *Turkey should pursue measures to encourage firms and personnel to join appropriate professional associations.*

Recommendation 10. *Turkey should encourage the development of voluntary higher level training and education courses which are recognised in some way to encourage take up.*

The final set of recommendations would need some form of legislative base or would form part of the need to develop legislation. The priority should be those which contribute towards developing higher standards and therefore reducing risks of abuse of human rights. So recommendations 4, 5 and 6 should be the priority.

Recommendation 4. Turkey should extend licensing to private investigators (private detectives), security consultants and other relevant security activities where there is a need to enhance the contribution to public security.

Recommendation 5. Turkey should consider creating specific licences and training courses for specialised security roles: senior managers, managers, in-house security managers, close protection officers, cash-in-transit officers, door supervisors etc.

Recommendation 6. Turkey should also consider developing codes of conduct to raise standards further, in partnership with the private sector which become linked to individual and company licences.

Finally entry to the EU and the single market would necessitate further changes and recommendation 2 would need to be undertaken before finally implementing recommendation 1.

Recommendation 2. Turkey should consult appropriate legal opinion to examine whether prohibitions for strikes and lockouts would be acceptable under European Law.

Recommendation 1. Turkey should amend and enhance the reciprocity related parts of the legislation to:

Enable EU citizens to become licensed to work for, own and set up security firms;

Develop a system for the recognition of persons and firms who have secured licenses from other EU states; and

Develop a system for the recognition of training and professional courses from other EU member states

Appendix

Appendix 1

Community Safety Accredited Badge from the UK



Finnish Security Guard with 'A' on Epaulette

