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**The State of Private Security Companies in Trinidad and Tobago:  
Towards the Development of a Governance System**

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**Abstract**

*Increasingly throughout the Caribbean, more commercial and non-militarized kinds of private security comprise security governance today. The escalating spate of serious crimes – mostly at the urban level, coupled with the inability of traditional law enforcement to contain heightened criminality has worsened the growing feeling of insecurity felt by CARICOM citizens. Recent statistics suggest that the number of companies providing security services has grown considerably, and this dramatic growth of the private security industry definitely deserves further attention. While at the international stage, initiatives have and continue to advocate for stricter controls of these companies and their operations, the state of regulation of the industry in Trinidad and Tobago is less than desired. Employing a systemic approach, the paper assesses the dynamics of the private security industry in Trinidad and Tobago and current state of regulation.*

**Conceptualizing Private Security Companies in Trinidad and Tobago**

*“The privatization of security as a growing phenomenon definitely deserves further attention. Due both to high rates of criminality – mostly at the urban level – and a growing feeling of insecurity perceived across Latin American and Caribbean countries, the number of companies providing security services has grown considerably. On the international stage, initiatives have and continue to advocate for stricter controls of these companies and their operations (UN-LiREC 2011: 27).”*

This article hopes to present the state of Private Security Companies (PSCs) in Trinidad and Tobago and highlight the need for a functioning and effective governance system for the industry. The article suggests that while PSCs continue to thrive in response to the forces of globalization and privatization or due to the severe security challenges which traditional public security institutions are unable to tackle because of resource constraints, the industry is not well regulated. It presents that there is a need for a governance system to over the activities of PSCs. The article does not delve into what this governance system might look like, but rather highlights areas in which it might prove to be most useful for the industry. It concludes that the triad of state, private sector and civil

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society has a significant interest in the nature and elements of this governance system.

A review of the literature on private security suggests that PSCs are often incorrectly not distinguished from private military companies (PMCs). While both types provide supplemental services to meet greater demands for various kinds of security, they are however different particularly with regards to the types of services provided and national understanding of their roles. In Trinidad and Tobago, they are formally known as protective service agencies. According to the private non-profit, PrivateMilitary.org, private military companies have been widely used since the 1990s as a reference for all firms in the industry. As such they employ Carlos Ortiz's (2010:48) definition of PMCs and PSCs as:

*"...legally established international firms offering services that involve the potential to exercise force in a systematic way and by military or paramilitary means, as well as the enhancement, the transfer, the facilitation, the deterrence, or the defusing of this potential, or the knowledge required to implement it, to clients."*

This generic definition is problematic on several fronts and is particularly inadequate in case of Trinidad and Tobago where the progressive reliance on private security companies reflects the inability of traditional state protective agencies including the police to meet increased security demands from both the state and the private industry. While an increasing number of PSCs are establishing regional and international links, the majority are still very local and small, tailoring to niche industries in the country. The definition also suggests a highly complex and coordinated group which may not be a most accurate description of PSCs operating in Trinidad and Tobago and the Commonwealth Caribbean. The definition also does not paint a very good picture of the industry in this case given that the country and the region is relatively peaceful and not at war.

The Supplemental Police Act Chapter 15:02 defines a Protective Service Agency (PSA) as:

*"...a body corporate registered under the Companies Act whose principal object is the protection of persons and property by providing guards and escorts and approved for that purpose by the Minister."*

This definition also falls short of providing a comprehensive description of PSCs because it only addresses the PSCs which are registered with the Ministry of National Security. While the proposed Private Security Agencies Bill (2001) is more inclusive in its definition of a Private Security Agency as:

*"...a sole trader, firm, partnership or body corporate registered or continued under the Companies Act, 1995, which employs security officers for the protection of persons and property, including its*

*employees and property or the installation of electronic security systems and monitoring services and is approved for that purpose by the Minister.”*

While there may not be a generally agreed definition of PSC, Carballido (2008) provides a broad description of services provided by private entities with the goal of providing security:

*“These include: armed and unarmed guarding; patrols; escorts; transport of valuables and commercial goods; intelligence services; trained dogs; electronic monitoring; investigations; fortification of buildings; protection of works and infrastructure; protection against kidnapping; safety and self-defense training and marketing of weapons.*

The growth of PSCs in the country has been remarkable over the past three decades. An impressive range of services are offered by these often regional and international entities ranging from traditional armed and unarmed guarding to security research and consulting, and advanced solutions towards cybercrime. These services attract a wide group of clientele including government and its agencies, private industry institutions particularly extractive industries, and a growing number of entrepreneurs seeking to ensure personal and property security. Yet, as diverse as the nature of services offered by these firms has been, not much is known about the industry, operator and workers, and the laws under which these entities operate have come under serious scrutiny lately.

While the industry has managed to escape public scrutiny and debate for a long time (Vab Brabant (2002), its rapid growth is drawing a new type of attention as scholars and policymakers struggle to understand the nature of the industry. It is fair to note that while scholars continue to unravel private security actors from an international relations point of view of state monopoly on crime, violence and security, private security actors have featured in criminology studies for a longer time.

The growth of PSCs has been remarkable over recent years. Globally, there is a very strong view that this growth has been a consequence of the incapacity of traditional protective agencies to provide the type of tailored services that private security companies have been able to offer its clientele. Mark Schroeder (2001) argues that the capacities of the protective services are stretched, and as a result, are less responsive to the needs of the private industry. Indeed this lack of capacity is worsened by the limited resources available to the police and soldiers and the equally limited opportunities for professional improvement available to them. But is this so, or has this understanding been the consequence of narrow understanding of the competing and complementary functions of both?

In *Security Beyond the State*, Abrahamsen and Williams (2010) employ insights from sociology, criminology and international relations introduce an analytical framework for understanding what they call “global security assemblages.” They

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note that the private actors are finally finding their space in international relations, in terms of their role and authority in crime, violence and security. This is quite the case in terms of the role of non-government organizations, industry and corporations as well as international organizations in process such as the Mine Ban Treaty, Arms Trade Treaty, Geneva Declaration and in national security.

Indeed, the “global security assemblages” which Abrahamsen and Williams refer to reflect the state of security governance in Trinidad and Tobago which features retired major generals, retired police officers, business men, entrepreneurs and even sitting cabinet members of cabinets as operators or providers of private security. It also reflects the global context of island development even as professionals in the industry in Trinidad and Tobago all know each other, especially if they are retired army or police officers.

Yet, compared to public and state security outfits, private security companies remain largely unmonitored in the country. The issue is not so much about state control or preference between voluntary and mandatory governance structures, but rather the need for a governance system which can ensure respect for the rule of law, promote transparency and accountability in the operations of PSCs, holding operators and officers alike responsible for their actions. Perhaps this will necessitate the revamping of the legislation or the institutionalization of a governance system which can manage and monitor private security.

The Supplemental Police Act of 1906 provides guidelines for the registration and operation of protective service agencies in Trinidad and Tobago. However, this piece of legislation is dated and inadequate to regulate private security companies given the current national and global security challenges. A minority of firms are protected under the Act as an increasing number of entities not requiring the use of firearms have exploited the loopholes in the legislation and operate without approval of the Ministry of National Security which is the line ministry with responsibility of all issues related to security. Inadequate regulations or the lack of regulations presents issues of professionalism, workers rights, revenue and taxation as well as concerns over the impact of private security organizations on crime. More importantly, these issues challenge the basic notions that private security can be relied on where state security is not sufficiently available.

### **Situating Crime in the Analysis**

It has been argued that PSCs may be better placed to deal with crime (Benson, 1998) notwithstanding the myriad criminalities that have been attributed to private security officers including illegal arms loans, rents, discharge and excessive use of force. Benson attributes the growth in demand for private security and policing to a decline in public confidence on the ability of traditional protective forces to deal with crime. In recent times there have been two trends associated with PSCs globally. The first is a continuous growth in the industry

leading to the employment of more staff than the public police while the other focuses on the expanding range of services that PSCs offer (Button, 2007).

For the former, it was estimated that the number of privately employed security personnel globally was roughly equal to the number of public police in 1973; however there were more than twice as many private security personnel as public police in the United States ten years later (Benson, 1998). Indeed PSCs may be seen as a threat to police budgets and job security with the increase in the privatization of adult and juvenile detention facilities in particularly the advanced states (Benson, 1998). However, while the demand for the services of PSCs has grown because traditional protective agencies have been unable to guarantee the security of citizens, this growth in demand has not meant better security across the board (UN-LiREC, 2011). Either way, the call for an effective governance system for monitoring the activities and operations of PSCs has never been more important. If PSCs are increasingly being called upon to provide security reserved traditionally for public institutions such as the Police, then there must be comparable systems to hold them responsible for their actions.

Crime in developing countries such as Trinidad and Tobago has been traditionally explained as a product of 'social change' i.e. the outcome of the transition from traditional to modern stages of development. Durkheim's modernization perspective as the theoretical root of the relationship between societal development caused by change and crime has been referenced by eminent Caribbean scholars such as Deosaran, (2007). The links between increased urbanization, industrialization and crime have also been explored to the extent that crime is an unavoidable consequence of the development model espoused by the West which has exploited developing countries into underdevelopment (Pryce, 2007).

Even as the larger firms contend that their operations have impacted on the reduction of crime in the areas they operate, this belief could be as a result of the types of services they offer including cash-in-transit, prisoner transfer etc. for which there have been few reported incidents recently. However, for those that disagree, their feelings are shared by many given the increasing number of security guards implicated in criminal incidents including firearms losses, abuse of power, theft and even murder in some of the communities in which they operate in.

The relationship between escalating crime and the growth of the private security industry also highlights globalization as an important factor. The world has become a much closer community since the end of the Cold War in response to advancements in telecommunications and ICTs, as well as the growing level of supranationality brought about by global governance institutions (Montoute and Anyanwu, 2009). Indeed, increased use of ICTs in criminal activity is a feature of this phase of globalization which presents PSCs new opportunities to which to adapt and respond. In addition to traditional security services such as armed and unarmed guarding, many PSCs are now positioned to respond to new types of

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sophisticated crime often organized and transnational in nature facilitated through exceedingly fast internet and mobile connections (cyber crime etc). This (in)-direct link between the features of globalization and the demand for PSCs is one that requires further investigation.

Both PSCs and the transnational dimensions of crime are overlooked in this case yet both are ubiquitous in the 21<sup>st</sup> century. One of the more controversial, albeit informed, analyses of the drugs/gangs/guns nexus from the Small Arms Survey (Dorn 2009) treats the latter but is silent about the former even as it recognizes the unlikelihood of an effective state or police response given corruption, disincentives, inadequate resources etc. And the redefinitions of Atlantic (without the 'LNG' tag) in Trinidad and Tobago and the energy industry in general are indicative of how transnational risks and threats impact security so it is assembling its own set of providers/contractors.

The security industry in Trinidad and Tobago has also suffered problems of credibility in recent times, such as when the police went out on strike and when an inappropriate junior officer was offered the post of head of a critical intelligence institution, and the executive director of CARICOM-IMPACS was accused of corruption (EIU 2011) and subsequently terminated. Meanwhile, the issue of reinstating the death penalty has become a controversial debate advanced by the new government, including its female PM, a trained lawyer (Economist 2011).

Yet, PSCs cannot be a replacement for traditional police. Guards employed with PSCs have been involved in serious crimes in the past and many do not have the training and expertise of regular police officers. Another illegal dimension to PSCs relates to the trafficking of non-nationals from CARICOM states such as Guyana and Jamaica. A growing number of PSCs recruit CARICOM citizens many of which come into the country as certified artisans eligible for work permits under CSME provisions but take up employment in the security industry.

These types of recruitments may be prearranged from the home countries with transport fees paid for by PSCs who also provide initial boarding and support which recruits have to pay back over a period of time while working for lower wages compared to nationals in often dire conditions. Overtime, many of these migrants, including those from as far as Africa and Asia who may have resulted to working in the industry as a last option in the absence of better employment opportunities overstay the terms of their visas and their stay as well as employment in the country becomes illegal. A governance system for PSCs can set the parameters for employment in the industry and hold operators who do not comply with standards responsible for their actions.

### **Analyzing PSCs in Trinidad and Tobago**

The Association of Security Companies of Trinidad and Tobago (ASCOTT) represents some forty (40) PSCs of mostly large and medium companies operating in the country. This is only a fraction of the total number of PSCs registered under the Companies Act of Trinidad and Tobago estimated to be between 250 and 300. Also operational as PSCs are small unincorporated security entities and individuals who often do not operate as fulltime businesses but on a seasonal basis especially during the Christmas and carnival seasons. This is partly the reason for the inconsistency and unreliability of figures of total PSCs in the country. Several in-house security entities also form part of the industry. Better known as the estate police, these range from the large but often understaffed ones like the UWI Estate Police and Royal Bank of Trinidad and Tobago Estate Police; to more medium entities like Home Construction Limited Police and even one-man operations acting as security at car parks and stores.

The numbers are staggering given that there were roughly two (2) PSCs operational in 1970 and ninety (90) by the end of 1990. In launching the new Private Security Network Commission (PSNC) in October 2010, the Minister of National Security PSCs represent a workforce of over 20,000 security guards, more than three times the existing number of police officers (uniformed police have never exceeded 10 000, [Hill 2010]). The actual number of employees in the industry might be significantly higher given that some PSCs employ undocumented migrants.

While over time, PSCs in Trinidad and Tobago may come to specialize in high-end diplomatic/financial industrys to educational and other training institutions (e.g. well-established UWI Estate Police now some half-century old), factories and malls and onto gated communities and individual properties, they have been poorly-served when it comes to high-tech crime such as financial fraud and cyber-crime.

The majority of PSCs in Trinidad and Tobago employ young, often female, guards with minimal educational or other qualifications. Only the larger, more international companies offer a range of skills and services, but larger/smaller more/less established PSCs may subcontract with each other to maximize opportunities and revenues. Some like Executive Bodyguard Services feature a more para-military corporate culture with a hierarchy of ranks featured on military-style uniforms. Others like Complete Policing, Defence & Medical Solutions which offer a broad range of services including training from defence and police to health and medical and onto forensics and fraud tend to be low-key, working more closely with branches of government than the corporate or private worlds.

An analysis of the “triangle” of state, private industry and civil society governance of PSCs supports the argument that the development of a national governance system for PSCs is crucial for the industry’s effective functioning. The role that

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both the Private Security Network Commission (PSNC)<sup>1</sup> of Trinidad and Tobago and the International Code of Conduct (ICoC) can play in mapping regulations for the industry at the national and global levels respectively is presented as important in this context – in terms of providing governance structure. While both of these provide different sets of rules and norms at parallel levels, questions about compatibility, supremacy, synergies, differences, implementation, monitoring and evaluation are still undefined at this stage.

### ***National Dimensions***

The industry grew along with the economy from the 1980s, encouraged by the compulsory early retirement of members of the uniformed services who entered it. As such, most of the PSCs servicing the market in Trinidad and Tobago are nationally owned and many have connections or interest with government agencies through ownership, political membership, families and so on. There are several distinctive varieties of PSCs in Trinidad and Tobago as elsewhere, in part in response to state rules and market forces: larger/smaller, formal/informal, uni-/multi-industrial, legal/illegal, global/national etc. The yellow pages of the national phone directory in 2010-11 featured a twelve (12) pages of security supply companies up from four (4) in 2008-9 and fourteen (14) for security services up from seven (7), with several of the larger ones featuring web pages, such as [www.ebslitt.com](http://www.ebslitt.com), [www.essentiatt.com](http://www.essentiatt.com), [www.homelandsecuritytt.com](http://www.homelandsecuritytt.com), [www.pegasussecuritygroup.com](http://www.pegasussecuritygroup.com), and [www.innovativesecuritytech.com](http://www.innovativesecuritytech.com).

Similarly, the variety of services they provide is impressive from armed and unarmed guarding and escort to security and risk management consulting. However the majority of the PSCs only provide unarmed guarding and unarmed escort services partly because for many operators this is the best way to maximize profits. They are also preferred options because PSCs providing such services are not necessarily bound by the Supplemental Police Act, and as such it is not unusual that many of the smaller PSCs who provide these types of services are not registered with the Ministry of National Security.

The overriding service that PSCs provide is the prevention of crime towards the protection of lives and property. For many PSCs, unarmed guarding and escorts accounts for as much as 95% of their total revenue while armed guarding and escorts may account for about 5 to 10% of revenue. Some PSCs would have dabbled in other service areas such as cash in transit, guard dogs, armed guarding and vehicle patrol before ultimately withdrawing to unarmed guarding and escort services in line with the laws of comparative advantage. The choice of services PSCs provide is also decided by market demand. Small business owners

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<sup>1</sup> It is intended to be a functional partnership between registered and accredited PSCs with the state focused on facilitating communication. It has a dozen members from National Security, TTPS, PSCs, telecommunications industry and the University of Trinidad and Tobago (UTT).

that require private security are more likely to go with unarmed guarding to minimize costs although not necessarily ensure security.

A minimal number of PSCs provided other specialized services such as prisoner transfer, debt collection, cash in transit, merchandise in transit, alarm installation and monitoring, security consulting and private investigation. It is not unusual for some of the largest PSCs such as Amalgamated and G4S to provide a broad range of services in the security field. Amalgamated is also the sole provider of prison transfer service in Trinidad and Tobago amid diverging concerns regarding the smallness of the market and anti-competition practices by companies operating in the industry.

Indeed the type services that PSCs provide have changed over time as well as the types of clientele serviced. It has become increasingly uncommon for PSCs to be employed by private systems hence many PSCs adjusting and rebranding to attract the most lucrative public and private industry contracts primarily multi-national companies in the extractive industries. PSCs have also had to improve the quality of their service to adjust to private standards dictated primarily by the larger PSCs and multi-national companies in a highly unregulated industry and on occasion work with nongovernmental organizations and civil society groups although often for charitable causes.

Women are generously represented in the private security industry although they may be limited to particular roles and still be a minority in the industry. It is not uncommon for women to be assigned less demanding tasks such as unarmed guarding of schools, hospitals and government buildings because they tend to do better with kids and the elderly and are less confrontational. Notwithstanding operators of PSCs raise concerns about the frequency with which women apply for holidays, sick leave, and maternity. This practice is also in line with the view held by many of that industry as being more psychologically intensive as opposed to physically intensive. This may also offer an additional reason regarding the choice of armed versus unarmed guarding. Some PSCs may be reluctant to hire personnel who have served in state protective agencies.

### **Legislative Provisions**

The history of non-/extra-state security forces in Trinidad and Tobago, especially around Estate Police for commodities like cocoa and sugar and now in the energy industry is provided for by the Supplemental Police Act Chapter 15:02 Act II of 1906 of the Laws of Trinidad and Tobago. It provides for the establishment of supplemental police as well as the appointment of constables, their powers and duties, etc. As outlined in the Act, persons wishing to operate a Protective Service Agency in Trinidad and Tobago must first get the consent of the Minister of National Security by completing and submitting an application form to operate as a protective agency as well as meet the necessary documents required (see

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Appendix 1). This is the only legislation that may be able to guide the operations of PSCs.

This regulatory provision is also exactly the problem that the industry is faced with in that the former only addresses the command and authority of the Commissioner of Police with respect to estate constables. The Supplemental Police Act provides that only precepted<sup>2</sup> officers are eligible to become estate constables thereby leaving the vast majority of the workers (estimated to be some 39,000) in the industry who are unprecepted largely unregulated and vulnerable. Former Minister of National Security, Martin Joseph in 2009 stated that there were 5,331 precepted and 7,771 non-precepted private security officers employed by PSCs registered with the Ministry of National Security as protective service agencies (Trinidad Express – 27 May 2009). Under the current legislation, only companies that require its officers to carry firearms are obligated to register as protective service agencies. It is also estimated that there are about 300 PSCs which are not registered (Trinidad Guardian – 14 June 2011).

This not only implies the absence of a regulatory framework for PSCs that provide unarmed guarding but it also creates a fertile space for the exploitation of workers and other established rights. These unprecepted security guards may also be working under serious that do not meet the standards set the Occupational Safety and Health Act (OSHA). Thus while estate constables have special authorities as agents of law enforcement by the Supplemental Police Act, PSCs may be limited to the “detect, deter, observe and report” methodology until they are they acquire such special permission by the Ministry of National Security. It also begs the broader question, what is the government of Trinidad and Tobago doing about the growing numbers of unprecepted security guards working in the industry?

In a newspaper article, David Webber<sup>3</sup> lamented the antiquity of the current legislative framework and its irrelevance to the current challenges in the private security industry. He described the industry as “self-regulated”, even as repeated proposals to the government for better legislation have not been fruitful. One such recommendation on the regulation of the industry was made by a joint committee chaired by the Commissioner of Prisons, but to date, there hasn’t been any significant movement other than rhetoric towards proper legislation. Yet this is not surprising given the varieties of interests represented among the owners and operators of PSCs in Trinidad and Tobago.

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<sup>2</sup> According to the proposed 2001 Private Security Agencies bill;

- A “precept” means a certificate issued under the hand of the Commissioner authorizing the security officer named therein to act as a constable;
- A “precepted security officer” means a security officer to whom a precept has been issued;

<sup>3</sup> David Webber is the General Secretary of the Estate Police Association (EPA) in Trinidad and Tobago. The EPA is the body that represents Estate Constables who are mandated by the provisions of the Supplemental Police Act.

## **Professionalism**

Private security officers usually join the industry with the most basic level of education normally set at three (3) o level passes. Given recording and reporting requirements, PSCs must adapt by recruiting guards who are able to read and write. Additional but often seriously short booster trainings are given to cover such areas as quality customer services, cardiopulmonary resuscitation (CPR), basic firefighting, behavior training. These trainings are conducted either in-house or externally and usually run from a few hours in a day to up to three (3) weeks. Some of the larger PSCs have in-house training departments for new recruits while the smaller PSCs usually send recruits to training institutes.

An increasing number of PSCs now offer specialized training in line with the demands of MNCs and international establishments. Members of the state protective forces tend to be better trained than private security officers although the larger companies place greater emphasis on training and are increasingly investing more resources in training and professional development of their staff. One company, Amalgamated boasts of being the only PSC in Trinidad and Tobago with as many as fifteen (15) staff members with the Certified Professional Purchaser<sup>4</sup> certifications. Some PSCs in Trinidad and Tobago also aspire to international standards.

The Montreux document which was finalized in September 2008 has managed to establish itself as a reference text for states, encouraging members to seriously reflect on their role and the positive contribution they could make regarding the respect for international humanitarian law and human rights standards (Human Rights Advocate). To date, Amalgamated is the only nationally owned PSC which has signed on to the International Code of Conduct (ICoC) for private security service providers. This international industry standard is based on sound

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<sup>4</sup> According to the Purchasing Management Association of Canada's Accreditation Handbook, the C.P.P is the most sought after achievement in supply management in Canada – setting the national standard for excellence in the profession.

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international human rights and humanitarian law principles although evidence of implementation is sketchy and unreliable.

### **External Relations**

Discussions on the development of PSCs have also focused on 'attitudes of reservation' versus 'co-existence of public and private security relations'. One attitude tries to reconcile the existence of private security with traditional public security by focusing on similarities while the other is more pessimistic of the growth of PSCs and has encouraged the introduction of interventionist models for the private security industry in order gain a greater regulatory oversight of the private security industry (Gimenez-Salinas, 2004).

PSCs in Trinidad and Tobago have a fluid mix of both formal and informal relations with both state and non-state actors; for example, retired police and army officers may establish or manage PSCs, and civil society may seek their services while also lamenting on their treatment of labour laws. A fair number of PSCs are owned by persons with very direct ties to the government either through political appointments or other connections. It is not unusual for these varieties of PSCs to enjoy access to lucrative contracts such as security in schools, government offices and hospitals. Seasonally, police and military may be contracted by PSCs (or vice versa) to provide additional security at parties, fetes and other events particularly carnival events.

These then raise a set of ethical questions for both analysis and policy particularly as most workers are unprecepted and as such not covered by The Supplemental Police Act and the Act itself does not allow precepted officers to join a trade union. While they are able to join the Estate Police Association, issues of critical importance to workers such as discipline, promotion, transfers (Moonilal, 2001) and work hours are placed outside the purview of the Association. Furthermore the degree of self-regulation in the industry is problematic as most guards work 12 rather than 8 hour shifts without appropriate compensation or facilities.

These are all issues that can be addressed with a proper governance system for the industry. While some of the multinationals operate along accepted international labour standards, the same cannot be said of several other local PSCs which have managed to carve a reputation also with how they treat undocumented migrants working in the industry. Besides, this lends to the broader neoliberal debate on the conflict between privatization and labour. Traditional neoliberal theory views privatization of services provided by public institutions as a solution to the fiscal burden in developing countries especially if it can shift the weight of financing investment from public to private enterprises.

As indicated earlier, privatization of security in the Caribbean has thrived because of the state's desire to free up resources and also increase efficiency. The problem for workers in the industry is the absence of a structured social safety

net which can only come via a governance system for PSCs and a functioning labour regime. The ability of the PSNC or the ASCOTT to provide this safety net is yet to be determined, although it seems unlikely given the variety of interests represented in the industry. Given that majority of the workers in the industry are unprecepted and as such not covered by the Supplemental Police Act and the fact that the Act itself does not allow precepted officers to join trade unions, there is really no formal way for those working in the industry to form organized groups towards greater vocalization beyond what each organization is willing to give.

There are some national laws that impact on PSCs. Currently PSCs are embroiled in negotiations with the Ministry of Labour on the contentious issue of working-shift hours of private security officers. A typical shift in the industry is twelve (12) hours long and it is not unusual for a guard to work for two straight shifts before a replacement is sent. This aspect of the job might prove problematic for women, particularly those with families who may be very reluctant to leave their families for long hours. While generally, workers may complain about the long hours, undocumented workers are often made to work these shifts and some are reluctant to complain because of their immigration status and particularly because they need the money. The complexity of the issue and its social and economic consequences can only be addressed through a structured governance system for PSCs.

The issue of shift hours raises important questions for PSCs even as they insist that an 8 hour shift is not suitable and given the minimal salaries involved, guards would usually have to work for at least twelve (12) hours to earn a good wage. Reducing the shift hours from 12 to 8 would mean that PSCs would have to pay higher wages in order for workers to earn the minimum fortnightly wage.

### **Challenges facing PSCs**

Current issues pervading PSCs revealed through a range of more formal questionnaires and more informal conversations include recruitment, competition, corruption, gender, migration, training and professional development, relations with uniformed services, especially army and police, security, turnover and training, etc. The sensitive issue of contemporary immigration into industry from West Africa poses serious ethical and labour questions

Trinidad and Tobago is developing a distinctive security architecture reflective of its developmental political economy based on energy resources and related industrial and service industries: from established Estate Police Association (EPA), Security Owners and Managers Associates of Trinidad and Tobago (SOMATT) and Association of Security Companies of Trinidad and Tobago (ASCOTT) to novel Private Security Network Commission (PSNC) which groups major stakeholders both state and private. EPA and ASCOTT tend to focus on

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terms of service whereas PSNC adopts a broader view of community networking and policing, seeking to advance SOPs, especially to facilitate communication.

The minimum age to obtain a Firearms User's License from the Commissioner of Police in Trinidad and Tobago is 25. This is a critical factor that poses challenges for PSCs interesting in providing arm-related services given that most recruits are often younger than 25 and may not qualify. Many recruits seeking to join PSCs see the security industry as a stepping stone to better things thereby contributing to very high attrition rates as over three-quarters leave industry after 18 months. There is consequently continuous need for recruitment and training, which raises cost. This demand for recruits has led to increased employment of illegal non-nationals in the industry. It is also breeding a new type of competition as many PSCs compete with other government agencies like CEPEP and URP for workers.

As indicated earlier some PSCs provided arms-related services such as armed guarding and escort, cash-in-transit, merchandise-in-transit and so on, and as such their personnel are allowed to carry firearms. The decision to provide these types of services are also often decided by cost. While the Supplemental Police Act gives a precepted officer the right to enforce the law just like a police officer, it however does not give an automatic right to carry a firearm. It is nonetheless a huge step towards getting a license as the only major outstanding requirement is firearm training at any accredited private institute. A precept would still have to meet the requirements set by the Commissioner of Police before such license is issued. These requirements are provided in Part II of the Firearms Act Chapter 16:01 of the laws of Trinidad and Tobago.

License to acquire firearms to be used by PSCs in Trinidad and Tobago is usually registered under the owner of the company. A Firearms User's Employee's Certificate (FUEC) is granted by the Commissioner of Police upon satisfaction that 'the applicant has good reason for acquiring or having in his possession the firearm or ammunition in respect of which the application is made...' The permission given to a private security officer through FUEC is tied to the PSC that the officer is employed with. The license is not transferable and an officer may not under any circumstances abuse firearms for private gain.

PSCs employ a variety of methods to store their firearms including in-house vaulting and secure storage at a police station. Employees are not allowed to take their firearms home after a work day, and must note and record manually or electronically or both, the use or discharge of firearms including numbers of ammunition at the end of each shift. They also use both internal and external procedures including internal assessments to keep the police updated on the use of firearms and ammunition. For some PSCs, they are able to track firearms and ammunition at each time of the day or night. No one FUEC holder can carry more than twelve (12) revolver rounds, or five (5) buck shot cartridges, or twenty-five (25) pistol rounds during the execution of their duties.

While PSCs are cautious about commenting on the possibility or frequency of firearms being diverted for criminal use, it is not unusual for private security officers to lose firearms in their possession. In past, officers in leading PSCs in Trinidad including Amalgamated, Sentinel, MI5, CIA-1 have been implicated in several incidents and some have been brought before the courts on charges of losing firearms through negligence. Even so, it is debatable whether the charges and fines given adequate for the offence given that these firearms end up in criminal circles where they are used to commit very serious crimes.

Indeed the hiring, training and supervision of both security officers and estate constables demand serious attention and monitoring. Several security officers have either shot themselves or their colleagues accidentally while trying to remove bullets from firearms or trying to clean and secure them. These sorts of events lend to the argument that a lot of these officers do not have adequate training and also that the government is not also doing much to monitor the process by which they are hired and allowed to carry firearms. If these private security officers are not able to effectively supplement the Police service, then not only will the police be further undermined, the society at large will suffer greatly.

### **Industrial Relations**

Even for the PSCs that are registered with the Ministry of National Security to act as a Protective Service Agency, the application of the Supplemental Police Act to their operation processes particularly on labor and gender relations is minimal at best. While there are critical legislations such as the Organizational Safety and Health Act of 2004 and the Maternity Protection Act of 1998 designed to protect workers' rights, the implementation of these legislations is very questionable. There is also no real evidence to suggest that implementation is being monitored by the appropriate government agencies.

While PSCs generally employ women, they are not bound by any national laws pertaining to gender balance in the recruitment of security guards. For women who are entitled to maternity leave benefits and protection, the feasibility of utilizing this provision is very questionable given high attrition rates in the industry particularly with PSCs which are unregistered with the Ministry of National Security.

### **Attitudes towards Regulating the Private Security Industry**

There is mixed view among PSCs surveyed regarding the need for better and tighter regulation of the industry by the government. PSCs in favour of better regulation cite the need for a comprehensive national regulation that would govern the operations of PSCs including companies and employees. Although they are cautious of an overbearing monitoring oversight by the government to the extent that it affects the independence of services provided. This group has

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been the backbones of fairly organized ASCOTT which in the past had lobbied the government for tighter regulations.

Alternatively, some PSCs contend that there is no need for additional regulations given that there is already an effective legislation. For them, better implementation of the Supplemental Police Act is crucial and PSCs also have a responsibility to take the industry serious and not see it as just any commercial venture. They argue that what is needed is stronger monitoring oversight and that a government that is willing to take PSCs which are not abiding by the current regulations to task. Further concerns are raised regarding the potential impact on cost of services to consumers with the introduction of additional regulatory requirements.

These arguments raise additional questions which are not unrelated to competition, competitiveness; bullying, etc. as some groups have serious concerns about the monopolist tendencies of the larger PSCs and their desire to drive the small ones out of the industry. It is without doubt that there are so many PSCs operating in such a small state and as long as insecurity and fear of crime remain rampant, there will always be demand. Beyond that, the need and urgency for a better and more comprehensive regulatory framework for the private security industry transcends national borders but also has implications for regional integration in CARICOM.

### **Regional Dimensions**

The CARICOM Single Market and Economy (CSME) already provides for the movement of people and rights of establishment protected by national treatment provisions in the Treaty of Chaguaramas. As the region works towards what has been an elusive single market and economy the need for harmonization of policies in important areas such as firearms laws, immigration and customs laws become even more critical. A harmonization of national legislations on PSCs in the region would not be successful as it is, given the inadequacies in the current legislation of Trinidad and Tobago.

PSCs' operations reflect a mix of national/international and industrial norms (Cockayne 2010): from mission statements to national frameworks and international codes. But as with all such voluntary agreements, implementation and evaluation may be deficient. The only multi-national in Trinidad and Tobago, partially owned by Neal and Massy and Republic Bank – G4S now advancing 'secure solutions' as its mantra (at 700 employees quite a compact organization, having shrunk from 1200 towards the beginning of the century) ([www.g4s.com](http://www.g4s.com); [www.g4s.co.tt](http://www.g4s.co.tt)) - may have the most developed code, informed by established global operations and now the Swiss-supported international code for the industry promulgated in late-2010. Amalgamated Security (+ 3000 employees), Guardsman (2500) ([www.guardsmangroup.com](http://www.guardsmangroup.com)) and Executive Bodyguard Services ([www.ebsltd.com](http://www.ebsltd.com)) are all becoming more regional, the first in the Southern Caribbean, the second in the Northern plus Barbados and the last in

Spanish-speaking Panama and DR as well as in Suriname, Grenada and Jamaica, so featuring a bilingual website.

Various combinations of islands in the Caribbean have likewise developed regional agencies in response from CARICOM-IMPACS ([www.caricomimpacs.org](http://www.caricomimpacs.org)) to networks of police (Association of Caribbean Commissioners of Police) (Bowling 2010, [www.accpolice.org](http://www.accpolice.org)) and judges (Caribbean Association of Judicial Officers) (CAJO) ([www.thecafo.org](http://www.thecafo.org)), even a fledgling regional court of justice ([www.caribbeancourtofjustice.org](http://www.caribbeancourtofjustice.org)).

### **Transnational Dimensions**

The UN system, from the United National General Assembly (UNGA) to the Human Rights Council (HRC), has had some difficulty in agreeing drafts in response to more sensitive or controversial aspects of the privatization of security, especially around mercenaries and the exportation of security services, although it created a new working group on private military and security companies at the turn of the decade ([www.ohchr.org](http://www.ohchr.org), UNLiREC 2011: 6-9). Meanwhile, the ICRC and Switzerland along with the Democratic Control of Armed Forces (DCAF) ([www.dcaf.ch](http://www.dcaf.ch)) advanced a consultative, 'Montreux' process between mid- 2009 and late-2010 leading to an international code for PSCs to which 80 companies signed up, including G4S and Garda, in November 2010 and the OAS noted and began to consider responses to PSCs in late-2008

Such processes parallel UN Programme of Action to Prevent, Combat and Eliminate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNPoA), UN Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, now over a decade old, UNSCR 1540 on Weapons of Mass Destruction (WMD) (Cattaneo and Parker 2008) and onto the Arms Trade Treaty (ATT) at turn decade encouraged by IANSA and Control Arms Campaign networks ([www.iansa.org](http://www.iansa.org), [www.controlarms.org](http://www.controlarms.org) with CARICOM serving as the regional agency or anchor for such advocacy.

Comparative perspectives which can be contrasted to this case can be gleaned from CARICOM Implementation Agency for Crime and Security, the DCAF, Inter-American Development Bank (IADB) including Guyana, Jamaica and Trinidad and Tobago, Organization of American States, Small Arms Survey ([www.smallarmssurvey.org](http://www.smallarmssurvey.org)), United Nations Development Programme (UNDP), UN-LiREC, UNODC etc.

PSCs feature trends towards the privatization of security and from national and regional towards human and citizen security (UNDP 2009). The global UNDP HDR in 1994 advanced the concept of human security which attracted considerable negative attention from member states at the time; the regional

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ones in 2009 and 2011 are advocating citizen security. The June OAS summit in El Salvador is focusing on citizen security ([www.oas.org/en/41ga](http://www.oas.org/en/41ga)).

The ongoing redefinition of energy security at Atlantic is indicative of how transnational global norms and calculations get effected. It is designing its own security network for local to global risks and supply chains. Its vulnerabilities stretch from local disasters and tensions across the border with Venezuela to Shell in the US and Canada and Qatari investment in a mega LNG plant in the Gulf. So corporate security has myriad ecological, economic, financial, human and technological dimensions, including cybercrime. The dropping of Atlantic's 'LNG' tag seeks to transcend its carbon footprint and advance its social responsibility. ([www.atlanticlng.com](http://www.atlanticlng.com))

### **Applied and Conceptual Directions**

Future directions for PSCs in Trinidad and Tobago can be dichotomized: more or less, more or less sophisticated, state-controlled, more or less market demand, more or less inclusive. Reforms and redirections at Atlantic may be symptomatic. And such analysis can contribute to several overlapping approaches/debates with both analytic and applied relevance: from criminology to political economy (Gleny, 2008), development to business including transnational relations (Brown 2011), private governance (Cameron, 2009), public policy (Cockayne, 2010), voluntary norms, informal and illegal industries (Naim, 2007), technology (SAS) etc.

The current role of civil society is negligible at best and appears to be the weakest link of the triad despite been consumers of security. While nationally, they may be concerned about workers rights and labour conditions, there is need for a more concerted effort towards the development of a governance system for PSCs. Their current interest in the governance of PSCs pales in comparison to the campaign against blood diamonds in the Kimberley Process or in the campaign for a global Arms Trade Treaty. Civil society can be instrumental in advocating for a governance structure for the industry either on behalf of worker rights, gender mainstreaming in the industry or in view of the ubiquitous links between crime and security. They can become central agents in the industry, acting as watchdogs for transparency and accountability in PSC operations.

### **Conclusions**

There is a general positive view advanced by private security operators that PSCs have had a positive effect on overall levels of public safety and security in Trinidad and Tobago although there is no statistical evidence to collaborate this view. They however do not agree on the impact of PSCs' security services on the recorded and violent crimes in areas where they operate.

The public has not always had a positive view of PSCs. While PSCs tend to think there is a generally good perception of PSCs in the country, continuous implication of security guards in criminal activities does more harm than good to the industry's reputation, hence the call for PSCs to act professionally and take the industry seriously. This supports the central thesis which is that there is need for an overarching governance system for the industry which can set minimum voluntary or mandatory standards which PSCs must comply with to be registered as licensed and approved. The governance system requires significant effort from the triad. Indeed, security guards in some companies have proven to be more professional than others and this can be as a result of a combination of variety of factors not limited to training, education, and company policy. While many PSCs insist that new recruits must produce certificate of character and submit to drug testing, the depth and utility of these results often come into question as there have been instances where applicants with criminal histories have been recruited.

Despite serious concerns raised, the majority of PSCs are of the view that increased government regulations will upgrade the professional standards of security personnel and foster a better image of PSCs. However, it must be noted that the success of any regulatory framework does not lie solely on legislation, but also on implementation of regulations. It will require dedicated monitoring and evaluation exercises which can be expensive and resource absorbing. It will also entail information sharing and reporting on best practices and ultimately will not be without challenges that PSCs themselves must be willing to take to provide their best service to their clientele.

The triad of state, private and civil society is yet to assess the compatibility of both levels of governance of PSCs through the PSNC at the national level and the Montreux document at the global level. An analysis of the similarities and differences of both systems as well as the mechanisms for implementation and evaluation should be useful going forward. The interest of the triad in the industry is critical to advancing a regulatory regime both nationally and internationally, and even more so in monitoring and evaluation of implementation by PSCs.

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