



**Standing Committee on Justice and Human Rights**

**Comité permanent de la justice et des droits de la personne**

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**The Chair (Mr. Dave MacKenzie (Oxford, CPC)):** We'll call the meeting to order. It's meeting number 19 of the Standing Committee on Justice and Human Rights. Today we have some witnesses appearing before the committee, dealing with Bill C-26, An Act to amend the Criminal Code . We have Ms. Pate here today from the Canadian Association of Elizabeth Fry Societies and Mr. McLeod here from the Association of Professional Security Agencies.

We have by video conference two members, one from the Canadian Bar Association, Mr. Gottardi, and we have a member from the Canadian Police Association. I'm not sure if we have both video conferences. We have a little technical problem at this point with the Canadian Bar Association's connection, so we have Mr. Stamatakis here from the Canadian Police Association.

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**Ms. Kerry-Lynne D. Findlay (Delta—Richmond East, CPC):** Thank you, Chair. Thank you to the witnesses who are here today to assist us. My question is for Mr. McLeod.

As I understand it, a security guard is usually privately and formally employed and is paid to protect property, assets, and/or people. I realize there are many variations of that job description and security guards maintain a high visibility presence and I assume that is done to deter illegal and/or inappropriate actions, observing either directly or through patrols, for instance, or by watching...you were talking about electronic surveillance and these modern technologies we have today to assist us when looking for signs of crime, fire, disorder, that sort of thing.

Bill C-26 would allow security guards as designated persons to take appropriate action to prevent crimes from happening as long as they act reasonably.

I have a couple of questions. Should private security guards, in your view, be able to act or should they just be reporting incidents back to their clients, employers, or emergency services, as appropriate? In other words, in the real world, security personnel doing their jobs, what do you see as an appropriate limit between reporting and actually acting?

**Mr. Ross McLeod:** I would put it to you that the genie came out of the bottle back in the 1970s. Reporting? Up till that time, the industry was an observe and report industry and large segments of it still are. However, observing and reporting just didn't cut it any more. The police response is too slow. In many cases, when the police arrived the situation was gone, the damage was done, and the aggrieved parties were frustrated. There was a great demand from the public for remediation, for some level of intervention and remediation in low level crimes.

That's what the public is concerned about. It's interesting watching television about serial killers, but what we all are concerned about in our communities is being accosted by toughs on the street, and drunk and disorderlies, and this sort of thing. Parking problems and parties are the big things.

So round about 1970 was when the massive hiring of private security started to take place and the large enclosure of public spaces into semi-private spaces. The closed shopping mall. It was a moment of truth for public policing. They could have gone in and taken their writ inside these places, these transit organizations, the huge malls. They chose not to and so private security just grew up to take care of that. You cannot go back. You could never go back.

Most Canadians, their first experience of enforcement and authority is from a private uniform-wearing guard. The great focus for private security is deterrence. The uniform being there cuts it 90% of the time. Hands-on intervention is required in very very few cases actually, but when it is required, when there's a crime in progress, there is no time to just observe and report. There has to be an intervention and that's why the industry is where it is now.

**Ms. Kerry-Lynne D. Findlay:** Am I correct in presuming that security personnel are trained to call law enforcement at the first opportunity to come and support whatever they're doing?

**Mr. Ross McLeod:** Absolutely. However, law enforcement prioritizes the calls. I can tell you that minor disturbances--shop thefts, belligerence, drunk and disorderly--are not top priority calls.

**Ms. Kerry-Lynne D. Findlay:** You mentioned the mall, and this is something we have many of in my riding. In my pre-budget consultations, I was given the scenarios of theft within malls where someone is observed and followed, and law enforcement either took a very long time to get there, understandably, or never arrived at all. So I want a quick comment from you on the necessity for security personnel to have these powers of arrest.

**Mr. Ross McLeod:** Uniformed security guards you find at gates, and things like that, hardly ever make arrests. A lot of them aren't trained in the use of force and are forbidden to make arrests, anyway.

However, in terms of loss prevention personnel who work in these malls and transit organizations, their purpose is to do just that. They're trained for it and they're looking for it. They're the ones we have to support. That's where our civil society.... That's the new city centre. That's where people hang out. That's where people do their shopping. And that's where they want to feel safe.

**The Chair:** Thank you.