Crime Prevention Partnerships between the State and the Private Security Sector in South Africa

I. Introduction

Since the dawn of democracy the Republic of South Africa has experienced a profound shift in the characteristics of policing and the provision of security in the country. The African National Congress (ANC) has been the driving force behind policy direction since the first democratic elections in 1994. The party’s policies regarding security have been representative of the state’s monopoly on the legitimate means of violence; in line with Weber’s notion of the modern nation state. Notwithstanding the authority entrenched by the state security apparatus, the proliferation of the private security industry in the country has surpassed the capacity, in terms of size, of the members of the South African Police Service (SAPS). The objects of the SAPS are to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law. This paper explores the theory that traditional conceptions of the State as being solely responsible for the monopoly of violence are becoming increasingly blurred. The analysis presented here of the dynamic landscape of security provision in the country, seeks to uncover the value or lack thereof, to be found in the exponential growth of a private security industry, adjacent to the public police.

Shortly after 1994, the integration of the country into the rapidly globalizing economy was given priority. The ANC-led government embarked on a programme to promote the reconstruction and development of the country and its institutions, informed by a strict commitment to the principles in the Constitution of upholding democracy and ensuring socio-economic change. An interpretation of the Constitution and the democratic dispensation it gave birth to, shows that its uncompromising aim is to improve the lives of all South Africans, especially those who prior to 1994 had been marginalized under the apartheid government. The improvements inferred in the Bill of Rights would come through the provision of basic needs, such as health care, housing, piped water, electricity, freedom and security of the person. Precedence was given to improving the safety of citizens which highlighted the need for a transformation of the police, to become ‘a service working with the community, and overcoming the

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2 Constitution of the Republic of South Africa, Chapter 11, Section 205 (3).


5 Constitution of the Republic of South Africa, Chapter 2, Subsection (12), (26), (27).
grave problems of criminality and a culture of violence, created by the social dislocations inherited from the past.\(^6\)

The newly formed police service had to be aligned to new legislation and to the process of transformation in South Africa.\(^7\) Political leaders concerned themselves with ensuring a transition that would allay past fears of abuse by agencies of the state and ensure that the police would support rather than challenge the new found democracy.\(^8\) The current Constitution affirms that the governing principles underpinning security services is that they are subject to the authority of Parliament and the National Executive and must reflect the resolve of South Africans to be free from fear and want.\(^9\) Hence, security services for the Republic constitute a single defense force, a single police service and an intelligence service established in terms of the Constitution, any other armed service must be established, structured and regulated in terms of national legislation.\(^10\)

Parallel to the reform of the police force into a police service, there has been an unprecedented proliferation of private security services, hence, the Private Security Industry Regulation Act 56 of 2001 was promulgated, to regulate and maintain a trustworthy and legitimate private security industry.\(^11\) To this end the Private Security Industry Regulatory Authority (PSIRA) was established in terms of section 2 of the Act. A pivotal aspect of social and economic development is the rights to life and security, which the private security industry plays a critical role in protecting. This is further informed by the fact that every citizen has the right to freely choose an occupation, including the occupation of security service provider.\(^12\)

Notwithstanding the legitimacy and primacy of authority of the state security structures, the exponential growth of the private security sector gives impetus for an analysis of the security architecture that frames the South African context. The transformations that have been taking place within the SAPS and the private security industry reflect changes taking place in policing and security provision, in the global context. Establishing the extent to which partnerships —*ad hoc or formal*— between, members of the South African Police Service (SAPS) and members of the private security industry, are manifested in day-to-day security provision will form a critical point of departure for this analysis. Underlining this is the importance of effective regulation and a high level of compliance to accountability mechanisms for

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\(^6\) Ibid.

\(^7\) [http://www.saps.gov.za/saps_profile/history/history.htm](http://www.saps.gov.za/saps_profile/history/history.htm).


\(^9\) Constitution of the Republic of South Africa, Act No. 108 of 1996, Chapter 11, section 198 (a) & (d).


\(^12\) Private Security Industry Regulation Act 56 of 2001.
security service providers in the country. This, it is emphasized, refers to both public and private actors involved in security provision.

The hypothesis presented here posits that, a causal link exists between improved crime prevention capabilities and government support for a crime prevention partnership that includes accredited members of both the SAPS and the private security industry. The hypothesis put forward does not seek to disparage the sovereignty of the State and its security architecture; rather it is based on the realities that underpin security provision and in particular, the major role that the private security industry plays in providing security in the country. It is also derived from a cost-benefit calculation of the gains that could be made in crime reduction and community safety, once a robust debate leads to the development of a mechanism to promote crime prevention partnerships between the two entities.

It is anticipated that this paper will encourage dialogue and debate by policy makers responsible for policy direction for the provision of security in the country and South African citizens. The envisioned outcome for this is; the development of a formal model for enhancing the capacities for crime control, prevention and community safety. In theory, coordinated interaction, led by State organs responsible for security provision, would facilitate a partnership with private security companies (PSC’s), to complement the already established security architecture for the benefit of all citizens. The emphasis is on understanding the principles that inform the plurality of agents, responsible for security provision, particularly the public police and the private security industry. The emphasis is on developing a partnership approach to deal with the divergent factors that govern crime in the South African context.

Empirical research regarding the nature, governance and accountability of such partnerships was undertaken, using both primary and secondary sources. The primary sources were drawn from; interviews with managers of different private security companies, member’s of PSIRA’s leadership and Inspector’s that work to fulfill the Authorities mandate, and heads of different private security industry associations. The secondary sources were drawn from academic journals, books, newspaper articles, official government policy, the 2010 United Nations Office on Drugs and Crime (UNODC) Hand book, Commission on Crime Prevention and Criminal Justice through the UNODC’s Resolution 21/1 of 2012 E, the Report on the meeting of the Expert Group on Civilian Private Security of 2011 and the official SAPS website. The research findings will clarify the current and ad hoc nature of public-private engagement, and give suggestions about how they should work, to help create a framework for a crime prevention partnership approach.

The research question that this report seeks to answer is ‘to what extent crime prevention partnerships between the state security architecture, particularly the SAPS and the private security industry are feasible?’ For purposes of this research, twenty-nine semi-structured in-depth interviews were conducted with the management of private security companies in Pretoria, Johannesburg, Durban and Cape Town between October 2013 and March 2014. Twelve of these were conducted on a one-on-one basis, and eight were carried out with multiple members of the company’s management team, varying from two to seven members. Contributions from members of the industry provided invaluable insights regarding the dynamics that may affect the prospects for the proposed crime prevention partnership (CPP).
One of the company managers interviewed, Mr Diavastos, represents two of the most influential security industry bodies notably the Security Industry Alliance (SIA) and the Security Association of South Africa (SASA). Also interviewed were the Chief Operations Officer of the SIA, Mr Conradie and the Secretary of both SIA and SASA, Mr Botes- the two bodies are currently in the process of merging. Three members of PSIRA leadership were also interviewed, including the Director, the Deputy Director of Law Enforcement and the Senior Manager of legal services at the Authority; this yielded immense insights on the role that compliance and enforcement plays in regulating the private security industry in the country.

It must be noted that some requests for interviews were rejected because the persons were not interested or were unable to, due to organizational commitments; the responses therefore are from individuals who were available and willing to participate in the research. Unless otherwise stated for referencing purposes; only the date of the interviews will be provided, so as to preserve anonymity as requested by the participants. In this report contributions from participants will be referred to as responses from undisclosed managers of private security companies. This condition was deemed necessary to elicit authentic responses, but mainly due to the fact that most participants were unwilling to confer consent to allow the names of their private security companies to appear in this report.

Additionally, there was a request to review this report, as a pre-condition for some participants consent, this represented a limitation in terms of referencing which PSC and by whom the information was sourced. Participants were informed that they would only be privy to the final report and thus chose to remain anonymous. In order to conduct these interviews a semi-structured interview questionnaire was developed which contained 41 open-ended questions for company managers and fifteen for industry representatives. Open-ended questions were ideally suited for this research, because they are aimed at encouraging respondents to express their own opinions, and they provided the opportunity for detailed responses from individuals.

Questions were structured in a way that prompted the respondent to express their sentiments, perceptions, opinions and suggestions that may not have been initially considered; presenting an opportunity to gather more insights to include when answering the research question. The concerns raised during the course of the interviews, have defined the modalities that underpin the current gaps in knowledge about the private security industry; in relation to the support they offer the state through the provision of security. Indeed Stenning argues that, in the contemporary context it is near impossible to ‘identify any function or responsibility of the public police that is not, somewhere and under some circumstances, assumed and performed by private police in democratic societies’ (Stenning, 2009: 25). The reference to private police to refer to private security actors, as interpreted by other scholars, is avoided in the analysis presented below in order to provide a clear distinction between the public police and private security actors.

2. Contemporary Security threats

Background
As alluded to earlier the political transition in South Africa also necessitated a transformation of the security structures of the country, key to this was establishing a police service capable of operating in a democratic environment. A major complication was the need to amalgamate the policing structures of the separate political entities that had been re-incorporated into South Africa. These included the policing structures of four nominally independent states (Transkei, Bophuthatswana, Venda and Ciskei), six Self-Governing Territories (Gazankulu, Kangwane, Kwandebele, Kwazulu, Lebowa and Qwaqwa) and the South African Police Force, as it was formerly called. Unlike the former police force that was authoritarian, highly centralized and para-military, the new police service was required to resonate with principles of democratic policing.

Furthermore, immediately after 1994, there was a significant surge in crime and a perception that organs intended for social control made no real effort to control crime (Cavallaro, 2008). The 1998 White Paper on Safety and Security affirmed that the surge in crime in the country reflected a typical feature of states undergoing political transitions. This surge in crime led to a lack of confidence in the government’s ability to protect its citizens, and to the proliferation of the private security industry. The lack of confidence was informed and framed within the context of a protracted process of transforming the police service. This was evidenced by the first phase of Western led assistance, which aimed to transform and legitimize the police as an organ for social control, followed in 1996, by a second phase of Western assistance to address emerging crime (Cavallaro, 2008).

A direct consequence of the apartheid’s government use of the police to control political opponents meant that, police expertise to concentrate on crime control and crime prevention was severely weakened in the post-transition era. The racial fragmentation of police services in 1994 revealed the extent of the challenge facing the country as ‘74 % of the country’s police stations were situated in white suburbs or business districts’ (White Paper on Safety and Security, 1998). The architects of the new Constitution required a police service that would be responsive to all sections of society, with the envisaged aims articulated in the Constitution as follows:

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) lays down that the South African Police Service has a responsibility to: prevent, combat and investigate crime; maintain public order; protect and secure the inhabitants of the Republic and their property; and uphold and enforce the law; create a safe and secure environment for all people in South Africa; prevent anything that may threaten the safety or security of any community; investigate any crimes that threaten the safety or security of any community; ensure criminals are brought to justice; and participate in efforts to address the causes of crime.

However, despite the ambitions of the proposed reforms for the SAPS, the number of and evolution of private security services forms a critical point of departure for understanding the provision of security in


14 Ibid.

15 Ibid.

16 Available at: http://www.saps.gov.za/org_profiles/vision_mission.htm (accessed 10/01/2014)
the country. It was observed in 2001 that an overwhelming majority of South African’s were not confident in the government’s ability to control crime; this spurred the proliferation of the private security industry and vigilantism in the country (Cavallaro, 2008). The rapid and influential growth of the private security industry was described by one commentator as the ‘silent revolution’ (Irish, 1999).

Arguably, this revolution was influenced by the segregated policing during apartheid that created a ‘fragmented criminal justice system characterized by lack of infrastructure, scarcity of properly trained personnel, and poor service delivery; notwithstanding this, many trained detectives [from the former SAP] opted for highly paid jobs in the private [security] sector.’ The irony is that this was needed for the newly formed SAPS to bear a semblance of transformation. The view is held that further incentives to join the private security industry came in the form of the massive retrenchment packages that were offered to senior white, police after officers that were leaving the newly restructured police service. The flight of experienced police officers was compounded by increasing crime rates during the transition period, and a moratorium on the appointment of new police personnel between 1995 and 2002; decreasing from 140,000 to 121,000.

With the opening of the country’s borders after 1994, and South Africa’s developed banking and transport infrastructure, various forms of organized crime like; money laundering, cyber crime, vehicle hijacking and narcotics syndicates experienced rampant growth.

The central argument in this paper posits that a partnership between state and non-state actors involved in crime control and prevention would be in line with already established trends of broadening the concept of ‘policing.’ In this paper, unless otherwise indicated, policing should be taken to mean any services rendered by the SAPS, pursuant to the objectives of the Constitution of the Republic outlined in the Police Service Act 68 of 1995 and the subsequent South African Police Amendment Bill of 2012,

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21 The 2010 United Nations Office on Drugs and Crime (UNODC) published a ‘Handbook on the Crime Prevention Guidelines: Making them work.’ The UNODC Handbook emphasizes the importance of a shared responsibility for general safety and security. This is based on the recognition that the formal criminal justice system is not sufficient for preventing crime. Furthermore it is conceded that with the leadership of government, different sectors of society can work together to ensure a shift from, deterrent and reactive, to forward looking and proactive approaches to combat crime. See also: Bayley and Shearing (1996) examine the restructuring of policing in democratic societies globally, with emphasis placed on the United States of America (USA), the United Kingdom (UK) and Canada.
the Criminal Procedure Act 51 of 1977 and the Firearm Control Act 60 of 2000. Policing as undertaken by the SAPS refers to services including, but not limited to: visible policing, protection and security services, crime intelligence, detective services, criminal record and forensic services, combating organized crime, public order policing, community policing forums and boards, emergency response services and reservists. However, it is notable that currently there are over 270 000 armed statutory forces, comprising the SAPS and the South African National Defence Force (SANDF), compared to over 445 407 registered private security officers (PSIRA Annual Report, 2012/2013), almost double the number of statutory forces combined.

PSIRA’s Director Mr Chauke stated that the vision for the private security industry in crime prevention stems from the preventative role they play in averting crime in the communities they operate in. This is complementary to the SAPS’s reactionary role and it was noted that there were potential gains to be made if planning on how to prevent crime was formalized. He asserted that the role of the private security industry was already touted in the 1996 National Crime Prevention Strategy (NCPS), as part of an integrated society. He further highlighted that some joint operations already existed, for example in the assets-in-transit (AIT) sector; in the form of a joint operations centre for collaboration between private security actors, the police, the banking sector and business.

Since the establishment of this centre, AIT ambushes have decreased and this has been made possible through the dedicated work and intelligence of the private security industry and the SAPS, and through the investment of helicopters to monitor and respond when needed. He underscored that resources for a crime prevention (CPP) partnership should come from both agencies; a sign of the willingness to contribute to crime prevention. He further noted that simultaneously, the SAPS should avail policies that can facilitate and enhance the manpower needed to prevent crime.

**Contemporary Security Threats**

A critical aspect of domestic security in South Africa is framed around the reality and perception of crime. The SAPS 2011/2012 Crime Statistics charted the anatomy of serious crime in country between 2004/05 to 2011/12 (see graph below).

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23 Interview with the Director of PSIRA, Mr Chauke, 30/07/2013.

24 Ibid.

25 Ibid.

26 Interview with the Director of PSIRA, Mr Chauke, 30/07/2013.

27 Ibid.
Serious crime categories calculated by eight year crime data, refers to, contact crime as murder, attempted murder, sexual offences, assault with grievous bodily harm (GBH), common assault, robbery aggravating & common robbery; trio crime is defined as carjacking, robbery residential & business (SAPS Crime Statistics, 2011/2012). Additionally contact related crime refers to arson, malicious damage to property; property related crime is defined as burglary; residential and non-residential, theft of motor vehicle/cycle, theft out of motor vehicle and stock theft. Crime detected as a result of police action refers to illegal possession of firearm/ ammunition, driving under the influence of alcohol and drugs, it is noted that this category of crimes may increase as a result of police action; and other serious crime relates to theft, commercial crime and shoplifting. The crime statistics are of significant relevance to the private security industry, which relies on these statistics to plan and pre-empt security services for their clients.

Manager’s of PSC that were interviewed for this research were asked if they had a way to chart crime levels in the area where they operated, the following responses were recorded. Two managers in Cape Town stated that they did not have a way of charting whether crime had increased or decreased in the

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30 Interview with managers from undisclosed private security companies, 07/10/2013 & 15/11/2013.
area where their PSC operated, further noting that according to their experience crime seemed to have increased over the past 8 years, especially on farms in Stellenbosch referring to: armed robberies, and an increase in ATM bombings.\textsuperscript{31} Another manager stated that crime rates were dependent on the location of the site and the type of crime prevention the client sought, claiming that in residential areas crime had gone down, and that in low cost housing areas there were minor incidences involving access control.\textsuperscript{32} He further went on to state that the biggest problem the PSC experienced was with construction sites, involving employees that stole equipment (cement, pipes etc), but noted that through police assistance, there had been major improvements.\textsuperscript{33} Managers of two different PSCs noted that crime had leveled and had even decreased, based on; their experience, comparison of previous years, interaction and reliance on the SAPS crime statistics.\textsuperscript{34}

Two different interviews yielded responses that affirmed a decrease in copper cable theft, one specifying that their services for the power utility Eskom, had resulted in a 75% decrease in this crime.\textsuperscript{35} One manager claimed that it was difficult to know if crime had peaked or dipped, as they had not experienced much crime in the area where they operate and were unsure if this was as a result of the services they offered.\textsuperscript{36} He also stated that there was no accurate data from SAPS, which made it difficult to know what was real and what was not.\textsuperscript{37} Two managers in Pretoria claimed that there had been no decline in crime and copper theft; which had continued unabated in the area.\textsuperscript{38}

In Durban two managers highlighted that the biggest problem in the area was house breakings; noting that he and his colleagues continued to attend weekly meetings with the SAPS to keep up with crime trends in the area.\textsuperscript{39} One manager noted that there had been a definite decline in crime on the farms where most of their operations were concentrated, and had seen a decline from 140 incidents every month to only 25.\textsuperscript{40} This he noted was because of the role the PSCs officers played in arresting suspects.\textsuperscript{41} Minimal incidents of crime were recorded at the point of duty for another PSC,\textsuperscript{42} while

\begin{itemize}
  \item \textsuperscript{31} Interview with managers from an undisclosed private security company, 13/11/2013.
  \item \textsuperscript{32} Interview with manager from an undisclosed private security company, 12/11/2013.
  \item \textsuperscript{33} Interview with manager from an undisclosed private security company, 12/11/2013.
  \item \textsuperscript{34} Interview with managers from undisclosed private security companies, 14/11/2013 & 15/11/2013.
  \item \textsuperscript{35} Interview with manager from an undisclosed private security company, and Quemic group, 08/11/2013.
  \item \textsuperscript{36} Silver Solutions Fund, 10/10/2013.
  \item \textsuperscript{37} Silver Solutions Fund, 10/10/2013.
  \item \textsuperscript{38} Venus Security Solutions, 07/10/2013.
  \item \textsuperscript{39} Tactical Security Services, 08/11/2013.
  \item \textsuperscript{40} Interview with manager from an undisclosed private security company, 06/11/2013.
  \item \textsuperscript{41} Interview with manager from an undisclosed private security company, 06/11/2013.
\end{itemize}
another manager noted that his PSC relied on information from the police station in the area, however he could not say that crime had gone down in the area.\(^{43}\) One other manager noted that crime was lower where they operated particularly theft which had become minimal with one or two incidences a month.\(^{44}\) One manager noted that they had no way of charting crime levels, which came down to police visibility that was lacking in the area, it was noted that monthly meetings were held with clients to allow the PSC to map crime trends in the area; he noted that intermittent spikes of crime were dealt with accordingly.\(^{45}\)

The question was posed to the managers of different private security companies PSC’s regarding what was the most common kind of crime private security officers had to attend to in the pursuit of their companies objectives? One manager in Durban stated that the theft of cable was the most concerning and common crime, especially at the container depot and recalled an incident in which 30-40 metres’ of cable were stolen.\(^{46}\) The PSC is responsible for providing 24 hour monitoring, CCTV surveillance for clients such as Transnet and Greenrock Shipping.\(^{47}\) Another manager whose company also deals with the protection of copper cables stated that this was a major issue on farms as well, and posed a threat for the stability of dams and boreholes.\(^{48}\) Cable theft came up again as being a major crime and one of the interviewees stated that his PSC is responsible for preventing this crime for the Ethekwini municipality and the Pietermaritzburg municipality.\(^{49}\) They also identified the illegal sale of scrap metal and second-hand goods as a major concern for their clients.\(^{50}\)

An aggregate of the most common crimes recorded by PSCs were; house breaking, burglary and robbery, armed robbery, breaking and entering, vandalism, assault, malicious damage to property, stowaways, illegal immigrants entering and leaving the country on ships, theft mugging, assaults in health institutions, public disorder, shoplifting, heists during cash in transit, trespassing, internal cash losses and internal theft of security equipment such as laptops and hand radios, fraud, sabotage of parastatals; with regards to an incident that involved a stand-off with the organization Green Peace.\(^{51}\) These crimes represent the primary concern for the private security companies that participated in the study, and

\(^{42}\) Interview with manager from an undisclosed private security company, 07/11/2013.

\(^{43}\) Interview with manager from an undisclosed private security company, 08/11/2013.

\(^{44}\) Interview with manager from an undisclosed private security company, 05/11/2013.

\(^{45}\) Interviews with managers from an undisclosed private security companies, 05/11/2013.

\(^{46}\) Interview with manager from an undisclosed private security company, 05/11/2013.

\(^{47}\) Interview with manager from an undisclosed private security company, 05/11/2013.

\(^{48}\) Interview with manager from an undisclosed private security company, 06/11/2013.

\(^{49}\) Interview with manager from an undisclosed private security company, 05/11/2013.

\(^{50}\) Interview with manager from an undisclosed private security company, 05/11/2013.

\(^{51}\) Interviews with managers of private security companies, 05/10/2013- 15/11/2013.
reflect a close resemblance to the crimes the SAPS have a mandate to address, despite the real and perceived dichotomy of the two agents. The distinction in the legal terms between the police and the private security industry is clear and concise, however Berg notes that ‘they seem to underpin not necessarily what the private security does- in terms of its similarity to the state police and the oversight challenges that this creates- but rather that industry is- run on business principles’ (Berg, 2007). How this may affect the proposal of a crime prevention partnership between the police and the private security industry will be discussed in more detail later in the paper.

Crime as a social phenomenon

Developing a substantial argument to show causality between the socio-economic challenges namely, inequality, unemployment and poverty and how this is correlated with crime, is beyond the scope of this paper. However, one can establish the emergence of fault lines in the South African context, particularly when socio-economic challenges are conflated with the realities of maintaining stability within the global economy, and consequently the effect this has on the local public. The 1995 National Crime Prevention Strategy (NCPS) asserted that the ‘causes of crime are deeply rooted in the history and socio-economic reality of South African society.’ What applied in 1995 can still be traced in the contemporary South African context, as the emphasis continues to be on ‘transformation imperatives that will accelerate growth, create work opportunities and build a more equal society’ (Minister of Finance, Budget Speech, 2014). The NCPS juxtaposed the violent history of the country and the ‘culture of violence’ associated with criminal activity, with the unfulfilled material expectations from the political transition, and the limited capacity to deliver for the new government. The inference was made that ‘the very high, and often unrealized, expectations associated with transition have contributed to the justification of crime.’

The Victims of Crime Survey (VOCS) is a countrywide survey that aims to provide information regarding the dynamics of crime from the perspective of households and the victims of crime; perceptions about crime and victimization are complemented by crime data provided by the SAPS. While the VOCS cannot replace police statistics it can contribute to capturing the overarching characteristics that govern crime and perceptions of crime. A 2003 VOCS revealed that in the four


55 Ibid.

56 Victims of Crime Survey, 2012, Reference period January to December 2011, Statistics South Africa. Victimisation surveys are likely to produce higher crime estimates than police-recorded administrative data. This is due to the fact that many crimes are not reported to the police. Victim surveys deal with incidents which may not necessarily
The 2012 Victims of Crime Survey found that six in every ten (59,3%) households perceived housebreaking/burglary to be one of the most common types of crime, followed by home robbery (46,2%), street robbery (41,4%) and pick-pocketing (32,1%). Only 1,7% of the households perceived white-collar crime as a common type of crime. Approximately half of households thought housebreaking/burglary (57,4%) and home robbery (49,8%) were the most feared crimes in their areas. The third most feared crime was street robbery (39,6%), followed by murder (38,8%). About one in three households said that they were afraid of pick-pocketing (31,2%), sexual offences (29,8%) and assault (23,6%).


A consensus exists, among both scholars and the international community, that lethal violence is often rooted in contexts of deprivation, inequality and injustice, social marginalization, low levels of education and a weak rule of law (UNODC Handbook: 29). At a global level, low levels of violent crime are associated with higher stages of development and income equality (UNODC Handbook: 29). Economic deprivation in no way justifies the incidents of crime, but should rather inform the decision-makers of the importance of enacting policies to address the root causes of crime associated with deprivation and the consequences this has on the society as a whole.

A further security threat in the South African landscape has been framed by the increasing prevalence of violent service delivery protests, ‘galvanised by inadequate local services or tardy service delivery, the responsibility for which lies with a municipality’ (Allan & Heese, 2009). Research from Municipal IQ’s Hotspots Monitors posits a direct causal link between the migration of relatively deprived unemployed persons from rural to urban areas and the occurrence of violent service delivery protests; revealed by their occurrence in informal settlements, a sign of failed local government economic policy (Allan & Heese, 2009). Graphs 1.3 and 1.4 below reflect barometers from the Multi Level Government Initiative that have charted the frequency of service delivery protests, and the annual growth rate of protest activity; which indicate that the growth rate of protests has increased by 100% in each year of the data set. The initiative defines protest as: any complaint or issue cited by protesters in reports, whether

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related to the delivery of municipal services or not, over which citizens decide to and actually engage in organized public protest activity.60

**Graph 1.3:**

The pervasive nature of service delivery protests and their susceptibility to violence is most notable in the South African context, with implications on the way the police’s approach to service delivery protests is discerned. The Bill of Rights underscores that ‘everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions’ (Constitution of South Africa, No. 108 of 1996, section 17). However, protest activity is becoming increasingly marked by violence. The link was made in the 1996 National Crime Prevention Strategy (NCPS) between unfulfilled material expectations of citizens and the justification of crime, and that the ‘historical criminalization of political activity and protest has… contributed to a blurring between legitimate forms of protest and criminality’

60 Ibid.
(NCPS, 1996). ‘Service delivery protests are not supposed to be dangerous, it is the responsibility of the police to deal with it in such a manner that it does not become dangerous…police violence at service delivery protests it has been noted, has become a trend.’61

A reflection of the paradoxes and conflicting morality that exists in policing practices, are highlighted in particular reference to the public police, who are ‘intended to produce a degree of certainty in managing fundamentally problematic yet recurrent situations’ (Loader, 2011: 451 & 452). It is asserted that the public police are proverbially caught between a rock and a hard place due to the fact that they are the ‘fire that you fight fire with,’ and are endowed with the authority to partake in activities that would be considered as a crime for the rest of society (Loader, 2011: 452).

Faull makes the claim that, violence as a tool for earning respect has been normalized, that many members of the SAPS have embraced the view that violence teaches lessons and solves problems, and that it builds respect (2013: 9). Conversely, it is noteworthy that the police, in their efforts to counter crime are caught in the proverbial ‘crossfire’ and ‘between 2005 and 2013, close to 800 police officers were killed’ (State of the Nation Address, 2014). One of the most compelling incidents that have brought to the fore the challenges in public policing, was the 16 August 2012 Marikana massacre and its subsequent aftermath. The incident involved the shooting and deaths of 34 mineworkers and cast an ominous shadow on the future of the mining industry and the South African economy as a whole,62 due to incidences of strike action that followed in the mining sector.63 The Marikana massacre illustrated the increasingly strained link between human rights, the plight of the economically marginalized and public policing procedures in the country.

During his 2014 State of the Nation Address President Jacob Zuma expressed concern regarding violence during some of the protests that have been occurring in the country. He affirmed that the government supports the ‘the right [of citizens] to protest, peacefully and unarmed…[but] that acts of violence, intimidation and destruction of property were criminal offences, and the police would arrest and prosecute those who committed such acts’ (State of the Nation Address, 2014). The President further stated that the loss of life in the hands of police could not be overlooked and asserted that the police must act within the ambit of the law at all times, but that scrutinizing police action should not lead to glorifying anarchy in our society (State of the Nation Address, 2014).

The 2012/2013 National crime statistics highlighted that ‘there had been a continued decline, in both ratios and figures of crime over the past 9 years, 2004/2005 to 2012/2013, against the increase in


63 The strike action referred to and was prominent during the drafting of this report was the six month strike in the platinum sector, the strike lasted from January to June 2014.
population figures’. It was asserted that there has been an observed correlation between the incidences of crime and the challenging socio-economic conditions that prevail in the country. It was stated that violent social behavior characteristic of majority of serious crime categories is deemed to be a serious concern owing particularly to the failure for such violent behavior to be deterred by law enforcement agencies. The concession was made that a collective effort was paramount from all affected stakeholders, including local communities, and that the prevention of crime should be approached as a partnership in order to prevent the domino effect where small crimes escalated into more serious crimes.

Responding to a question regarding the standards of members of the private security industry and whether this ought to elicit endorsement from the SAPS as a part of the states crime preventing force, the PSIRA’s Deputy Director for communications asserted that technological advancements in the private security industry demonstrated that the industry was evolving with the times, and was constantly refining their skills to provide security better. However it was noted that low barriers to entry created challenges with regard to ensuring that standards of the industry were kept high, this was further compounded by the fact that the industry created jobs; which meant that barriers should neither be too high. Concerning this, the aim was to develop a new minimum entry requirement that would enable the private security industry to create jobs, without hindering the quality of recruits.

3. The size of the private security industry

The proliferation of private security service providers reveals a gap in the safety and security demands of what South African citizens expect, and the reality of what the SAPS can feasible offer. Historical circumstances have played an instrumental role in the current unequal strength of the SAPS, considerably limited in size when compared to the South African private security industry. Concerning the growth of the private security industry, two critical policy shifts are worth mentioning. Firstly, the withdrawal of the South African Police (SAP) from conventional policing functions in the late 1970s to concentrate the SAP in efforts to suppress liberation movements and consolidate political control.


65 Ibid.
66 Ibid.
67 Ibid.
68 Interview with PSIRA Deputy Director: Communications, 02/06/2014.
69 Interview with PSIRA Deputy Director: Communications, 02/06/2014.
Responding to burglar or intruder alarms situated in private homes, business premises and factories is, strictly speaking, part of the police’s crime combating and prevention functions, but due to resource constraints is no longer performed by the police.71 In response, private security operators have exploited the gap in the provision of alarm-response services which has become privatised, with the private sector selling an alarm-response service to customers who have the means to pay for it.72

Secondly, the enactment of the National Key Points (NKP) Act of 1980, that required PSCs to be recruited to support the role of the state in protecting NKP’s, such as ports of entry, military bases and fuel plants.73 Under the supervision of the South African Defence Force, the managing agent of the NKP’s, the security of the NKP’s was entrusted to their proprietor’s; who were international companies in favour of outsourcing security to local PSC’s, and to whom search and seizure powers were extended.74 It is argued that the professionalism and militarism of the private security industry was due to the influence from the Defence Force, legislation enacted to regulate the industry, and expectations from other clients that the special powers and status of NKP’s guards could be applied for the security services they sought.75

Additionally, it is noted that the practice of PSCs recruiting only members of the former SAP was abandoned in the 1990s,76 although this had already led to a dramatic influence on the quality of security provision. The skewed ratio of public police per head is also an intervening variable, and can be attributed to the sense of inadequate security provision, whether real or imagined. The SAPS recorded 157,518 police officers in the service, excluding civilians in April 2013.77 In South Africa the police-population ratio’s are accounted for using the number of police officers as of April 2013, of 157 518, against the 2007 mid-year estimates of the total population of the country of 47,849,800.78 According to

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72 Ibid.


75 Ibid.


78 Ibid.
the SAPS the ratio stands at (1:303) 1 police officer for every 303 citizens.\textsuperscript{79} The reasons behind the disparity of the years used to establish the ratio have not been specifically articulated by the SAPS.\textsuperscript{80}

In order to ensure that policing, both public and private is equitable and accountable, it is asserted that private security needs to be considered in national and local government plans. This is provided for in the Constitution of South Africa, Act 108 of 1996, s 206 with regards to the political responsibility for the police, the member of Cabinet responsible for policing ‘must determine a national policing policy after taking into account the policing needs and priorities of the provinces.’\textsuperscript{81} The 1998 White Paper on Safety and Security alluded that the role private security industry played in providing security was ‘useful…[and] in principle [the private security industry’s future role should be] one of partnership with the State.’\textsuperscript{82}

In South Africa security provision and the criminality it seeks to counter continues to be a reflection of the kind of society we live in. It can be argued that a considerable number of the challenges facing South Africa as a developing country are derived from the high levels of crime, the high levels of fear of crime and the limited role the SAPS can play in crime prevention.\textsuperscript{83} Community involvement in crime prevention measures should be framed as an inevitable need, considering the demands on the SAPS since 1994 to respond to the Constitutional criteria for police reform and the challenges of policing in a democratic environment.\textsuperscript{84} According to the South African Police Service Act, No. 68 of 1995, Chapter 7, section 18, (1) (a), (b), (c), (d), (e), (f) Community Policing Forums (CPF’s) were established. Their objects are to establish and maintain a partnership between the community and the SAPS, promote communication, cooperation and joint identification and problem solving, and improve police services and transparency in the SAPS. For well resourced communities this also means taking responsibility for their safety through the private security industry and neighbourhood watch initiatives.\textsuperscript{85} According the 2011/2012 VOCS

\textsuperscript{79} Ibid.

\textsuperscript{80} This is despite claims by Gareth Newham of the Institute for Security Studies (ISS) that there are glaring ‘errors in the newest crime statistics as a result of inaccurate population figures being used to compare the change in crime ratios between 2011-2012 and 2012-2013. Available at: http://www.timeslive.co.za/thetimes/2013/11/07/glaring-errors-in-crime-stats. This will remain a matter for conjecture, but may perhaps lead to a robust debate and engagement from the public regarding the merits or lack thereof, of the SAPS crime statistics.


\textsuperscript{82} 1998 White Paper on Safety and Security.

\textsuperscript{83} Van Der Spuy. E & Rönsch. R, p 56.

\textsuperscript{84} 1998 White Paper on Safety and Security.

\textsuperscript{85} Van Der Spuy. E & Rönsch. R, p 57.
About two-thirds (65.6%) of households in Gauteng and Western Cape (64.4%) indicated that they took physical protection measures to protect their homes. The extent to which a household crime is reported to the police depends on the type of crime. Murder was most likely to be reported (98.2%), followed by car theft (92.2%). About 60% of housebreaking/burglary, deliberate damage of dwelling, and home robbery was reported to the police. Amongst those who didn’t report crime to the police, some had indicated that they had reported it to a traditional authority, local gang, Community Policing Forum, insurance company, private security, local ward councillor or local vigilante group.\(^{86}\)

The private security industry in South Africa is considered one of the largest in the world, in terms of its contribution- which amounts to 2% of the country’s Gross Domestic Product (GDP).\(^{87}\) The industry is made up of private security companies and private security officers who are legally registered business entities and individuals, that provide on a contractual basis; security services as defined in the PSIRA Act 56 of 2001. It is stated that the industry has continued to grow, in response to the growing crime rate characteristic of the transitional period and because it has created, an ‘avenue for employment for returning liberation army members’ and as a result of increased liberalization of the economy.\(^{88}\) The figures that represent the industry are staggering and they strengthen the point that the industry is growing at an exponential rate. This is the same industry that was valued at R1.2 billion in 1990.\(^{89}\) In 2007, the industry was estimated to have a net worth of R30 billion.\(^{90}\) In 2010, an indication of the private security industry’s rapid growth, the industry was recorded as having an annual turnover of R 40 billion.\(^{91}\) Graph 1.5 and 1.6 reveal the growth of active and inactive private security businesses and security officers, since 1991.\(^{92}\)

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\(^{90}\) Ibid, p. 129.


\(^{92}\) This information has been sourced through PSIRA’s records. Any fluctuations must be taken in consideration of the fact that for example, the PSIRA Annual Report 2012/2013 reflect only the figures of active and inactive private security businesses and officers, until the end of the South African Revenue Service (SARS) tax season in the end of January.
Graphs 1.5 and 1.6 reveal the sheer demand for the private security industry which has become a critical player in the provision of security in South Africa. It is no secret that South African crime statistics are among some of the worst in the world. Between April 2013 to March 2014 the SAPS recorded: 17,068 instances of murder, 62,649 total sexual offences, 260,460 instances of burglary at residential premises, 11,221 instances of carjacking, 145 instances of robbery of cash-in-transit, and 19,284 robbery at residential premises.\(^93\) It can be argued that on their own, the South African police have do not have sufficient capacity to effectively provide security to the South African population. This is where the demand for the private security sector becomes critical and has been manifested in the increase in the demand for security services, particularly, in the guarding sector.

From the figures reflected in the latest PSIRA Annual Report (2013/2014), it is clear that the guarding sector continues to be the most sought after. During this period, a total of 7,220 active guarding businesses were registered with PSIRA as compared to 6,370 during the 2012/2013 financial year. The demand for armed response services is also on the rise. During the financial year 2013/2014, a total number of 4,550 registered armed response security businesses were recorded as compared to 2,740 of the 2012/2013 financial year. Another increase is also recorded within the cash-in-transit sector. During the same period, a total number of 4,465 cash-in-transit security businesses were registered as compared to 2,061 during the 2012/2013 financial year. The above figures illustrate that the South African private security industry is thriving and will continue to do so in the foreseeable future. The South African private security is armed, and the services that are most in demand remains the guarding services, followed by the armed response, and the cash-in-transit services.

The South African private security industry has effectively stepped “into a gap between the public’s demand for law and order and the government’s limited capacity to render such services.” However, some rogue elements have also tainted the industry by committing criminal offences, resulting from the nature of their work. The misuse of firearms by security guards has also been witnessed within the private security industry. Regarding the illegal use of firearms within the private security industry, Jaynes argues that private security companies are perceived as a high risk for the diversion of company weapons to an illegal pool that uses company firearms to perpetrate violence. Jaynes affirms that there is insufficient data on how many firearms are used in which crimes and on the rates of diversion. The shortcomings, in terms of misconduct and criminality within the private security industry, are highlighted later in this report, in order to assess the feasibility of a crime prevention partnership between state and non-state actors.

4. Reasons for the growth of the private security industry

In the first ten years of South Africa’s democracy many of the laws, rules and norms, pertaining to security governance and the public figures responsible for implementing them, underwent constant transformation (Bénit-Gbaffou, 2006: 303). Communities increased participation in the governance of their own security was markedly influenced by the growing crime levels, a typical feature of transitional countries. This reflects a legacy of the devolution of security to private actors that was encouraged in


95 PSIRA Annual Report 2012/2013 at p 36.


the early 1970s [by the apartheid government], intended to allow the national police to focus on political objectives (Bénit-Gbaffou, 2006: 301-302). Many residents, rich and poor, black and white, expressed that at a certain point they ‘had to take the law into their own hands (Bénit-Gbaffou, 2006: 302).

International trends for good governance and community participation in the production of security, the necessity of regaining residents’ (particularly in townships) confidence, as well as the current inability of the police service to ensure security, led the post-apartheid state to enhance non-state actors’ participation in the provision of security (Bénit-Gbaffou, 2008: 1934).

In the preceding period before 1994 security in affluent [predominantly white] neighbourhoods security was outsourced to private security companies, while in the townships, community policing and justice systems developed, spurred on since the 1980s by urban political movements intended to make the townships ‘ungovernable’ (Bénit Gbaffou, 2006: 301-302). Civic organisations developed with the aim of making self-justice movements, with very tight street and neighbourhood networks more politically visible (Bénit-Gbaffou, 2008: 1934). There was a pervasive perception that the police were unable to protect the public. South Africa’s apartheid government encouraged the expansion of the private security industry, in order to allow the police services to focus on consolidating political control. This explains the dominance of white former police and military personnel in management positions of PSCs. However, today this dominance has changed markedly and the private security industry is increasingly seen as a lucrative and entrepreneurial enterprise for all members of South African society.

The growth of the private security industry was also informed by the increased access for the public to private property, such as shopping malls. The powers exhibited by members of the private security industry and private security officers in particular, derive from the property laws of the 20th and 21st century, and are compounded by the urbanization of modern cities (Stenning, 2009: 24). This is characterized by ‘mass private property’ and other forms of ‘communal property.’ The property rights in the South African Constitution effectively give the property owner the right of admission for, the type persons allowed on their property: such property, although it is considered to be privately owned, is used by the public as a public space. ‘Mass private property’ refers to: urban shopping malls, sports stadia, recreational and entertainment centers, airports, transport hubs and ‘communal property’ such as, gated communities or security villages. The rights compromised of the patrons that frequent the equally private and public domains, that either experience inadequate policing or excessive use of force, is discussed in more detail later in this report.

One of the question invited opinions from security managers, regarding what factors contribute to the growth of the private security industry. While all expressed that the biggest factor was crime and the


102 Ibid.

103 Ibid, p 27.
Responses revealed that managers of PSCs felt that the increased demand for their services was because crime is at its worst, and the suggestion that in most cases this was related to unemployment. One response stated that the growth was linked to the "huge increase in crime and the inability of police to reduce it." The aggregate of the responses suggested a consensus that key factors of the growth of the private security industry included; the lack of trust in the SAPS and lack of sufficient capacity for the SAPS on the ground. In Durban, one manager noted that the economy was booming and this was interpreted through the increase in the construction of warehouses, and the increased flow of exports which had made security vital. It was stated that the business sector and individuals did not have enough trust in the police, and this was compounded by low barriers to entry and the ease with which there was to buy a fake PSIRA certificate, that only cost R50; these factors made private security a career of last resort, and a key aspect of the unprecedented growth of the private security industry.

The issue of low barriers to entry prompted a discussion about the establishment of a formal education system for the security industry, but this was discounted as it would become too expensive. A suggestion was made that entry and training of school leavers that cannot afford tertiary education should be provided, however it was noted that this would only be feasible if it were funded by the Safety and Security Sector Education and Training Authority (SASSETA). It was conceded that absence or negligence of the private security industry could have a negative effect on citizens, but that the consumer also played a crucial role and needed to be properly informed and that "some members of the public only got private security in order to get insured." In Cape Town one manager highlighted that the increased demand for volumes of cash that needed to transported, particularly to the suburbs, to supply the increasing number of ATMs was a sign that a booming economy also played a role. It was underscored that the contribution of new smaller companies with low rates for clients that outpaced, the already established PSC's benchmark on quotations, was made worse by the ignorance of consumers.

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104 Interviews with managers of private security companies, 05/10/2013-15/11/2013.

105 Interview with manager from an undisclosed private security company, 05/10/2013.

106 Interviews with managers of private security companies, 05/10/2013-15/11/2013.

107 Interview with manager from an undisclosed private security company, 05/11/2013.

108 Quemic Group, 08/10/2013.

109 Ibid.

110 Ibid.

111 Ibid.

112 Interview with manager from an undisclosed private security company, 14/11/2013.

113 Interview with manager from an undisclosed private security company, 15/11/2013.
One manager noted that there was a link between the growth of the private security industry and the need for active monitoring because, ‘a camera cannot offer any response or call the police,’ however he conceded that a security officer is very limited in his/her response, ‘they have limited training and are not willing to lose their lives for such little pay.’ Two managers in Pretoria stated that economic growth indeed played a role in the growth of the private security industry and noted that most of their clients were commercial enterprises, noting that the ease it took to become a security officer as compared to a police officer was also a factor. Furthermore they highlighted that a major challenge in the industry was related to the training aspect of recruits and particularly those responsible for issuing training certificates, emphasis was placed on SASSETA’s role in inspecting these centre’s.

The claim has been made that the delegation of security is also rooted in a desire for public authorities to develop new and improved ways of managing the city, informed by ‘both an international call for ‘good governance’ and a neoliberal shift’ (Bénit-Gbaffou et al, 2008). The plethora of actors, state and non-state, participating in the provision of security is an indication of the fear of crime and insecurity that persists in the country (Minaar, 2007). It is alleged that this fear and insecurity stems from the Constitution’s protection of the rights of ‘arrested, detained, and sentenced persons…while not equally protecting ordinary citizens’ (SAHRC Report, 2004: 23). Private security providers conform to the demands of communities that seek a specialized and extra sense of security, which is supplementary to that provided by the public police. Their service resonates with residents who wish to ‘appropriate the streets for themselves and promote a condition of well-being, social linkage and safety (Bénit-Gbaffou, 2006).’

Regarding what security services are the most sought after in the private security industry the responses revealed that the following services were in demand: guarding, installing electronic security systems, close protection, VIP protection, transporting high risk cargo, assets-in-transit (AIT), farm security, investigations, monitoring and armed response, integrated and dynamic solutions (which included...

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114 Interview with manager from an undisclosed private security company, 12/11/2013.

115 Venus Security Solutions, 07/10/2013.

116 Venus Security Solutions, 07/10/2013.


guarding and training), private investigations, consulting to ensure that electronic systems are up to standard and are compliant, and tactical teams sought after by farms and mines.\textsuperscript{121}

It was however noted that requests for guarding and armed guarding had decreased in interest due to length of time it takes to get a certificate issued.\textsuperscript{122} The registration unit has heeded this challenge and, in line with PSIRA commitment to excellent service delivery has achieved on overall average, a turnaround time of 19 days for individual registrations and 15 days for business registrations. Furthermore it was noted that regarding electronic security installation, clients do not want to pay for a proper camera so they purchase one from the ‘China malls’ and subsequently have difficulty servicing the camera.\textsuperscript{123} It was asserted that strict laws regarding the sale and installation of electronic security equipment and services should be implemented in a similar fashion as the law that applies to electric fences.\textsuperscript{124}

In Cape Town one manager stated that his company provided ‘end-to-end’ type of security solutions, not just guarding, but also cash-in-transit (CIT) and the processing of cash.\textsuperscript{125} To minimize incidents regarding the movement of consignments clients used the same PSC for collecting and processing of cash, to decrease chances of theft.\textsuperscript{126} One manager noted that the most sought after services were guarding and 24 hour monitoring from the control room, and went on to say that in the private security industry there is always an issue with the cost structure and a concern of losing the client.\textsuperscript{127} He noted that government contracts were more profitable because ‘the government was able to pay.’\textsuperscript{128}

5. Services offered by the Private Security Industry

Chapter 1, section 1 of PSIRA Act defines ‘security equipment’ to mean the following: - an alarm system; 

\textsuperscript{121} Interviews with managers of private security companies, 04/10/2013-15/11/2013.

\textsuperscript{122} Silver Solutions Fund, 10/10/2013.

\textsuperscript{123} Silver Solutions Fund, 10/10/2013.

\textsuperscript{124} Silver Solutions Fund, 10/10/2013. From 1 December 2012 all new, upgraded and repaired electric fence installations in South Africa must be compliant and the government has now established strict new regulations for this industry. By 1 October 2013, all electric fence installers must be registered after first passing a tough exam. The new law says that electric fences must now be certified with an electric fence system certificate of compliance (EFC). However, electricians cannot issue this electric fence certification – unless the electrician is also qualified in terms of the new electric fence laws and has been registered with the Department of Labour. Should a fence be found to be non-compliant, it will either have to be upgraded to compliance or the owner will be forced to remove it. Department of Labour, Occupational Health and Safety Act, 1993.

\textsuperscript{125} Interview with manager from an undisclosed private security company, 14/11/2013.

\textsuperscript{126} Interview with manager from an undisclosed private security company, 14/11/2013.

\textsuperscript{127} Interview with manager from an undisclosed private security company, 12/11/2013.

\textsuperscript{128} Interview with manager from an undisclosed private security company, 12/11/2013.
a safe, vault or secured container; a satellite tracking device; closed circuit television or other electronic monitoring device or surveillance equipment; a device used for intrusion detection, access control, bomb detection, fire detection, metal detection, x-ray inspection or for securing telephone communications; a specialised device used to open, close or engage locking mechanisms; or a specialized device used to reproduce or duplicate keys or other objects which are used to unlock, close or engage locking mechanisms (PSIRA, No. 56 of 2001).

The Act further defines ‘security service’ to mean one or more of the following services or activities: protecting or safeguarding a person or property in any manner; giving advice on the protection or safeguarding of a person or property, on any other type of security service as defined on the use of security equipment; providing a reactive or response service in connection with the safeguarding of a person or a property in any manner; providing a service aimed at ensuring order and safety on the premises used for sporting, recreational, entertainment or similar purposes; manufacturing, importing, distributing or advertising of monitoring devices contemplated in section 1 of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992); performing the functions of a private investigator; providing security training or instruction to a security service provider or prospective security service provider; installing, servicing or repairing security equipment; monitoring signals or transmissions from electronic security equipment; performing the functions of a locksmith; making a person or the services of a person available, whether directly or indirectly, for the rendering of any service referred to in the aforementioned paragraph to another person; and managing, controlling or supervising the rendering of any of the services referred to in the aforementioned paragraph (PSIRA, No. 56 of 2001). The following table gives a more comprehensive look at the growth and different services offered by private security providers according to PSIRA’s 2012/13 and 2013/14 Annual Reports.

Table 1.1

<table>
<thead>
<tr>
<th>Category of Security Service</th>
<th>Number of businesses 2012/2013</th>
<th>Number of businesses 2013/2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Security guards (Industrial and Commercial)</td>
<td>6 370</td>
<td>7 220</td>
</tr>
<tr>
<td>2 Security guards- cash-in-transit</td>
<td>2 061</td>
<td>4 465</td>
</tr>
<tr>
<td>3 Body guarding (CPO)</td>
<td>2 521</td>
<td>6 089</td>
</tr>
<tr>
<td>4 Security consultant</td>
<td>2 409</td>
<td>4 181</td>
</tr>
<tr>
<td>5 Reaction services</td>
<td>2 740</td>
<td>4 550</td>
</tr>
<tr>
<td>6 Entertainment/venue control</td>
<td>2 769</td>
<td>6 231</td>
</tr>
<tr>
<td>7 Manufacture security equipment</td>
<td>949</td>
<td>1 705</td>
</tr>
<tr>
<td>8 Private investigator</td>
<td>1 671</td>
<td>4 478</td>
</tr>
<tr>
<td>9 Training</td>
<td>1 965</td>
<td>5 304</td>
</tr>
<tr>
<td>10 Security equipment installer</td>
<td>1 988</td>
<td>3 670</td>
</tr>
<tr>
<td>11 Locksmith/ key cutter</td>
<td>668</td>
<td>1 160</td>
</tr>
<tr>
<td>12 Security control room</td>
<td>2 330</td>
<td>5 715</td>
</tr>
<tr>
<td>13 Special events</td>
<td>2 929</td>
<td>5 578</td>
</tr>
<tr>
<td>14 Car watch</td>
<td>1 848</td>
<td>3 199</td>
</tr>
</tbody>
</table>
The private security sector is largely made up of private security companies and private security officers who play a defining role in the provision of security.

The activities of the private security industry were legitimated by the Criminal Procedure Act 51 of 1977, this allows private security members to: arrest persons without a warrant on the basis that the person committed or was suspected of committing, an offence; pursue that person; break open premises in order to effect the arrest; use force—even deadly force—to effect the arrest should the person offer up resistance and seize articles from that person (as long as they are delivered to a police officer as soon as possible) (Criminal Procedure Act 51 of 1977, section 42 (a)(b)(2) section 48; section 49(2)(a)(b)(c)).

However, this is only applicable once the Commissioner of Police has conferred upon the private security officer a ‘peace officer status.’ It must be noted that private security officers, even though the law allow this, are not conferred with a ‘peace officer’ status, and carry out their duties as civilians, only incurring legitimacy from the contract with the client and property owner. The debate surrounding the Constitutionality of the use of force sanctioned by the state for members of the SAPS when effecting arrests is of relevance here, owing to the proposal for a partnership to formalize the cooperation between the SAPS and members of the private security industry. In the field work undertaken, there was significant evidence of the reliance on the SAPS by members of the private security sector. This was particularly in instances where the response units and private security officers encountered a situation that required them to apprehend a suspect, and required assistance from members of the SAPS to affect the arrest.129

Interviews conducted with managers of private security companies revealed that, resoundingly, the private security industry believed that their work would be enhanced if included in governmental policies dedicated to crime prevention.130 However, one private security company manager was adamant that the work of the police and the work of the private security industry should remain separate. Majority of managers of the private security companies that were interviewed were keen on the idea of a partnership with the police,131 who ironically re-iterated that the growth of the private security industry was due to the failings of the SAPS which were in need of reform.132

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129 Interviews with managers and heads of industry associations of private security companies, 04/10/2013-10/02/2014.
130 Interview with managers of undisclosed private security companies, 04/10/2013-15/11/2013.
131 Interview with a manager of undisclosed private security company, 08/11/ 2013.
Managers of private security companies in favour of a government endorsed partnership, with the SAPS, asserted that both partners would need to reform in order to have a meaningful partnership.133 The role the private security industry played in investigations and solving cases was highlighted by one manager, whose company specialized in investigations.134 He proposed that a budget and special status should be provided to the PSC’s that solved a certain number of cases.135 Investigations carried out by members of the industry, are considered a key aspect of crime prevention; mainly due to the way this duty overlaps with the investigations carried out by members of the SAPS.136 Improved training on the part of the private security companies, it was conceded, would be a vital element of such a partnership. This was emphasized in line with the proposition that such a partnership between the police and private security should include search and seizure powers for the latter.137 Regarding these comments, it is unclear how extending the powers of a security officer to include search and seizure, would be implemented and be void of abuses considering the nature of transgressions characteristic of the private security industry. This will be discussed in more detail later in this report.

A question was posed regarding the kind of crime prevention partnership that members of the private security industry would envision if a partnership with the SAPS was formalized. Better access to crime data, more powers to handle crime prevention, search and seizure powers as opposed to powers of arrest, an enhanced status for security officers, better cooperation and intelligence sharing, were some of the responses.138 The view was held that the concept of a crime prevention partnership should foster access to data to ensure proper planning, in which case the security officer would remain subordinate to the police, but enable partnering only in specialized fields.139 Information from the SAPS would be vital to training, and particularly understanding the latest trends of criminals.140 This it was noted would make it easier for private security officers to do their job.141 Having an input in the county’s crime prevention agenda, it was noted should not confuse roles, because of the different levels of training for security

132 Interview with a manager of undisclosed private security company, 08/11/2013.
133 Interview with a manager of undisclosed private security company, 07/11/2013.
134 Interview with a manager of undisclosed private security company, 06/11/2013.
135 Interview with a manager of undisclosed private security company, 06/11/2013.
136 Interview with a manager of undisclosed private security company, 05/11/2013.
137 Interview with a manager of undisclosed private security company, 05/11/2013.
138 Interviews with managers of private security companies, 04/10/2013-15/11/2013.
139 Silver Solutions Fund, 10/10/2013.
140 Interview with manager from an undisclosed private security company, 04/10/2013.
141 Interview with manager from an undisclosed private security company, 08/10/2013.
guards and for the SAPS; conceding that prerequisite training was needed, and that such a partnership was currently not possible.142

Access to crime data it was stated should only be for the managers of security companies, and not security officers.143 Generally it was stated that giving security officers more powers was not a good idea, rather, only supervisors should get a special status or a peace officer status. Peace officer status should only be granted to those security officers with the highest training levels, and it would be necessary for these officers to be familiar with the law.144 It was conversely stated that more powers, particularly of arrest would allow security officers to apprehend suspects without any delays, and would be more constructive after the appropriate training.145 More cooperation was deemed feasible because majority of members of the private security industry had previously worked as police officers in the former police force and the SAPS.146

One respondent asserted that PSCs already had access to crime data through attendance of CPFs, and noted that the SAPS do not have a problem giving information, he argued that rather more legitimacy is what was required.147 Being fully compliant is a criteria for getting a contract at government agencies, however it was noted that there were some PSCs that had acquired contracts to provide security at government agencies, even when compliance was questionable.148 Some company managers continued to emphasize that they would want better access to crime data. The remark was made that there was the risk of security officers becoming reluctant and turning a blind eye, and that it would have to be the best trained private security officers to be considered for a partnership.149

Rooting out elements of poor training and criminality, in the context of such a hypothesis was deemed a critical component to its feasibility.150 It was stated that a partnership would only be constructive if regulation of the industry was improved then officers could be trusted with more powers, because currently the attitude of security officers was that they were only civilians.151 Rather, benefits could be gained if a partnership was based on mutual respect and issues of ego’s were put aside. The focus would

142 Interview with manager from an undisclosed private security company, 07/10/2013.
143 Interview with manager from an undisclosed private security company, 04/10/2013.
144 Interview with manager from an undisclosed private security company, 05/11/2013.
145 Interview with manager from an undisclosed private security company, 07/11/2013.
146 Interview with manager from an undisclosed private security company, 13/11/2013.
147 Interview with manager from an undisclosed private security company, 13/11/2013.
148 Interview with manager from an undisclosed private security company, 13/11/2013.
149 Interview with manager from an undisclosed private security company, 15/11/2013.
150 Interview with manager from an undisclosed private security company, 15/11/2013.
151 Interview with manager from an undisclosed private security company, 14/11/2013.
eventually gravitate towards complimenting each other’s work, with a crucial awareness that one cannot expect a security officer to do the work of a police officer, and that instead the emphasis should be on enabling the private security industry to play a supportive role.

6. Privatisation of security: effect on women and children

During the 2014 State of the Nation Address President Jacob Zuma highlighted that one of the key focus areas for his government was the eradication of violence against women and children. He noted the measures that had been put in place to address this including the reintroduction of the Family Violence, Child Protection and Sexual Offences Units as well as the Sexual Offences Courts. This offers significant contextual framing of the challenges that South Africa faces regarding violence against women and children (State of the Nation Address, 2014) and gender based violence in general.

Regarding the role women play in the private security industry, the question was posed to find out what factors hindered or promoted the entry of women into the industry. Most responses suggested that the main issue or hindrance for women in the private security industry was the type of site that was guarded and the clients’ preference. One manager in Cape Town noted that 50% of his officers were female, and stated that they were not used for CIT and protection services, however he noted that 50%-80% of the personnel used to count and pack cash were female. Managers highlighted that the main hindrance for women in the private security industry was that clients would specifically request to have only male security officers; some even went to the extent of requesting security officers from specific racial groups to work on their sites.

It was noted by one manager that clients preferred male officers, particularly for guarding residential areas, conversely in the retail and hotel industry women were afforded more opportunities as security officers, because of the role they played in searching other female patrons. Other than that, it was affirmed that there was no discrimination, and women worked in various capacities in the private security industry in management positions, as supervisors, control room operators administrators, secretaries and drivers. One manager in Durban stated that he had five female top site commanders, and there was nothing in his opinion that hindered their promotion, he however stated that more caution was applied in instances when women were deployed to sites.

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152 Interview with managers of private security companies, 04/10/2013-15/11/2013.
153 Interview with manager from an undisclosed private security company, 14/11/2013.
154 Interview with manager from an undisclosed private security company, 12/11/2013.
155 Interview with manager from an undisclosed private security company, 13/11/2013.
156 Interview with managers of private security companies, 04/10/2013-15/11/2013.
157 Interview with manager from an undisclosed private security company, 05/11/2013.
It was conceded by one manager that it was his opinion that the private security industry was a dangerous environment for female officers who only constituted 5% of the workforce in his PSC. The concern was raised by another manager that a female officer would be an easy target if she were to guard a site by herself, because indeed danger is associated with site protection and management. One manager in Pretoria noted that women were hindered from progressing in the private security industry because they wanted to start families. Another manager in Durban stated that 30% of his officers were female, and that it was ‘just common sense that women could not do some jobs that men could,’ reiterating that this was also influenced by the client’s preference. Another manager stated that female officers were only deployed to protect sites as a group, and not for individual guarding, he emphasized that this was as a key precaution considering South Africa has one of the highest rape statistics in the world. The field work carried out, does not point to any direct effect on children as a result of the services provided by the private security industry.

7. Advantages and disadvantages of the private security industry

In the South Africa, the evolution of policing services has been an inevitable necessity that has responded to the flux and flow of crime. Berg argues that it is no longer sufficient to engage with different policing agencies in isolation from each other since increasingly a diverse set of entities engage with each other on a daily basis (Berg, 2007: 3). Pooling the resources and expertise from the police and private security would serve to: enable a framework for cooperation and division of labour, help cultivate a coordinated approach to policing, and mitigate the prevalence of crime in the medium to long term. Indeed there was consensus among members of the private security industry who participated in the study that authority need not be a zero-sum game, and that it is possible that the private security industry can strengthen and even support the authority of the state. Indeed, it is exactly the relationship with the state that gives the private security industry legitimacy for their activities (Abrahamsen and Williams, 2007).

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158 Interview with manager from an undisclosed private security company, 06/11/2013.
159 Interview with manager from an undisclosed private security company, 07/10/2013.
160 Interview with manager from an undisclosed private security company, 11/10/2013.
161 Interview with manager from an undisclosed private security company, 08/11/2013.
162 Interview with manager from an undisclosed private security company, 08/11/2013.
A re-conceptualization of the ‘state, territory, authority’ marriage has been advocated for, in order to, enhance the understanding of new networks between state and non-state actors (Abrahamsen and Williams, 2007). It is stated that in an era of globalization PSC’s are changing the conditions of ‘stateness,’ through their day-to-day provision of security and the protection of life and assets (Abrahamsen and Williams, 2007). However, in South Africa, the State maintains an oversight role of the private security industry through the establishment of PSIRA: an independent regulatory body formed to facilitate all aspects of regulation of the private security industry including: compliance, legal services, enforcement, forensic investigations, industry training, customer relations management (CRM), registrations, communications, stakeholder management and research and development (PSIRA Annual Report, 2013).

Some key developments for security privatization, indicate an alteration of the primacy of state authority, the following is an analysis of the circumstances that influence the alleged changing conditions of ‘stateness.’ The emergence of road closures in affluent and sometimes less affluent residential areas were born out of residents’ decreased confidence in the states capacity to ensure security. However, these alternative security features have had major implications with regards to questions about rights to access specific areas, and the spatial fragmentation that they support. The development of road closures in the mid-1990s, forged broader debates about the continued use of race and class divisions strongly resembling those used for political, economic and social segregation in the apartheid era. It is argued that these security practices, that are exclusionary and in many ways criminalize poverty, are indirectly encouraged by public authorities; through the state’s reliance on resident’s participation in the production of their own security (Bénit-Gbaffou, 2008: 1938).

‘What happens when the private becomes the public, when the right to exclude expands from the home to a commonly accessible space, or when that right exists as a new spatial practice that allows us to [exclude those we do not want to encounter]? (Berg, 2007) This conundrum implores a consideration of what it means when a public space comes to be governed by rules formerly reserved for private property (Berg, 2007: 24). This query is of relevance, particularly after a consideration of the development of

[M]ore than 300 road closures [that were] implemented since 1996 in the most affluent areas of Johannesburg…matching the socio-economic pattern of the city, [the prevalence of these road closures were erected mainly in] the northern, white, middle to upper income class suburbs (Bénit-Gbaffou, 2008: 1935).

The South African Human Rights Commission (SAHRC), a State institution established by Chapter 9 of the Constitution of the Republic of South Africa, Act 108 of 1996, received complaints regarding the public road closures: using boom gates for crime prevention in some suburbs (SAHRC Report, 2004: 7). The SAHRC concluded a report that found that the road closures were violating ordinary citizen’s human rights, mainly due to the allegation that individuals were being denied access based on their race, and the infringement of individuals right to dignity and privacy (SAHRC Report, 2004: 7). It was reported that domestic workers were required to produce their identity documents to gain access to the area (SAHRC Report, 2004: 7 & 17).
The racialization of the road closures debate was underscored by the different treatment that was on offer for different races. ‘It was alleged that many of the security guards at these booms were instructed to, or chose to routinely stop black people in order to inquire about their movements, such treatment was not applied to white people’ (SAHRC Report, 2004: 17). The right to privacy was also emphasized in the discussions about the Constitutionality of the road closures, and the assertion was made that privacy was only violated if;

[T]he information was obtained in an intrusive manner, contained intimate aspects of a person’s life, the information provided was then used for another purpose, or disseminated to the press or general public or to persons for whom the person could reasonably expect such private information would be withheld (SAHRC Report, 2004: 19).

Ambiguity abounds regarding the successes of road closures in reducing incidences of crime. Some accounts suggest that road closures are not effective due to the laws that prohibit restricted access and claims that, ‘the criminal has more time to act from within, and is actually protected from the police by the closure’ (Bénit-Gbaffou, 2008). Other accounts have identified the gains made by the development of road closures in ‘preventing road-assisted crime, particularly hijackings’ (Bénit-Gbaffou, 2008). Notwithstanding the potential for infringements of ordinary citizen’s human rights, it must be noted that the prevalence of private security personnel manning road closures, points to broader social changes in the way South African citizen’s believe they need to manage their safety and security.

The process of delegation of security and other aspects related to city management, has been protracted and at times presented an immense challenge, in terms of the way the state delegates the governance of its domestic security architecture. On the one hand, pursuing ways to entrench its power and control, and on the other hand promoting the use of an alternative private security providers. Increasingly, trends are gravitating towards consumerism and the commodification of security. The fear of crime coupled with the supply of private security agents, in the absence of state security guarantees, and the states’ adoption of ‘responsibilization’ strategies, has created a platform through which private security providers can thrive (Berg, 2007: 4). This is demonstrated by the development of different security networks informed by citizen’s security concerns; leading to specific urban and architectural forms and fragmentation (Bénit-Gbaffou, 2008). It can be inferred that use of road closures and boom gates imply that the State is loosening its grip on the monopoly of the legitimate means of violence. Arguably, ownership and stewardship of the proposed crime prevention partnership would re-align and fortify the States principle role in providing security in the domestic realm.

During the field work carried out for this research, managers of private security companies were asked if they thought that the SAPS would benefit from working with members of the private security industry and what services they could offer in this regard. One company manager expressed that they already had a close working relationship with the SAPS, particularly due to the criteria required for the

166 Ibid.
protection of a National Key Point (NKP), which they were currently involved in guarding.\textsuperscript{168} They noted that they provided VIP protection and assisted the SAPS with investigations into copper cable theft.\textsuperscript{169} Another company manager asserted that their company had dedicated and specialized experts that were involved in the protection of non-ferrous metals.\textsuperscript{170} The view was expressed that members of the private security industry could offer a force multiplying effect to bolster the work of the SAPS, and assist with intelligence gathering.\textsuperscript{171} This is because private security companies had access to information on the ground, and could be the eyes and ears of the police.\textsuperscript{172} It was stated that one of the companies had been allegedly encouraged by the Member of the Executive Council (MEC) of Mpumalanga to become more involved in the safeguarding of wildlife tourism in that area, which they were currently engaged in.\textsuperscript{173}

One manager of a private security company in Pretoria held the view that the SAPS were too busy and incapacitated to provide security comprehensively; affirming that more cooperation and dialogue would guarantee tangible gains, through working together instead of against each other.\textsuperscript{174} It was highlighted that the SAPS would benefit from a partnership with the private security industry because there was a significant amount of expertise that had shifted from the SAPS, into the private security industry.\textsuperscript{175} Discarding the idea of such a partnership, it was emphasized would reflect a denial of the skills entrenched within the private security industry.\textsuperscript{176} Additionally it was asserted that the SAPS and South African citizens would benefit from a public-private partnership, through increased support and visibility from the private security industry.\textsuperscript{177}

\begin{itemize}
    \item \textsuperscript{168} Interview with manager of undisclosed private security company, 07/10/2013.
    \item \textsuperscript{169} Interview with manager of undisclosed private security company, 07/10/2013.
    \item \textsuperscript{170} Interview with manager of undisclosed private security company, 10/10/2013.
    \item \textsuperscript{171} Interview with manager of undisclosed private security company, 10/10/2013.
    \item \textsuperscript{172} Interview with manager of undisclosed private security company, 08/10/2013. The force multiplying effect that private security companies provide to state security members has also been identified by some scholars. See: Bayley. C & Shearing. B, 'The Future of Policing,' in Law and Society Review, Vol. 30, No. 3, 1996.
    \item \textsuperscript{173} Quemic group, 08/10/2013. The force multiplying effect that private security companies provide to state security members has also been identified by some scholars, see Bayley. C & Shearing. B, 'The Future of Policing,' in Law and Society Review, Vol. 30, No. 3, 1996.
    \item \textsuperscript{174} Interview with manager of undisclosed private security company, 10/10/2013.
    \item \textsuperscript{175} Interview with manager of undisclosed private security company, 10/10/2013. The shift into the private security industry by former members of the SAPS has also been identified by some scholars. See: Baker. B, 'Living with non-state policing in South Africa: the issues and dilemmas,' in Journal of Modern African Studies, 40, 1, Cambridge University Press, 2002.
    \item \textsuperscript{176} Interview with manager of undisclosed private security company, 10/10/2013.
    \item \textsuperscript{177} Interview with manager of undisclosed private security company, 10/10/2013.
\end{itemize}
8. Crime Prevention Partnerships between State and non-State actors

Findings

When asked whether the PSC has ever been involved in a joint operation with any state organ or member of the SAPS, what the operation was and how were the roles divided? One company manager stated that his company had not been involved in a joint operation with the SAPS, but that they had in instances of theft, collected evidence and passed it over to the SAPS for further investigation. Three other PSC highlighted that they had not been involved in a joint operation with any state organ or the SAPS. Majority of respondents highlighted that joint operations with the SAPS were a common occurrence and in fact happened on a daily basis. It was stated that one joint operation included a contract to take over providing VIP protection for delegates at the World Bankers Association Forum.

One group of company managers operating under Quemic Pty Ltd highlighted that their interaction with the SAPS was influenced by contracts for guarding services to parastatals such as Eskom and the municipal agent City Power. The same managers also identified that the PSC has an *ad hoc* working relationship with the Hawks, and also worked with the SAPS with regard to their wildlife conservation initiatives. It was noted that roles during joint operations were divided depending on the kind of operation it was, affirming that sometimes the company took the lead while other times the SAPS took the lead; emphasizing that they had no mandate on public roads, nor on intelligence matters.

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178 Interview with manager of undisclosed private security company, 05/11/2013.

179 Interview with manager of undisclosed private security company, 05/11/2013, 07/11/2013, 08/11/2013.

180 Silver Solutions Fund, 10/10/2013.

181 Interview with management of Quemic Pty Ltd, 08/10/2013.

182 Interview with management of Quemic Pty Ltd, 08/10/2013. The Directorate for Priority Crime Investigation has been established as an independent directorate within the South African Police Service in terms of Section 17C of the South African Police Service Act, 1995 as amended by the South African Police Service Amendment Act, 2008 (Act 57 of 2008). The Directorate for Priority Crime Investigation is now responsible for the combating, investigation and prevention of national priority crimes such as serious organized crime, serious commercial crime and serious corruption in terms of Section 17B and 17D of the South African Police Service Act, 1995 as amended. The South African Police Service Amendment Act, 2012 (Act 10 of 2012) introduced the reporting procedures as provided in Section 34(1) of the Prevention and Combating of Corrupt Activities Act, 2004 which stipulates that reporting should be made to any police officer. In terms of the latest amendment, all such offences must now be reported to a member of the Directorate of Priority Crime Investigation. Available at: [http://www.saps.gov.za/dpci/index.php](http://www.saps.gov.za/dpci/index.php) (Accesses 11/03/2014)

183 Interview with management of Quemic Pty Ltd, 08/10/2013.
Another joint-operation with the SAPS was identified by a PSC with operations in Kwa-Zulu Natal, and involved efforts by both entities to apprehend members of a syndicate selling copper to scrap dealers.\textsuperscript{184} The roles during these operations were divided depending on what branch of the state security authorities they worked with and noted that their engagement with members of the Hawks was welcomed more than with members of the SAPS who were more authoritative.\textsuperscript{185} It was stated that ninety percent of the private security company was comprised of former police officers, who in their experience of testifying in court, ‘had to put up a fight to get the work done as the police do not think that this crime is a problem.’\textsuperscript{186} The company brands itself as a specialist in mitigating copper cable theft for the past 11 years, and asserted that this crime poses a detrimental impact to the South African economy.\textsuperscript{187} Two manager’s, stated that their work of conducting investigations into cable copper theft, for parastatals such as Telkom, Eskom, and Transnet was supported by the SAPS and joint operations were carried out on an equal footing.\textsuperscript{188}

Two managers of a company stated that joint operations with the SAPS in Durban’s brighton beach area were important to ensure visible policing for abandoned buildings and illegal shacks.\textsuperscript{189} The company claimed that they were currently assisting the SAPS to carry out their function to ensure visible policing in the area and had also secured a contract to provide VIP protection for members of the Road Traffic Inspectorate.\textsuperscript{190} Another company manager asserted that they had been involved in many joint operations with the SAPS, involving the recovery of illegal firearms and narcotics.\textsuperscript{191} It was stated that in many of these operations the private security service provider had taken a lead role in the operations, and the SAPS were involved because there assistance had been requested.\textsuperscript{192}

In Durban one manager highlighted that the SAPS would assist them in their functions of guarding certain sites and claimed that he was involved in the debates and discussions, surrounding the successes and shortcomings of the crime prevention approaches that took place in the area.\textsuperscript{193} It was noted that those present at the discussions were members of the metro police, medical emergency response

\textsuperscript{184} Interview with manager of undisclosed private security company, 08/ 10/2013.

\textsuperscript{185} Interview with manager of undisclosed private security company, 08/ 10/2013.

\textsuperscript{186} Interview with manager of undisclosed private security company, 08/ 10/2013.

\textsuperscript{187} Interview with manager of undisclosed private security company, 08/ 10/2013.

\textsuperscript{188} Venus Security Services, 07/10/2013.

\textsuperscript{189} Tactical Security Services, 08/ 11/2013.

\textsuperscript{190} Tactical Security Services, 08/ 11/2013.

\textsuperscript{191} Magma Security Services, 06/ 11/2013.

\textsuperscript{192} Magma Security Services, 05/ 11/2013.

\textsuperscript{193} Interview with manager of undisclosed private security company, 05/ 11/2013.
teams, and councilors that represented the area. One company manager noted that his company was responsible for ensuring security for representatives from international delegations, for a convention held at the International Conference Centre in Durban during the meeting of the BRICS (Brazil, Russia, India, China, South Africa) organisation. The company was contracted by the International Conference Centre (ICC) for security provision in conjunction with the SAPS. A respondent highlighted his company's role in providing security with the SAPS in conjunction with the local port authority, which included escorting the utility service provider, ensuring port security and addressing the issue of stowaways. One manager asserted that his PSC worked closely with various branches of state security authorities, such as, Crime Intelligence and Public Order Policing, and that this was primarily to ensure orderliness during sports events and concerts. It was noted that the SAPS would take the leading role in the pre-planning stages, while the company played a bigger role on the day of the event.

Two managers claimed that they had been involved in joint operations with the SAPS, this included armed response operations and patrol of farms with the help of the SAPS, the efforts of which were undertaken with equal responsibilities. The relationship, it was noted had grown and there was a strong sense of mutual respect, they claimed that the company even helped the SAPS with road blocks. The police stations that the company had a close working relationship with were: the Stellenbosch police station and the Kuils river police station, highlighting that the De Doorns police station was reluctant to work with the private security company, particularly during the farm protests that engulfed the area in early 2013. It was suggested that this aversion to work together was because there were many employees of the company that previously worked in the police service, whose attempts to dominate the tactical operations of the SAPS, in that particular instance, led to the poor cooperation.

One PSC was contracted by the City of Cape Town to provide security guards at different venues and open areas, this also meant working with the SAPS during special events such as the Cape Town

194 Interview with manager of undisclosed private security company, 05/11/2013.
195 Interview with manager of undisclosed private security company, 05/11/2013.
196 Interview with manager of undisclosed private security company, 05/11/2013.
197 Interview with manager of undisclosed private security company, 05/11/2013.
198 Interview with manager of undisclosed private security company, 07/11/2013.
199 Interview with manager of undisclosed private security company, 05/11/2013.
200 Interview with manager of undisclosed private security company, 13/11/2013.
201 Interview with manager of undisclosed private security company, 13/11/2013.
202 Interview with manager of undisclosed private security company, 13/11/2013.
203 Interview with manager of undisclosed private security company, 13/11/2013.
International Jazz festival and the Cape Argus cycle tour. Another PSC had been contracted by the City of Cape Town and was required to patrol the city under the auspices of the Central City Improvement District (CCID). It was highlighted that crime in the Cape Town city centre had declined significantly, owing to the increased visibility from the joint patrols, which were not there before the CCID initiative. Incidentally, it was alleged that during the period when CCID officials were engaged in strike action, another PSC was contracted by the same municipality to maintain peace in the city centre, while a subsidiary of the company worked closely with the SAPS to ensure security during the 2010 FIFA World Cup Tournament.

One of the most reputable private security companies in the country asserted that they were involved in an ongoing operation with the SAPS, and several other covert operations, which were legally sanctioned through an official agreement with the State Prosecutor and the National Prosecuting Authority (NPA). This joint agreement allowed for information sharing between the PSC and the SAPS, and helped apprehend criminals and prevent incidences of crime. Another PSC highlighted how they had assisted on numerous occasions to profile international dignitaries and guests for events hosted in the country and because the directive was initiated by the SAPS the police assumed the lead role and the PSC played a supportive role.

Prospect for a crime prevention partnership

Regarding crime prevention partnerships and state authority, it is argued that states are able to confer authority on private security companies, by incorporating them into law and leaving them to self-regulation, the emphasis here is that authority need not be a zero-sum game (Abrahamsen and Williams, 2007). It is argued that such a strategy would relieve the state police from the burden of negotiation, implementation and enforcement of [non-core police duties], while still maintaining legislative authority and a breadth of jurisdiction that no other actor possesses. Changes in policing policy were initiated in the late 1970s by changes in the perception that policing and the legitimate use of violence was ideally a state monopoly and it began to be seen as ‘everybody’s business’ (Bénit-Gbaffou, 2006: 301).

Urban unrest in several North American cities in the 1970s and in European cities in the 1980s, led public authorities to challenge the way social order [was] created at the local level...this new form of security

204 Interview with manager of undisclosed private security company, 12/11/2013.
205 Interview with manager of undisclosed private security company, 13/11/2013.
206 Interview with manager of undisclosed private security company, 13/11/2013.
207 Interview with manager of undisclosed private security company, 12/11/2013.
208 Interview with manager of undisclosed private security company, 14/11/2013.
209 Interview with manager of undisclosed private security company, 14/11/2013.
210 Interview with manager of undisclosed private security company, 12/11/2013.
211 Abrahamsen and Williams, 2007.
governance corresponds to a paradigm shift where disorder rather than crime is the main concern. [The emphasis being that] collective effort should focus less on ‘bandit catching’ [and more on] ‘problem solving,’ which requires all stakeholders at the local level to interact and cooperate (Bénit-Gbaffou, 2006: 301).

Accordingly, developed countries in the mid-1990s began initiatives to strengthen community safety through public-private partnerships (Bayley and Shearing, 1996). This was informed by a break from the narrow interpretation, that the public police were solely responsible for crime prevention. The restructuring of policing in democratic societies globally, highlights the type of evolution of crime control and law enforcement that has taken place in the North. This evolution revealed that, due to the lack of a monopoly by the public police over policing, security would increasingly be provided by private companies on a commercial basis, and by communities on a volunteer basis.

Indeed there has been an acknowledgement that crime is too complex to be dealt with solely by the police and that the profit motive is not to be feared in policing. Constraints on police organizations around the world have bolstered public demands for the public police to ‘achieve more with less’ (Loader, 2011: 455). This has prompted the support for police to ‘generate resources by selling services or merchandising the police ‘brand,’ while acknowledging the risks of a loss of a distinct police identity and neglect of core policing’ (Loader, 2011: 455). Developments in security provision mean that policing has become pluralized and police are no longer the primary crime deterrent presence in society. This means that the public police have been supplanted by numerous private security companies (Bayley and Shearing, 1996). It is averred that the British government’s promotion of private sector involvement in criminal justice, through the outsourcing and fostering of inter-agency partnerships, has in effect legitimized the private security industry in that country (Wakefield, 2005).

Arguably all explicit efforts to create visible agents of crime control are increasingly perceived as policing and hence not just the police, affirming that the two concepts have become increasingly blurred (Bayley and Shearing, 1996). Indeed, while customary police are paid, new policing agents are both paid, such as private security companies (PSCs), and non-paid, such as those agencies involved in community crime prevention. There are three categories of non-state policing which include; vigilantes that are associated with violent methods of control and fail to cooperate with the police, ‘responsible citizens’ that patrol their communities with the approval of the police, and the third group is the registered PSC’s (Baker, 2002). Berg argues that the private security industry or the ‘private police’ as they are sometimes termed, due to their close similarities with the public police, play a key role in crime prevention, through their appearance and influence (2007: 3).

Academic debates often focus on the many challenges that private policing poses on a normative and practical level, and the private security industry in particular forms part of these debates... There is a tendency to blur state and non-state security dynamics and thus the involvement of a range of ‘nodes’—those who initiate and those who provide security-relating to each other in security networks (Berg, 2007: 3).

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212 Bayley and Shearing, 1996.
213 Ibid.
It is conceded that in order to improve crime prevention, new approaches must be sought together with a shift in the logic of policing, from one that conceives of it as remedying past wrongs, to one that seeks to promote security (Bayley and Shearing, 1996). A key element to the deterrence of crime is the reliance on visible policing for both the public police and the private security industry. Hence, it is feasible to accept that pluralizing the sources of policing enhances not only the quantity, but the quality of policing (Bayley and Shearing, 1996). The credibility of plural policing may be realized when underpinned by explicit endorsement from the incumbent State authorities. This is surmised from the UK Crime and Disorder Act of 1998, that requires police authorities, health authorities and fire brigades to work and share information with the private security industry, for crime detection and prevention (Wakefield, 2005). Arguably, changes in legislation and the shift in the perception of who is responsible for crime prevention contained in the Act has led to a significant decrease in crime in the United Kingdom.214

The promotion of a plural policing framework between state and non-state actors may prove to be effective and efficient in terms of reducing the incidences of crime, when applied to the South African context. The question of the benefits of a partnership between the SAPS and the private security industry, one manager of a PSC in Durban underscored was already evident. The company provides guarding services for a NKP, and VIP protection, and security for the ports in Durban, while its sister company provides guarding services for the main airport in Durban.215 The manager stated that the emphasis should be on visible policing, which due to the nature of security guards, who were on the ground and were the eyes and ears of the police, could assist in providing information to the SAPS, vital for solving of crimes.216

One company manager held that a partnership would be beneficial to both parties and would avoid duplication of services.217 Carrying out investigations to help solve cases, it was conceded was already happening, albeit in an ad hoc manner, and it was noted that a formalization of ongoing partnerships and the development of stronger links would in essence; give credit where it was due.218 One company manager averred that due to the limited number of SAPS officers, closer liaison and information sharing would be critical to solving crimes, particularly house-breakings, which was the most common crime that the company had to deal with.219 One company in Cape Town asserted that they had a contract to protect pensioners as they get their money at cash point services (CPSs) and the South African Social

215 Interview with a manager of undisclosed private security company, 05/11/2013.
216 Interview with a manager of undisclosed private security company, 05/11/2013.
217 Interview with a manager of undisclosed private security company, 07/11/2013.
218 Interview with a manager of undisclosed private security company, 07/11/2013.
219 Interview with a manager of undisclosed private security company, 08/11/2013.
Security Agency (SASSA) payout points.\textsuperscript{220} They also highlighted that they had a contract with the Department of Justice for VIP protection of magistrates and judges.\textsuperscript{221}

The findings from the field work conducted, underscore the fluidity of ‘policing’ as a traditional concept and seeks to expand on the perception of policing as a ‘broader activity than just what the police can do’ (Baker 2002). In South Africa this is further compounded by the presence of former state police officers operating within the private security industry. It is argued here that effective crime prevention would fare better when conceived through effective partnerships between agents of public and private security. Therefore in order to ensure that policing, both public and private is equitable and accountable, private security agents should be considered in national and local government plans and partnership consultations. This would enhance the efficacy of crime prevention strategies which could be formulated on a national level with the inclusion of non-state actors, with members of the private security industry playing a complementary role in a new national crime prevention strategy.

The rise in mass private property is a key element in the commodification of security, which has influenced changes in conditions of ‘stateness,’ and encouraged the deconstruction of traditional state centric ideas of security. Partnership policing brings up questions regarding, the nature of the partnerships to be formed and the kind of information that would be shared. Additionally, a more capacitated PSIRA, in terms of human and financial resources would be required to play a critical role in ensuring that regulatory policies are adhered to and compliance is enforced. A change in the way we think of policing is advocated for, in order to establish an effective approach towards the way we allocate accountability and resources for crime prevention and control, for both state and non-state actors.

One of the more notable examples of a functioning crime prevention partnership between state and non-state actors was that coordinated by the SAPS Honey-dew police precinct in association with Business Against Crime (BAC), the Security Industry Alliance (SIA) and twelve different PSCs in 2008.\textsuperscript{222} The initiative which was termed the Private Security Alignment Initiative has since dwindled in effectiveness, influenced by the changes in station commanders, who subsequently were not in support of the initiative.\textsuperscript{223} The initiative provided for:

\begin{quote}
a single dedicated and secure radio system to be installed in the operational co-ordination centre of the Honeydew SAPS radio control room; and manned by operators under the control of the station commissioner or cluster head on a twenty four hour basis…This system was linked to the response vehicles of parties to the agreement (PSCs); so that in the event that any of the participants witnessed any criminal activity they would notify the radio operator who would subsequently relay this to the control
\end{quote}

\textsuperscript{220} Interview with a manager of undisclosed private security company, 15/11/2013.

\textsuperscript{221} Interview with a manager of undisclosed private security company, 15/11/2013.

\textsuperscript{222} Interview with Tony Botes, secretary of SASA and Security Industry Alliance (SIA), 04/03/2014.

\textsuperscript{223} Interview with Tony Botes 04/03/2014 and Steve Conradie CEO of SIA, 05/03/2014.
room head and initiate a response by the SAPS to the crime scene.\textsuperscript{224}

SAPS Honeydew was responsible for selecting the senior supervisors from accredited PSC to undergo special training, who would then train the reaction officers to be deployed in the area specified in the agreement.\textsuperscript{225} Mr Botes, the secretary for both the Security Industry Alliance (SIA) the Security Association of South Africa (SASA); the former played a key role in the formation of the initiative, asserted that the police did not have the man-power to handle their existing load, and the only way they were be able to proactively prevent crimes was to get partners.\textsuperscript{226} Dunmar Security, Venture Security, Apcan Risk Management, Peaceforce Security Group, Top Security, Accumen Security Services, ADT Security (Pty) Ltd, Piranha Security CC, Chubb Security SA (Pty) Ltd, Viper Risk Management, DCS, Trojan Security, Business Against Crime South Africa and Security Industry Alliance, were the actors initially part of the honey-dew joint policing initiative.\textsuperscript{227}

It was noted that the SAPS Honeydew would keep the information regarding the time, location and nature of a joint operation private, and only on the morning of the operation were the parties informed of what it would entail.\textsuperscript{228} The initiatives strongest point was the quick reaction time to apprehend suspects, and the crime scene training and management that private security officers received, as a result there was a recorded drop in trio-crimes; referring to house robberies, vehicles hi-jackings and bussiness robberies.\textsuperscript{229} Mr Conradie conceded that additional powers for private security officers were not necessary, and that is was important not to interfere with police work, hence he continued to support the concept of a crime prevention partnership based on information sharing.\textsuperscript{230}

Discourse and the development of a feasible model for a public-private partnership, would ensure that the different variables that govern crime and more importantly its prevention would be integrated into a credible network for security provision. This process would help entrench pre-emptive responses for crime prevention and ensure the safety of citizens. However this should be accompanied with government endorsement and a commitment to an effective network from the relevant security agencies. It is widely held that deterrence through enhanced visibility and effective cooperation between public and private policing would lead to a safer society (Wakefield, 2005). Crime prevention as the outcome of increased visible policing can only be achieved when two conditions are met, namely, a shift in the expectations of citizens and security agencies of what is required for community safety, and a new multi-pronged approach towards crime prevention (Wakefield, 2005).

\begin{footnotesize}
\begin{enumerate}
\item[224] Honeydew Private Security Alignment Initiative, sourced from Steve Conradie CEO of SIA, a partnering agent in the initiative.
\item[225] Ibid.
\item[226] Interview with Tony Botes, 04/03/2014.
\item[227] Honeydew Private Security Alignment Initiative, sourced from Steve Conradie CEO of SIA, a partnering agent in the initiative.
\item[228] Ibid.
\item[229] Interview with Mr Conradie, 05/03/2014.
\item[230] Ibid.
\end{enumerate}
\end{footnotesize}
The importance of discourse is underscored by the similar yet distinct role in policing and providing security for the SAPS and the private security industry, respectively. This is more pronounced in the immediate response that is required by those who are first at the scene of a crime. It is worthy to note that amendments to the Criminal Procedure Act, 1977, were enacted to substitute section 49 of the Act and align the provisions relating to the use of force in effecting the arrest of a suspect. The amended Act is now referred to as Act No. 9 of 2012: Criminal Procedure Amendment Act, 2012, the following provision for the ‘use of force in effecting arrest’ was made:

If any arrestor attempts to arrest a suspect and the suspect resists the attempt, or flees, or resists the attempt and flees, when it is clear that an attempt to arrest him or her is being made, and the suspect cannot be arrested without the use of force, the arrestor, may in order to affect the arrest, use such force as may be reasonably necessary and proportional in the circumstances to overcome the resistance or to prevent the suspect from fleeing; provided that the arrestor is justified in terms of this section in using deadly force that is intended or is likely to cause death or grievous bodily harm to a suspect, only if he or she believes on reasonable grounds—

(a) That the force is immediately necessary for the purposes of protecting the arrestor, any person lawfully assisting the arrestor or any other person from imminent or future death or grievous bodily harm;

(b) That there is a substantial risk that the suspect will cause imminent or future death or grievous bodily harm if the arrest is delayed; or

(c) That the offence for which the arrest is sought is in progress and is of a forcible and serious nature and involves the use of life threatening violence or a strong likelihood that it will cause grievous bodily harm,

But, in addition to the requirement that the force must be reasonably necessary and proportional in the circumstances, the arrestor may use deadly force only if—

(a) The suspect poses a threat of serious violence to the arrestor or any other person; or

(b) The suspect is suspected on reasonable grounds of having committed a crime involving the infliction or threatened infliction of serious bodily harm and there are no other reasonable means of affecting the arrest, whether at that time or later (Criminal Procedure Amendment Act, 2012).

The authority granted to the members of the SAPS, for the use of force when enacting arrests, is wide-ranging, whereas the powers conferred upon members of the private security industry are limited, in comparison. Private security officers, even though there are laws that allow this, are not conferred with a ‘peace officer’ status, and carry out their duties as civilians, only incurring legitimacy from the contract with the client and property owner.

A study of ‘plural policing’ in the United Kingdom found that ‘it is often security guards rather that police that constitute the primary form of visible policing.’231 In South Africa, there has been limited

research conducted on whether members of the SAPS or the private security industry are responsible for more ‘visible policing’ than the other. However, it can be argued that due to the sheer disparity in the ratio of SAPS officers to private security officers, the reassurance that emanates from visible policing would be increased by the presence of private security officers, and through a partnership between both agencies.

In South Africa an endorsement of police partnerships was hinted at by former President Thabo Mbeki, according to the former President, police partnerships would allow security expectations to be met (Baker, 2002). This was further highlighted by the then Minister of Safety and Security Charles Nqakula when he called for partnership policing because, the private security industry had already been ‘looped in for crime prevention.’ The previous Minister of Police Mr Nathi Mthethwa urged private security companies to work with police to enhance the fight against crime, affirming that the private security industry could compliment the police’s efforts and have a crucial role to play in making South Africa safe. A 2008 Democratic Alliance (DA) discussion document, asserted that bringing in the private security sector to work effectively with the SAPS would double the number of people available for the fight against crime, underscoring the value of a partnership between the private security industry and the SAPS.

9. Policy framework for outsourcing private security

Crime prevention aims to improve security by deterring the conditions that cause crime, for the community this inevitably requires taking ownership of their communities and working together with the police and non-state security agents. For the former useful steps have been taken to meet this end, in 1995 the SAPS officially established Community Policing Forum’s (CPF’s) aimed at forging dialogue and re-establishing trust between the police and residents at the local level (Bénit-Gbaffou et al, 2008). Initially CPF’s gave residents important powers for identifying local security priorities, however in the late 1990s new regulations were implemented to restrict residents’ participation to simple consultation (Bénit-Gbaffou et al, 2008). CPFs were introduced to allow residents to monitor the police and hold them accountable for their actions. However, the power entrusted to local communities, by the Police Service Act of 1995 that conceived of CPFs, began to manifest itself as a politically and racially motivated opposition to the incumbent political party (Bénit-Gbaffou, 2008).

236 Ibid.
The dramatic shift in power structures that accompanied the democratic political transition in the country, and the symbolic platform that the CPFs initially represented, led to some confrontations. ‘The most powerful CPFs were in the previously advantaged areas, and the predominantly white residents were dealing with [allegedly] black, illiterate police officers’ (Bénit-Gbaffou, 2008).238 Hence, amendments to the Police Act were implemented to re-assert the authority of state officials, particularly elected local representatives, and to relieve the condescension characteristic of the initial resident-police interaction from the CPF initiative. Despite the shift in policy direction for the CPFs there was an awareness of the importance of maintaining a ‘grassroots’ coordination between the public authorities and local residents (Bénit-Gbaffou, 2008).239

On the other hand, the state by extension through the authority granted to municipalities indirectly supports the outsourcing of services, traditionally viewed as being the preserve of the state. It is worthy to note that contemporary projections for the City of Johannesburg point to the creation of a safe, inclusive and sustainable city management approach, it is stated that,

The Joburg 2040 Growth and Development Strategy (GDS), launched in October 2011, responds to the multiple challenges and uncertain futures faced by the city…The Joburg 2040 GDS is driven by the goal of capable and capacitated communities and individuals. With this realised, the City of Johannesburg will be able to achieve a more sustainable, inclusive future, in which communities and the individuals who live in them hold the potential and the means to imagine and grow their neighbourhoods, their communities and themselves. A balanced focus on the environment, management and services, good governance, economic growth and human and social development will assist in achieving a resilient and sustainable city – and a city in which all aspire to live.

Major changes in mass private property have also led to the emergence of Community Improvement Districts (CIDs) in central Cape Town and the northern suburbs in Johannesburg. The CID refers to a security scheme established with public endorsement and private interests, responsible for ensuring improved security, refuse collection, to alleviate inner-city decay and help these cities become ‘world class cities,’ facilitated by public service support at the local level (Bénit-Gbaffou et al, 2008: 695 & 698). The concept of the CID is taken from the Business Improvement District (BID) first developed in North America (Bénit-Gbaffou et al, 2008: 695).

The funding [for the CID’s] consists of an additional levy paid by all the property owners of a specific area… it is raised by the municipality but spent exclusively in the CID’s perimeter. [A] non-profit company is set up by the property owners and businesses of the area for the management of this local resource (Bénit-Gbaffou et al, 2008: 695).

For example, the Johannesburg Development Agency’s (JDA) key objectives are to restructure and upgrade public space, promote economic growth and encourage public management and development partnerships (JDA, 2012/2013 Mid-year report). JDA implements area-based initiatives for overall

development; these initiatives may be outsourced for certain objectives, while maintaining its primary accountability as the development manager.\textsuperscript{240} It is argued that the outsourcing of key town management responsibilities through the support of CID\textsc{\char92}s and the concomitant fiscal and spatial fragmentation that they produce, represents:

A political tool for the municipality, allowing the City to have resources channeled for the securitization of business and commercial cores, without being accused of avoiding redistribution and following the apartheid legacy of the bigger share of the public budget being invested in white and privileged areas. [Outsourcing city development] actively proves quite rewarding politically (lack of opposition) and economically (efficient and visible cleansing of business districts), in the short term. However, in the longer term it can lead to its weakening, through fiscal fragmentation, exclusionary practices, and loss of political legitimacy. This strategy, far from being a solution imposed by market forces or international institutions to local public authorities, is a way for the city to instrumentalise globalization in order to follow, without too much political contest a focused economic growth policy (Béni\textsc{\char92}Gbaffou, 2008: 1943).

The broader social changes that are characteristic of an increasing reliance on a public-private partnership, and the new spatial practice that it cultivates, prompts an inquiry into the kind of limits that a ‘political community, committed to equal citizenship and concerned [with] encouraging social cohesion among its members, place on the market exchange for security provision?’ (Berg, 2007: 24).

\section*{10. Regulatory frameworks for the South African Private Security Industry}

PSIRA was established in terms of section 2 of the Private Security Industry Regulation Act 56 of 2001. The Authority is mandated to regulate the private security industry and exercise effective control over the practice of the occupation of security service providers in the interest of the state, the public and the private security industry itself. The activities of the private security industry and its members are regulated and governed by the Act.\textsuperscript{241} PSIRA is administered by a Council which is accountable to the Ministry of Police for the performance of its functions and must provide the Minister with any requested information (PSIRA Amendment Bill, 2012).

PSIRA’s main responsibilities are to determine and enforce minimum standards of occupational conduct in respect of security service providers; monitor the private security industry and promote compliance with minimum standards; regulate the private security industry and exercise effective control over the practice of the occupation; to ensure that the industry acts in the interests of the public, and the country and the industry itself, when rendering security services; to promote a legitimate private security industry characterized by the principles contained in the Constitution and other applicable law. [This should be done] whilst upholding professionalism, accountability, transparency, equity, accessibility and stability of the industry; to protect the rights of security officers’; to consider applications for registration, suspension or withdrawal of registrations, prevent the exploitation or abuse of security officers and ensure high quality standards of training (PSIRA Annual Report, 2013).

\textsuperscript{240} Johannesburg Development Agency, 2012/2013 Mid-year report.

\textsuperscript{241} The private security industry was previously regulated in terms of the Security Officers Act (1987) by the Security Officers Board.
The Act introduced a re-definition of a security service provider, obliged across the board registration and gave stronger powers for inspection. Complimentary to the Act was the Private Security Industry Levies Act 23 of 2002 supplemented the PSIRA Act, the Code of Conduct for Security Service Providers, 2003 and the Improper Conduct Enquiries Regulations, 2003 which have been instrumental in the enforcement of minimum standards of occupational conduct of security service providers (PSIRA Annual Report 2012/13: 17). The Code of Conduct is a key component of the regulatory framework, and places the responsibility on security service providers to adhere to minimum standards that are aimed at promoting responsible conduct, trustworthiness, quality of service and adherence to other relevant laws (PSIRA Annual Report 2012/13: 17).

Code of Conduct for Security Service Providers of 2003 was prescribed under the Private Security Industry Regulation Act, 2001. The purpose of code is to provide binding rules that all security service providers and employers of in-house security officers must obey, in order to promote compliance in line with a minimum set of standards; that are established by the Authority in the endeavor to realize its objects. Code of Conduct for Security Service Providers of, 2003, Chapter 1, section 1, subsection a, b, c, & d. These include promoting a trustworthy and professional private security industry with regards to their obligations to the State, the Authority, consumers, the public and the private security industry itself; this includes ensuring the payment of minimum wages and compliance with standards aimed at preventing exploitation or abuse of employees in the private security industry. The code of conduct is legally binding on all security service providers, irrespective of whether they are registered with the Authority or not and, to the extent provided for in this Act, on every person using his or her own employees to protect or safeguard merely his or her own property or other interests, or persons or property on his or her premises or under his or her control.

Improper conduct proceedings may be instituted by the Authority against a PSC or other person who employs a security officer, on account of an allegation of improper conduct, whether such improper conduct was allegedly committed within or outside the borders of the Republic. Any person aggrieved by: the refusal by the Authority to grant his or her application for registration as a security service provider; the suspension or withdrawal of his or her registration as a security service provider by the Authority; or a finding against him or her, of improper conduct in terms of this Act, or the punishment imposed in consequence of the finding, may within a period of sixty days after service of the notification of the relevant decision appeal to an appeal committee.

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243 Code of Conduct for Security Service Providers of, 2003, Chapter 1, section 1, subsection a, b, c, & d.

244 Private Security Industry Regulation Act, Act 56 of 2001, Chapter 4, section 28.


246 Ibid, section 30, subsection 1 (a, b, c).
Chapter five of the Act refers to the monitoring and investigation component of the Authority's mandate. According to this chapter the Council is responsible for appointing inspectors for the Authority; inspectors are required to perform functions in terms of the Act and any other law and are subject to the control and direction of the Director. The Director must furnish every inspector with a certificate in the prescribed form to the effect that he or she has been so appointed and is deemed by virtue of section 34(3) of the Act to be a peace officer. An inspector must at the request of any interested person produce the certificate when performing a function in terms of this Act. All inspectors are legally bound by a code of conduct and must comply with rules to realize the objects of the Authority; penalties are provided for instances when inspectors compliance is found to be wanting.

An inspector may, subject to the direction of the Director, carry out an inspection of the affairs or any part of the affairs of a security service provider, or any other person who employs security officer, or of a person whom the director has reason to believe is a security service provider or employs a security officer. After completion of the inspection, compile a report of the inspection, provide a copy thereof to the relevant security service provider or other person contemplated in subsection (1) and submit the original to the Director. Carrying out an inspection allows an inspector to at any reasonable time, without prior notice enter any premises occupied by or used in connection with the rendering of a security service by a security service provider or another person contemplated in section 33; which the Director has reason to believe are occupied by or used in connection with the rendering of a security service by a security service provider or another person contemplated in section 33; or from where a security service is rendered or the director has reason to believe that such a service is rendered; use any applicable equipment which has not been prohibited by the Council during such inspection and conduct such inspection, examination and investigation as may be necessary for the purpose of monitoring or enforcing compliance with [the] Act or the Levies Act; use any computer system or equipment on the premises which is or appears to be utilised for the control or administration of the rendering of a security service, or require reasonable assistance from any person on the premises to use that computer system to access any data contained in or available on that computer system; reproduce any record from that

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247 Ibid, Chapter 5, section 31, (1) (a) & (2).

248 An inspector in respect of any provision of this or any other law applicable to security service providers is deemed to have been appointed as a peace officer by the Minister of Justice in terms of section 334 of the Criminal Procedure Act, 1977 (Act No 51 of 1977), for the national territory of the Republic, and for the purpose of exercising 15 the powers contemplated in sections 40, 41, 44, 45, 46, 47, 48, 49 and 56 of the Criminal Procedure Act, 1977. An inspector may use the powers in terms of this subsection only to serve the purposes of this Act and matters incidental thereto. Private Security Industry Regulation Act, Act 56 of 2001, Chapter 5, section 34, (3) (a) & (b).


250 Ibid, section 32, (1), (2), (3).


252 Ibid.
data; and seize, against the issue of a receipt, any output from that computer for examination and copying.\textsuperscript{253}

Ensuring integrity and excellence in the regulation of the private security industry is of paramount importance for PSIRA, whose role in maintaining oversight of the private security industry must be lauded for the mammoth strides that have been accomplished under its watchful eye. Effective leadership to ensure more effective regulation of the private security industry in the future is underscored by the Council’s development a strategic plan covering financial years 2014/15 to 2018/19. The Authority aims to focus on 11 strategic objectives to ensure good governance and a sound financial control environment; ensure that PSIRA has in place effective and reliable IT Systems; ensure that PSIRA has a competent, ethical and skilled workforce; ensure effective regulation in the security industry; enforce minimum standards of occupational conduct in respect of security service providers (SSPs); promote awareness amongst the public and the private security industry on the functions and role of PSIRA in the industry; promote the protection and enforcement of the rights of security officers and other employees in the private security industry; promote the interest of the consumers of private security services; ensure that the registration process is transparent and timeous; promote high standards in the training of security service providers and prospective (SSPs); and ensure that PSIRA is a centre of excellence in private security research (PSIRA Strategic Plan 2014/2015).

Furthermore, it can be argued that, recognition of PSIRA’s unrelenting approach to improve the regulation of the private security industry represents an awareness of the weight of the organizations responsibility. A key element of PSIRA’s mandate requires that the Authority ensure that private security service providers comply with the legislation that legitimizes the occupation of security service provider; compliance is regulated through the inspection and education of security service providers (PSIRA Annual Report, 2012/13: 17). Non-compliance results in regulatory measures being escalated to the Law Enforcement Division, whose inspector’s conduct investigations to establish if a security service provider is registered with PSIRA, or detect other criminal contraventions in relation to the PSIR Act and Firearms Control Act (PSIRA Annual Report, 2012/13: 24). Certain contexts require members of the SAPS to assist PSIRA inspectors, particularly when carrying out investigations that necessitate arrests to be made, and during site inspections and law enforcement operations (PSIRA Annual Report, 2012/13: 25).

Compliance inspections were stepped up dramatically, with 27 072 inspections conducted during 2013/2014 as compared to 23 827 during 2012/2013, and 7 669 during 2011/2012. This is the highest number of inspections ever conducted by PSIRA...During 2013/2014 a total of 1 489 improper conduct dockets against security businesses were compiled, compared to 1 052 dockets during 2012/2013...During 2013/2014 740 criminal cases were opened by inspectors of the Authority as compared to 727 in 2012/2013, and during 2013/2014 301 criminal cases were finalized by the National Prosecuting Authority (PSIRA Annual Reports, 2012/13: 15 & 2013/14: 28, 29, 30).

\textsuperscript{253} Ibid, section 34, (1) (a), (b), (c).
The Deputy Director of law enforcement at PSIRA Mr Mthethwa expressed the view that the work of promoting compliance and enforcing it, when the former had failed; would be more effective if PSIRA inspectors had the mandate to investigate cases, from the cradle to the grave. As opposed to what is currently happening whereby inspectors collect information for the SAPS to process, he underscored that the optimal use of inspectors function and execution of PSIRA’s mandate would only be realized when inspectors have exclusivity with crimes associated with the private security industry. He noted that the impression from the SAPS was that crimes related to the private security industry were inferior, unlike other major crimes like murder and organized crime; this meant that the SAPS did not see the value in the transgression of an unregistered PSC’s.

According to the Principal Act, PSIRA inspectors had the powers to, inter alia; enforce sanction as determined by the crime or offence, and he noted that if inspectors were only required to acquire a case reference number from the relevant police station, this would allow more control with cases related to the private security industry. He highlighted that this would also deter the current trend where pending cases that were being investigated by the SAPS were shifted from one prosecutor to another, noting that it had been observed that SAPS prosecutors’ exhibited significant leniency for perpetrators of crimes related to the private security industry; which typically only led to a slap on the wrist.

There is a close working relationship between the Authority and the SAPS, which assists the Authority in investigations where the Authority requires arrests to be made. As at 31 March 2014, a total of 1,740 outstanding criminal cases were pending with the South African Police Service, compared to 1,301 cases as at 31 March 2013. The Authority proposed the drafting of a standard operating procedure for the SAPS in respect of Authority-related cases in terms of the Private Security Industry Regulation Act and Regulations. The SAPS undertook to compile the standard operating procedure and the Authority requested to have input in the document. This will form part of a National Consultative Forum’s agenda in the new financial year (PSIRA Annual Report, 2013/2014, pg 30).

It is worthy to note that neither of the legislative acts referred to above, gave provisions for a crime prevention partnership between the private security industry and the SAPS; any such cooperation was to be left to the prerogative of the latter. However, in the 2012 draft Private Security Industry Regulation Amendment Bill, there was a proposal to amend section 3 of the principle Act, through a provision to ‘promote crime prevention partnerships between the private security industry and organs of the state responsible for crime prevention.’ This amendment was however not approved by Parliament.

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254 Interview with Deputy Director for Law Enforcement at PSIRA, 23/01/2014.
255 Ibid.
256 Interview with Deputy Director for Law Enforcement at PSIRA, 23/01/2014.
257 Ibid.
258 Ibid.
The question was posed to the Senior Manager for legal services at PSIRA regarding whether he believed that the work the private security industry did would be enhanced if the private security industry was included in governmental policies dedicated to crime prevention. He noted that if this was in way of legislation, it would go a long way and gave the example of the Corporate Governance Act whose spirit encourages all government institutions to work together. He further stated that prospects for the inclusion of the private security industry into the security cluster would require engagement from all relevant stakeholders, including the Security Manager’s Forum and Security Industry Alliance.

Notwithstanding this, it has been noted that the lack of a formal framework, has been the main root cause of distrust and resentment between public and private policing. The Director conceded that trust was a major factor that hindered the feasibility of a crime prevention partnership. He stated that it was prudent to acknowledge that legislation had allowed criminal elements to infiltrate into the private security industry and hence it was imperative to develop vetting procedures that could guarantee that crime prevention partnerships would operate with utmost professionalism and the highest integrity. Furthermore, he noted that applying the same vetting procedures used for the police on members of the private security industry that wish to be included in the partnership would help address the issue of trust. He asserted that it was important not to generalize the issue of criminality or stereotype the work of security guards as being susceptible to crime, as private security officers were aware of the role that integrity played in their jobs.

The Deputy Director of law enforcement at the Authority noted that a key aspect of the Crime Prevention Partnership (CPP) would be the standardization of training, hence aligning the training of the private security industry to that of the SAPS would be crucial to harmonize the basic training minds; that were currently fragmented. This shift would enable the private security industry to assist in the prevention of crime from a proactive point of view, as part of the crime prevention unit within the SAPS. He asserted that the SAPS were mandated to ensure the safety of the public, and in this context, the private security industry must at all times maintain a supportive role to the SAPS. He opined, that there existed reasonable suspicion that there were some PSC’s were involved in burglaries and house break-ins, and noted that this represented the putrid aspects of the private security industry; presenting themselves as the solution to the very crime they perpetrate. It is however encouraging

260 Interview with Senior Manager of legal services PSIRA, 26/02/2014.

261 Interview with the Director of PSIRA, 30/07/2013.

262 Ibid.

263 Ibid.

264 Interview with the Deputy Director: law enforcement at PSIRA, 23/01/2014.

265 Ibid.

266 Ibid.

267 Interview with the Deputy Director: law enforcement at PSIRA, 23/01/2014.
that concerted efforts to curtail criminality and enforce compliance is a key strategic focus for the Authority’s management.

It is argued here that undertaking the arduous task to make all South African’s be and feel safe would be optimally achieved through a partnership with: SAPS, members of the private security industry and the explicit support and awareness of consumers of private security services. It is anticipated that this report will encourage discourse about the feasibility and usefulness of a partnership between public and private policing agencies will contribute to a shift in attitudes about policing and security provision in the country. This will play a critical role in laying the foundation for the development of a framework that would use an integrated approach, to take advantage of the work done by both the public and private police and establish an integrated method of holding both agencies accountable.

II. Use of firearms and uniforms by the private security industry

PSIRA is required to supply information to the Central Firearms Registry (CFR) regarding security service providers that apply for firearm licenses. The information required is: the registration status of the security business, the number of security officers employed by the business and their registration and training status, and the annual amounts due to PSIRA (PSIRA Annual Report, 2012/13: 26). Managers of private security companies were asked how they characterize the role of the CFR in issuing certificates for firearm ownership. It was claimed that the CFR was not effective in its mandate, and the suggestion was made that this might be because the CFR did not know what their role was, regarding who should or should not get approved.²⁶⁸ It was alleged that the CFR was notorious for massive delays in issuing competency certificates, and then proceeded to penalize officers when their certificates were not on site.²⁶⁹ It was noted that there had been a slight improvement. Another manager stated that effectiveness was generally poor for the CFR and was made worse because of the prevalence of fly-by-nights brandishing fake competency certificates.²⁷⁰

According to one manager in Cape Town, delays were to be expected and it was important that all necessary processes were followed, however he stated that it seemed as though there was not enough personnel to handle the number of applications.²⁷¹ He gave an example of an officer who had criminal case pending against him for domestic violence, and the CFR withdrew his firearm competency.²⁷² This resulted in him losing his income, while he still had to pay legal fees.²⁷³ He stated that all officers receive

²⁶⁸ Interview with a manager of an undisclosed private security company, 06/11/2013.
²⁶⁹ Interview with a manager of an undisclosed private security company, 06/11/2013.
²⁷⁰ Interview with a manager of an undisclosed private security company, 07/11/2013.
²⁷¹ Interview with a manager of an undisclosed private security company, 14/11/2013.
²⁷² Interview with a manager of an undisclosed private security company, 14/11/2013.
²⁷³ Interview with a manager of an undisclosed private security company, 14/11/2013.
counseling for domestic issues and family problems, and that the employee’s well-being was outsourced to a private company, and asserted that the prevalence of fake certificates is the reason for in-house vetting processes.274

Limitations in the scope and nature of recording, regulation and control of firearms for the private security industry in the country are a major concern. It can be surmised that this stems from the poor alliance between the CFR and PSIRA, the question was posed to the Director of PSIRA of how this relationship could be improved, in line with the Authorities endeavor to improve compliance rates. He stated that there has been no effort to regulate the use of firearms in the private security industry properly; which was partly due to the poor alignment between PSIRA and the CFR, despite attempts by the Authority to forge a closer relationship with the latter.275 He highlighted that as a result, the PSIRA Firearms Regulatory Committee worked to ascertain which PSC’s have been issued with firearms and their status with the Authority.276 An audit on this issue was conducted and revealed that 15,000 firearms were recorded as belonging to PSC’s that were no longer registered with PSIRA and as a result of this finding, the proposal was made that PSIRA and the SAPS should sign a Memorandum of Understanding (MoU) to allow the Authority to have access to their real-time database.277

Using this strategy it can be inferred that increased information sharing with the CFR, and screening to verify which PSC’s have firearm licenses and conducting joint operations with the SAPS to address non-compliance would lead to greater transparency on this issue.278 Currently PSIRA is limited in the information it receives from the CFR; the Authority is granted access when the request is made, however this is not from the CFR’s real-time database.279 Furthermore, the Director underscored that the issue of ensuring a robust partnership needs to be addressed from a different angle that keenly considers the balance between oversight and regulation. Questions such as: how abuses or deaths would be recorded, as well as firearm use and losses in the line of duty are crucial and would need to be sufficiently addressed.280 This he noted required the private security industry to be more accountable regarding how many people die or are affected by firearms.281

Compliance Forums are one of the ways PSIRA engages with the private security industry, the aim being to discuss and target issues that affect non-compliance. It was asserted that a broader consultative

274 Interview with a manager of an undisclosed private security company, 14/11/2013.

275 Interview with the Director of PSIRA, 30/07/2013.

276 Ibid.

277 Ibid.

278 Ibid.

279 Interview with the Director of PSIRA, 30/07/2013.

280 Ibid.

281 Ibid.
process with stakeholders such as the SAPS, Business Against Crime (BAC), the Security Industry Alliance (SIA) and the Security Association of South Africa (SASA) could help develop measures to deter non-compliance. He stated that engagement with the National Commissioner of Police on the matter had already taken place and that the terms of reference were still being formulated. It was stated that the National Commissioner of Police supported the idea of partnerships but had not articulated to what extent this support reached.

12. Gaps, inconsistencies and areas of improvement

The Private Security Industry has grown tremendously over the past years, since the promulgation of the Private Security Industry Regulation Act No. 56 of 2001 government and civil society have been concerned with the regulation of the industry, particularly with regard to effective regulation. The challenges of the private security industry have been manifested in many ways including - the lack of adequate resources of the Authority, which generates revenue from the fees and penalties from the private security industry. Insufficient resources has compromised effective regulation, compounded by the lack of proper accountability for fire-arms in the possession of members of the private security industry, security services rendered outside the Republic by South African security companies and criminality within the private security industry. These challenges have thus necessitated the fortification of the already established regulatory framework. The call for the review of the Act can be viewed as an affirmation by government’s strategic plan to build a developmental state in order to ensure that every citizen feels and is safe.

Certainly crime prevention strategies in South Africa should be informed by the rate (increase or decrease) of crime. This would best be achieved by conceiving the efforts of relevant security agencies, both state and non-state, through a binding and accountable multi-stakeholder approach, catered to preventing crime. When developed together with the principles of the 1996 National Crime Prevention Strategy (NCPS), this should elicit an understanding of the importance of cooperation and collaboration in the country. The NCPS envisaged a strategy to tackle the root causes of crime through an integrated and coordinated government response (Rauch, 2001). The NCPS floundered on many fronts but mainly due to the failed integration of different departments and agencies (Rauch, 2001).

282 Ibid.
283 Ibid.
284 Ibid.
287 Ibid.
The establishment of a formal structure and guideline for cooperative policing, it is averred, would address issues of accountability, monitoring and civil liabilities, and enhance information sharing for enhanced crime prevention (Minnaar, 2007). Although legislation has been effective in fostering a structure for regulation, enforcement and management of the private security industry, this is hampered by concerns regarding foreign ownership and the perception of low quality training standards (Minnaar, 2007). In theory however, this has been addressed in the Private Security Industry Regulation Amendment Bill of 2012, which is yet to be signed into law.

Additionally the question was posed to PSIRA's management structures, regarding whether the current sanctions regime was sufficient to ward off criminality in the private security industry, the Director of the Authority conceded that indeed they were not sufficient. He highlighted that the issuing of fines must be understood within the correct context, and that according to the Act, labour related contraventions require that a fine is issued accordingly, whereas sanctions related to criminal offences are issued by the courts. It was noted that the latter represented a more pressing concern because there was no formal strategy to deal with these in relation to enforcement as dictated by the Act.

Furthermore, it was stated that administrative or labour related fines were not sufficient, and PSC's find it easy to pay the fines; with PSIRA having accumulated R10 million in fines in one year. This trend it was noted promoted non-compliance and exacerbated the criminality within the industry. According to the Act PSIRA is mandated to deal with issues of abuse, payment of wages and exploitation of labour. This provision is informed by the history of the private security, however, PSIRA has scaled down on adjudicating on labour matters; which are now referred to the Department of Labour. The Director emphasized that PSIRA's role was not restorative but punitive. Nevertheless the promotion of the protection of the rights of security officers is a key consideration for the Authority. Notably Berg argues that the treatment and working conditions of security officers has a direct implication on the levels of accountability that can be expected from private security officers, and that:

[Although] the state has to some extent attempted to enforce the labour rights of those employed in the security sector through, amongst other things, regulating working hours, overtime and payment thereof, regulating rest and meal intervals, the receipt of benefits, and so forth. There is a general consensus that these conditions constitute the most basic conditions of employment and that security officers are still expected to perform in less than optimal conditions for relatively low pay or incentives (Berg, 2007: 19).

288 Interview with the Director of PSIRA, 30/07/2013.

289 Ibid.

290 Interview with the Director of PSIRA, 30/07/2013.

291 Ibid.

292 Ibid.

293 Ibid.
In addition there is need to focus on current challenges affecting the private security industry, such as criminality, non-compliance and firearm control; the fact that PSIRA has recorded 2 million private security officers on its database, but can only account for 400,000 is illustrative of the point.\textsuperscript{294} Also, PSIRA still relied on unofficial figures to determine how much the PSI in South Africa is worth, and the Authority is yet to obtain data from Statistics SA of how much the industry is really worth.\textsuperscript{295} The challenges of training should also address the shortcomings in literacy, as currently there is no defined threshold for entry into the private security industry; for example a matric certificate.\textsuperscript{296}

The view was held that moving from the old PSIRA ‘grades’ to the National Qualifications Framework (NQF) space was a critical move rooted in the signing of the memorandum of understanding (MoU) between PSIRA and the Safety and Security Sector Education and Training Authority (SASSETA).\textsuperscript{297} It was highlighted that additional debate and engagement with the industry was needed, to ascertain the material, quality of content, the quality assurance process and the duration for improved training for the private security industry.\textsuperscript{298} This process which is currently underway is intended to enhance the credibility of members of the private security industry.

Therefore it is prudent to acknowledge the hindrances created by the lack of strategic planning and foresight from previous management at the Authority, which has created a huge lapse in efforts to ensure effective control and regulation of the private security industry today.\textsuperscript{299} The result is a pattern of reactive responses to address a plethora of challenges that stem from poor management and regulation of the private security industry in the past. In spite of this the Authority’s management structures have been developing policies to respond to the growth of the private security industry. It was conceded that the new management at PSIRA had in the process of reviewing policies, uncovered that that there had been no clear policies in the past; prompting the development of clear and responsive policies in the current context.\textsuperscript{300} It was underscored that the seriousness of the offence, should inform the penalty.\textsuperscript{301}

These challenges have been exacerbated by the growth, sophistication and specialization of the private security industry through the use of technology and hi-tech aids (Minnaar, 2007). Viewed within the framework of a partnership between the police and the private security industry, technology could be

\textsuperscript{294} Ibid.

\textsuperscript{295} Ibid.

\textsuperscript{296} Interview with the Director of PSIRA, 30/07/2013.

\textsuperscript{297} Interview with PSIRA Deputy Director: Communications, 02/06/2014.

\textsuperscript{298} Ibid.

\textsuperscript{299} Interview with the Director of PSIRA, 30/07/2013. Previous management at PSIRA were suspended for poor performance in relation to their inability to carry out the objectives of the Authority.

\textsuperscript{300} Interview with the Deputy Director: law enforcement at PSIRA, 23/01/2014.

\textsuperscript{301} Ibid.
used to help enhance the mandate of such a partnership. The kind of partnerships envisioned between
the private security industry and the SAPS ought to be based on experience, which had revealed that the
role of information sharing should be at the forefront of all agreements and MoU’s.302 It was noted that
this should centre on how to communicate with each other and how to use information technology (IT)
to help each other. The intention in this instance would be to ensure that the lines between the two
entities are not blurred any further.303

In addition, challenges experienced with regulation, which emanate from staff shortages within PSIRA
must be addressed. There are currently seven vacant inspector positions (four senior inspectors and
three inspectors) within the Compliance and Enforcement Departments at Head Office following on
from previous resignations/ alternative deployments and promotions (PSIRA Annual Report 2013/14, p
33). During the year under review, a total of 2 015 investigations were finalized compared to 2 082
investigations in the 2012/2013 financial year. A lesser number were finalized in view of a number of
resignations during the financial year (PSIRA Annual Report 2013/14, p 20). This has weakened the
enforceability of sanctions.

Other factors that deter more effective regulation of the private security industry are a poor database
that allows transgressors to re-register with new companies (Minnaar, 2007). This gap is influenced by
the once-off registration, which means that the database cannot be updated (Minnaar, 2007). The need
for the creation of opportunities to change information online, access the Home Affairs fingerprint
database and outsourcing the function of background checks to enhance efficiency in regulation, is of
paramount importance. Certainly, integrating the efforts of relevant stakeholders and organs of state
would facilitate more effective regulation in this regard and provide the platform for crime prevention
partnerships.

Section 22 of the Principle Act 56 of 2001 was amended by the Private Security Industry Regulation
Amendment Bill of 2012 with regards to the renewal of registration. It states that ‘the Minister may
prescribe, through regulations, procedures and principles in respect of periodic applications for the
renewal of registration by registered security service providers and the conditions and requirements for
the granting of such applications.304 The Private Security Industry continues to experience extensive
growth challenges of non-compliance are multiplied. Hence during the 2014/2015 financial year, the
Authority will be introducing the following measures with the objective of improving industry
compliance.

The launch of the new certificates with improved security features to prevent forgery and address identity theft; the
new certificate will be implemented in line with the Home Affairs database integration to authenticate the identity of
applicants; the new certificate will have an expiring date (18 months for Security Officers and 12 months for security
business). The next phase of improvements will focus on the replacement of current identity cards for security
officers. The process will also involve employers taking accountability by applying for identity cards on behalf of a
security officer. This means that only security officers issued with identity cards will be deployed to provide security
services (PSIRA Annual Report 2013/14, p 6-7).

302 Interview with Senior Manager: legal services at PSIRA, 26/02/2014.
303 Ibid.
November 2013).
The framework for a crime prevention partnership would work more effectively, once the regulation and oversight of the activities of the public police and members of the private security industry, are coordinated under a standardized mechanism. There is a dire need for a robust debate about changing the way the South African society conceive of accountability for policing and security provision; the emphasis as Berg argues should be placed on engendering a new way of ‘ensuring accountability from a plural perspective’ (Berg, 2007: 26). Berg asserts that the context of accountability for both policing agents, state police and the private security industry should be reinforced through an emphasis of what activities they undertake.

13. Conclusion

The peaceful transition to democracy in South Africa was an indication of the remarkable and visionary agents of change that were responsible for the country we now live in. The country boasts strong institutions that bode well for the future of democratic principles in the country. However the legacy of inequality is reflected in the contemporary context, in differing and mutually reinforcing ways, as the country continues to be burdened with the triple challenge of poverty, inequality and unemployment. The increasing levels of crime are a reflection of the increasing levels of joblessness and poverty in the country. Since the NCPS was unveiled government has been directing significant resources to addressing crime in the country. There has been a concession that ‘high levels of crime pose a serious threat to our emergent democracy… [and] results in the deprivation of the rights and dignity of citizens, and poses a threat to [citizens] rightful participation in the democratic process.’ The NCPS made bold and honest assertions about the state of crime and prescribed the ‘development of wider responsibility for crime prevention and a shift in emphasis from reactive ‘crime control’; which deploys most resources towards responding after crimes have already been committed, towards proactive ‘crime prevention’ aimed at preventing crime from occurring at all.”

The reform of the police to suit a democratic order was imperative, considering the injustices and abuses that were normalized and even authorized by the apartheid government, for members of the South African Police force. The police force’s transition to a police service has been facilitated by the highest echelons of power, but divergent factors have contributed to the police’s inability to control and prevent crime in isolation. Notwithstanding the reality that no police service in any country has the ability to control and prevent crime unilaterally, gains could be made through partnerships with relevant state security structures, the private security industry and the communities toward which these efforts are directed.


307 Ibid.
The hypothesis of an improved crime prevention capacity is therefore feasible, but only through more effective regulation of the private security industry that could possible hinder instead of help, a crime prevention partnership. This analysis is similarly true for the SAPS. The main argument in this report argues that salient shortcomings may persist in a narrow conception of which agents in society are responsible for policing and particularly crime prevention. The findings presented in this report suggest integrated domestic security provision, that includes the role of the private security industry in support of the police, could yield significant gains; but must be closely monitored and a premium placed on accountability and credibility of the partners of such proposal.

The research findings are accurate representations of members of the private security industry, prominent representatives of private security industry agencies and PSIRA’s management structures responsible for the core business of the Authority. The responses reveal that already, there are ad hoc operations and working relationships with some members of the private security industry and the SAPS. The way these are executed and consequently their potential for a formal and effective partnership needs to be supported and steered by government, after robust and transparent dialogue on this topic. Hence, the objective of this research is to be one of the initial avenues to foster the discourse and ultimately cultivate a new way of thinking about policing, and who the policing agents and providers of security in our society should be. The aim is to augment the idea that conceives of the police as the only guarantor of security, to one that refers to a body of people officially employed to maintain order and enforce regulations. Broadening the concept of policing and security providers would help to facilitate and enrich partnerships between the public police and the private security industry; for enhanced crime prevention. Furthermore, reinforcing the skills and resources of public and private security agents, will serve to benefit the citizens of South Africa, through better control and prevention of crime.

It is envisioned that a crime prevention partnership would be successful if included in governmental policies dedicated to crime prevention, through an accreditation scheme; that would facilitate a crime prevention partnership for optimally trained, vetted and experienced members of the private security industry and SAPS members. In essence the private security industry elicits a portion of its legitimacy from the laws of the country, which have been instrumental in the industry’s development, specialization and growth. Indeed, the Constitutional protection for property laws, neo-liberal policies espoused by government in favour of privatization and significantly high crime statistics in the country, propel the existence of private security service providers.

The proposal put forth is that crime prevention and control may be improved through a shift in the way we think about crime prevention and who should represent policing and security provision in this country. This it is argued here that, both public and private policing agents form an essential component of the security architecture for the safeguarding of local communities in South Africa. Hence, through a formalized framework for an integrated use of these complementary skills, knowledge and experiences; policing and the provision of security and thus community safety can be markedly improved. Indeed the police ‘neither create order nor sustain it. [instead] they react to its episodic breakdown and seek to repair the resulting damage to security and trust.’

Ownership by the state, an olive branch to the private security industry and reform of both public and private security agencies, are recommended to

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facilitate the success of a crime prevention partnership and improved crime prevention and control in South Africa.

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