

EVERYONE HAS A RIGHT TO:

- receive the same level of treatment and courtesy as others regardless of ancestry, colour, place of origin, race, religion, sex, sexual orientation, mental or physical disability, marital or family status or any combination of these factors;
- be treated with respect and dignity;
- be judged by their actions not by their appearance;
- ask why they're being banned from property and to see a guard's ID card and license;
- know why they're being detained or arrested;
- keep silent and speak with a lawyer if detained or arrested; and
- report disrespectful, abusive, illegal and discriminatory behaviour.

SECURITY ACCOUNTABILITY IN BC

The Security Programs and Police Technology Division of the Ministry of Public Safety and Solicitor General oversees the regulation of the security industry in BC. They also set rules and standards for licensed guards and security firms.

For example, licensed guards are not allowed to carry hand-cuffs in BC, they are not allowed to hold themselves out to be police officers, and they must produce their security license and ID card upon request. Licensed firms can only employ licensed guards.

By 2009, doorpersons, bouncers, bodyguards, in-house security and private investigators will fall under similar licensing and regulatory standards.

MORE INFORMATION AND CONTACTS:

To File Complaints Directly:

Security Programs and Police Technology Division, Ministry of Public Safety and Solicitor General
PO Box 9217 Stn Prov Govt
Victoria, BC V8W 9J1
Call: in Victoria 250.387.3374
Fax: 250.387-4454
Web: www.pssg.gov.bc.ca/pisa
Email: sgspdsec@gov.bc.ca

For toll free access to the above office, call Service BC (in Vancouver phone 604.660.2421 or elsewhere phone 1.800.663.7867).

BC Human Rights Tribunal

1170 - 605 Robson Street
Vancouver, BC V6B 5J3
Tel: 604.775.2000
Fax: 604.775.2020
TTY: 604.775.2021
1.888.440.8844 toll free (in BC)
Web: www.bchrt.bc.ca

Canadian Human Rights Commission British Columbia and Yukon Region

Ste. 301, 1095 West Pender St.
Vancouver, BC V6E 2M6
Tel: 604.666.2251
Fax: 604.666.2386
TTY: 1.888.643.3304
Toll free: 1.800.999.6899
www.chrc-ccdp.ca

For Help with Complaints:

BC Civil Liberties Association

In Vancouver: 604.630.9754
Email: info@bccla.org
Web: www.bccla.org

BC Human Rights Coalition

In Vancouver: 604.689.8474
Toll Free: 1.877.689.8474
Email: info@bchrcoalition.org
Web: www.bchrcoalition.org

Pivot Legal Society

In Vancouver: 604.255.9700
Email: info@pivotlegal.org
Web: www.pivotlegal.org

Low Cost Legal Services:

Dial-a-Law

Lower Mainland: 604.687.4680
Toll Free: 1.800.565.5297
www.dialalaw.org

LawLINE and Legal Aid

Lower Mainland: 604.408.2172
Toll Free: 1.866.577.2525
www.lss.bc.ca

Lawyer Referral

Lower Mainland: 604.687.3221
Toll Free: 1.800.663.1919

Native Court Workers

Lower Mainland: 604.687.0281
www.nccabc.ca

UBC Law Students' Legal Advice Program

In Vancouver: 604.822.5791
www.lslap.bc.ca/main/?help

University of Victoria Law Center

In Victoria: 250.385.1221
www.thelawcentre.ca



Information for the public about
interacting with security guards
who patrol private property

KNOW YOUR RIGHTS

www.securityandyou.ca

This pamphlet is intended as general information and should not form the basis for legal advice.

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THE ROLE OF SECURITY IN PUBLIC PLACES

Many public places, such as shopping malls, stores, and parking garages, have security guards patrolling and safeguarding property.

Security patrol guards are either employed in-house by property owners, or by security firms that contract out services. In-house guards are not currently licensed, but will be by 2009. Security firms and the guards they employ are currently licensed. Licensed guards are required to carry an ID card and a security license, and must produce both on request.

Whether licensed or not, a security guard's role is to guard property and to enforce rules and service standards set by property owners.

Typical rules set by property owners might include:

- No loitering
- No shirt, no shoes, no service
- No swearing
- No pets allowed

When enforcing rules, guards must do so in a way that is fair and that does not discriminate on the basis of characteristics protected in human rights laws.

GUARDS' POWER TO ENFORCE RULES

A guard can ask someone to leave property and they can ban a person if rules are broken. They should be professional and indicate which rule is being broken.

If someone refuses to leave when asked, he/she may be viewed as a trespasser. Guards can use reasonable force to remove trespassers and they can make a citizen's arrest if a trespasser actively resists lawful efforts to remove them.

GUARDS' POWERS OF ARREST, SEARCH AND DETENTION

Guards are not police officers, but they do have authority to make a citizen's arrest – *only* if they see someone commit a crime, or if they see someone run from a person with authority to make an arrest.

A guard cannot hold someone against his/her will unless the person is under arrest. If a guard only suspects a crime was committed and wants to ask questions, they have no power to keep the person on the premises.

Guards can only search people if they have their consent. Consenting to be searched is sometimes required for entry to an event, such as a concert.

Guards can also search a person after making a citizen's arrest, but the search must be limited to a pat-down for weapons or for evidence relating to why the arrest was made.

A guard must hand a person they have arrested over to police as soon as possible.

COMPLAINT OPTIONS

In all cases, it will be important to know the guard's name, who they work for, and their security license number if licensed.

Complaints about licensed security firms or guards can be made to the Security Programs and Police Technology Division of the Ministry of Public Safety and Solicitor General.

These complaints may be about a licensing concern, about the behaviour of an employee, or about the use of equipment such as handcuffs and restraining devices.

Complaints with the Security Programs Division:

This process is FREE, but can only address complaints against licensed guards and licensed firms. Complaints must be made in writing within one year of the incident. Valid complaints may result in corrective action, such as a restriction on the security firm's or guard's license, a warning, or a fine.

The BC Civil Liberties Association may be able to provide help with this process.

Other Options:

If the guard is not licensed, complain directly to the guard's employer. Internal complaint procedures can also help resolve misunderstandings with licensed guards.

Both licensed and unlicensed guards can also be sued in a civil lawsuit for improper conduct. Pivot Legal Society or one of the low cost legal services listed on the back may be able to assist with civil suits.

The police should be contacted if there has been an assault.

Complaints of Discrimination:

Complaints of discrimination may be filed if a person believes the way they were treated by security was due, in whole or part, to their age, ancestry, colour, place of origin, race, religion, sex, sexual orientation, mental or physical disability, marital or family status, or any combination of the above.

The complaints process is FREE and complaints must be in writing within certain time limits. The BC Human Rights Coalition can help with any human rights related questions and concerns.

See the back panel for a list of contacts.