## Module 3: Roles and Responsibilities of Security Personnel

### Objective

At the end of this module, participants will be able to perform their duties and responsibilities as security personnel according to human rights (HR), national laws, company policies, and the Voluntary Principles of Security and Human Rights (VPSHR), by applying their skills and knowledge to specific scenarios and activities.

### Assessment

The application of knowledge and skills will be assessed using specifically designed group activities and sessions requiring that participants reflect on the use and application of knowledge and skills acquired, as part of the company's security activities.

| Introduction                                                                 | 0 h 05 min |
| 1. Roles and responsibilities of Security Personnel                         | 0 h 20 min |
| 2. Regulatory Framework for Security Practices                              | 0 h 40 min |
| 3. Activity: Dealing with Vulnerable Groups                                 | 0 h 35 min |
| 4. Activity: HR and Security Actions                                       | 1 h 05 min |
| 5. Activity: Dealing with Assemblies, Crowd Control and Evictions           | 0 h 30 min |

### Conclusion

Total Time: 3 h 20 min
Introduction

At the end of this module, you will be able to perform your duties and responsibilities as security personnel according to human rights (HR), national laws, company policies, and the Voluntary Principles of Security and Human Rights (VPSHR), by applying your skills and knowledge to specific scenarios and activities.

Explain to participants:

- Key content to be covered during this module includes:
  - Your duties and responsibilities as security personnel.
  - The “regulatory framework” guiding our security operations.
  - The importance of a gender-sensitive approach to security.
  - The need and importance of partnerships and cooperation between security personnel and the local community.
  - Your duty and responsibility to protect and respect HR during security actions that involve temporary detention, arrest, search and seizure, as well as dealing with assemblies, crowd control, and evictions.
  - Your duty and responsibility to ensure that the rights of vulnerable groups such as children, women, foreign nationals, and the victims of crime are protected and respected.
  - The need to monitor and report on you performing your duties and responsibilities.

- First, we will identify and discuss the different duties and responsibilities of company and private security personnel, compared to the duties and responsibilities of public security personnel (forces). This discussion will help you understand the role and responsibility of all security personnel contributing to our security operations.

The discussion will now focus on the national laws, policies, and HR guidelines applicable to your job. This is also called the “regulatory framework” that lays down the standards that guide us in doing our job in such a way that we still consider, protect and respect the HR of the people and communities we work with.

We will also discuss our duty and responsibility to ensure that the rights of vulnerable groups such as children, women, foreign nationals (workers), and the victims of crime are protected and respected.

Group discussions, a presentation, role-play and scenarios will be used to facilitate your learning in this module.

Encourage participants to:

- Actively participate in discussions and activities.
- Share their own practical experiences or examples from your job/work environment.
- Consider how what we discuss applies to them doing their job as security officers.
1. Roles and Responsibilities of Security Personnel 0 h 20 min

**Preparation**

**Display** the *LT Poster Who does what*. You will refer to it during your explanations of the roles and responsibilities of security personnel. Place the poster in a location where it is visible to all. Refer to it during the course whenever you need to point out the difference between the various security personnel. A copy is included in the *Participant Handbook*.

**Setup** and **test** the notebook and multimedia LCD projector.

**Review** *SP: Roles and Responsibilities of Security Personnel*

**Note to facilitators:**

Use the following list of guiding questions to help you plan, prepare, and direct discussions, feedback, and learning:

**Q** Are there differences between the duties and responsibilities of *company and private security personnel*, compared to *public security personnel (forces)*? If so, explain.

**Q** What can *our company and private security personnel* do that *public security personnel (forces)* cannot do? Why?

**Q** What can *public security personnel (forces)* do that *company and private security personnel* cannot do? Why?

**Q** Who or what authorises *security personnel* to perform their duties and responsibilities?

**Q** How may executing your duties and responsibilities as security personnel limit or infringe on the rights of company personnel, the community, and/or suspects temporary detained or arrested?

**Q** Are there any laws, policies or documents that you know of that inform security personnel what they are expected to do?

**Q** According to which rules, standards, and guidelines will security personnel perform their duties?
Divide the class into four small groups.

Assign group questions using the slides.

Facilitate feedback in plenary.

Begin SP: Roles and Responsibilities

Slide 1 Company Logo

Slide 2 Topic

Slide 3 What is the difference?

Display the slide in the background.

Inform participants:

- In the picture you will see two different groups of security personnel.

- These groups include:
  - Company and private security personnel (left)
  - Public security personnel (forces) comprising of government security forces (right)

Ask participants to briefly discuss and give feedback on the following question:

Q What is the difference between company and private security personnel compared to public security personnel (forces)?

**Anticipated Response:**

- Company security personnel (own)

  Refers to our own employees that have been recruited, appointed, and trained to perform security duties at a company project/operations site.
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- **Private security personnel**

  Refers to external private security personnel that have been contracted to ensure safety and security at company global operations sites. They work with and for our company. There are small differences between the duties and responsibilities of company and private security personnel and for practical purposes they are referred to as one group of people.

- **Public security personnel (forces)**

  Refers to government security force (e.g. police or military) mandated to maintain law and order in the community wherein the company’s global operations site is situated.

**Inform** participants that the duties and responsibilities of security personnel working for, with and at the company’s global operations may be different due to one or more reasons such as:

- authority
- professional limitations
- equipment
- nature and size of the project or business operation
- geography and location
- the security situation and risk around operation
- agreements
Note to facilitators:

- **Authority** (e.g. *Company and private security personnel* only have jurisdiction on company property, while *public security personnel (forces)* have a mandate to respond to incidents on company property and in public – outside our property).

- **Professional limitations** (e.g. *Company and private security personnel* are not allowed to process evidence, or conduct investigative interviews with suspects or witnesses, while *public security personnel (forces)* may be sworn law enforcement officials authorised to do so).

- **Equipment** (e.g. unless authorised, *company and private security personnel* will be unarmed; subsequently they cannot respond to armed attacks or be expected to deal with dangerous suspects).

- **Nature and size of the project or business operation** (e.g. a diamond mine may place stronger emphasis on screening, access control as opposed to a coal mine).

- **Geography and location** (e.g. the location, size, terrain, and weather conditions may require the use of vehicle patrols instead of foot patrols special equipment to conduct perimeter).

- **Security situation around operation** (e.g. is there a high rate of crime, conflict, or a history of past incidents that warrants higher risk and improved security measures).

- **Agreements** (e.g. The company will have a contract with *private security providers* and a memorandum of understanding (MOU) with *public security personnel (forces)* that support company security operations).

Conclude by saying:

- Both categories of security personnel support our company’s security operations.

- Before working with any security personnel, the company will ensure that all security personnel understand the HR framework and VPSHR that form part of our security operations.
Slide 4  **Who does what?**

**Display** the slide in the background.

**Inform** participants:

- Company and private security personnel have an employment or service contract with the company *(left).*

- Public security personnel (forces), comprising of government security forces such as the police and military has a memorandum of understanding (MOU) with the company *(right)* to agree on how they will support our security operations.

- These documents form the basis for the duties and responsibilities performed by security personnel in support of our security operations.

- These documents also ask security personnel to perform their duties and responsibilities in such a way that they respect, protect, and fulfil the HR of company personnel, the community, and/or suspects or persons dealt with.

- *Company and private security personnel* will perform the same duties and responsibilities in support of our security operations.

**Ask** participants to:

- **Briefly** discuss and give feedback on the following two questions:

**Q** What are the duties and responsibilities of *company and private security personnel*?

**Anticipated Response:**

- Access (entry) control to company facilities and operations
- Egress (exit) control from company facilities and operations
- Perimeter control of company facilities and operations
• Identification and screening of persons and goods
• Control of movement of persons and restricted goods
• Prevent access to restricted areas and security zones
• Search vehicles for the movement of restricted persons and goods onto, within, and out of company facilities and operations
• Perimeter control that includes foot patrols, vehicle patrols, and the inspection of perimeter and security fences
• Escorting of persons and goods in restricted areas
• Detection and removal of dangerous, controlled or unwanted goods
• Routine searching of persons and vehicles for controlled or restricted goods
• Setting up vehicle checkpoints and roadblocks
• Search, seizure, and control of restricted or prohibited goods on company property
• Crime prevention duties
• Respond to on-site alarms and service calls
• Conduct routine inspections and reports
• Temporary detention and handing over of suspects to the local law enforcement agency
• Control and limit access to crime scenes
• Preserve and hand over evidence that may be used a part of criminal investigation
• Assist the police a requested, with the permission of your supervisor
Q What are the duties and responsibilities of public security personnel (forces) in support of company security operations?

Anticipated Response:

- Maintain law and order.
- Protect and serve the community.
- Ensure the safety and security of citizens, non-citizens and the local community.
- Ensure the safety and security of the company as a corporate citizen.
- Respond to service calls and emergencies that pose an imminent threat to company personnel, facilities, and operations, or exceeds the company’s capability to respond.
- Protect and respect HR.
- Arrest and detention of suspects.
- Dealing with assemblies, crowd control and evictions.
- Investigate crimes.

Slide 5 How do we work together?

Display the slide in the background.

Inform participants:

- All security personnel need to work together to support company security operations.
- All security personnel need to work together to ensure that HR is protected and respected.
Ask participants:

Q  What do you suggest would improve cooperation between all security personnel?

**Anticipated Response:**

- **Get to know one another**; this includes obtaining a better understanding of why and how duties and responsibilities are performed.

- **Do not exceed your authority**; do only what you are allowed to do.

- **Share critical information** needed to prepare, prevent, or respond to a security situation. If you are not sure if you can share information, first ask your supervisor.

- **Participate in joint training and exercises** on the use of force and human rights.

**Notes to Facilitators:**

The following background reading will help you prepare and better understand the relationship of the company with contracted private security providers and public security providers (forces). This may be helpful to clarify questions and explanations to participants.

The **Guidance notes for implementing security and human rights principles** state that the company is responsible for minimizing the risk that private security providers exceed their authority and harm HR in any way.

Regarding **private security**, the company will inform security personnel of:

- Our policies regarding ethical conduct and HR;

- The law and professional standards of the country in which they operate;

- Emerging best practices developed by industry, civil society, and governments; and

- The importance of promoting the observance of international humanitarian law.
Contractual provisions in agreements with private security involve the following:

- Reviewing the background/reputation of private security they intend to employ, particularly relating to criminal background and the use of and excessive force.

- Consulting with other companies, home country officials, host country officials, and civil society regarding experiences with private security.

- Ensuring that private security guards are free of lethal weapons (unless approved).

- Making private security aware of, and ensuring that they observe, the company’s policies regarding ethical conduct, human rights, International Humanitarian Law (IHL), and rule of law.

- Ensuring that private security maintains high levels of technical and professional proficiency, particularly regarding the local use of force and firearms (if applicable).

- Ensuring private security acts in a lawful manner, exercises restraint and caution in a manner consistent with applicable international guidelines regarding the local use of force, including the UN Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.

- Ensuring private security has in place and implements policies, training and standard operating procedures regarding appropriate conduct and the local use of force (e.g. continuum on the use of force).

- Ensuring that all allegations of human rights abuses by private security will be recorded and immediately reported to the company. All credible allegations will be properly reported, investigated, and monitored.

- Ensuring that private security provides only preventative and defensive services and do not engage in activities exclusively the responsibility of state military or law enforcement authorities.

- Ensuring that private security will (a) conduct background checks on all security guards; (b) not employ individuals credibly implicated in human
rights abuses or who have a criminal record to provide security services; (c) use force only when strictly necessary and to an extent proportional to the threat; and (d) not violate the human rights of individuals as recognized by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work. This includes the right to exercise freedom of association and peaceful assembly, and to engage in collective bargaining.

- Ensuring that cases involving the use physical force is properly investigated by the private security and reported to the company. Private security will refer the matter to local authorities and/or take disciplinary action where appropriate. Where force is used, medical aid should be provided to injured persons, including to offenders.

- Ensuring that private security will maintain the confidentiality of information obtained because of its role as security provider.

- Ensuring that private security personnel are adequately trained to respect the human rights of employees the local community, which includes an understanding of gender considerations and any other persons affected by the company’s operations.

- Agreeing to the termination of an individual’s contract and or the relationship with the contractor by the company where there is credible evidence of unlawful or abusive behaviour by private security personnel, including breaches of human rights.

- The company consulting and monitoring private security providers to ensure they fulfil their obligation to provide security in a manner consistent with the principles outlined above.

Regarding the use of public security personnel (forces), the company will include the following aspects in the MOU:

- Requiring the government/public security forces to give assurance that none of its members assigned to the site/project has been involved in credible allegations of human rights violations.

- Allowing for the arrangement with public security forces to be made public while keeping commercial confidentiality in mind. Requiring public security forces and company representatives to meet regularly with local leaders/communities to discuss common issues of security, including any issues relating to the conduct of the public security.
- Requiring public security forces and company representatives to meet regularly with local leaders/communities to discuss common issues of security, including any issues relating to the conduct of the public security.

- Acquiring demonstration/certification that the public security forces’ members have received security and human rights training. Note: This might mean the company would facilitate such training, possibly in cooperation with other companies or entities operating in the country.

- Communicating company policies regarding ethical conduct and human rights to public security forces. Expressing the company’s desire that security is provided in a manner consistent with those policies and by personnel with adequate and effective training.

- Equipment imports, and exports should comply with all applicable law and regulations.

- Communicating the importance for the company that force be used only when strictly necessary and to an extent proportional to the threat.

- Communicating the importance for the company that the human rights of individuals, as recognized by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work, should not be violated, including the right to exercise freedom of association and peaceful assembly, the right to engage in collective bargaining, or other related rights of company employees.

- In cases where physical force is used by public security, such incidents should be reported to the appropriate authorities and to the company.

- Where force is used, medical aid should be provided to injured persons, including to offenders.

- The type and number of public security forces deployed should be competent, appropriate and proportional to the threat.

**We will ensure that our own security personnel:**

- Are screened for human rights violations and criminal records before employment.
- Are trained in human rights and the use of appropriate force.
- Are not issued with lethal weapons to perform their job (unless approved and trained).
- Apply the ethical conduct and human rights policy of the company.
- Apply the laws and professional standards of the country in which they operate.
- Apply site specific security policies and procedures.
- Record and investigate all allegations of human rights abuses by company security personnel.

Slide 6  **Community Considerations &**
Slide 7  **Involving the community**

**Display** the slide in the background.

**Notes:**

- All security personnel need to work with the community to ensure that their HR are protected and respected.
- Generally, conflict can be minimized by engaging with and working with the surrounding communities. This requires the building of mutual trust and understanding.
- Consider questions such as, "How does community's interests differ from yours, and from the company’s interests?"
- Security and other challenges should be discussed with local communities and stakeholders. Consider the question, "What drives problems in the community?" The local law enforcement agency must form part of these discussions.
- Discussions need to consider and include women, children, community leaders, local organizations, and any other group that will benefit or be affected by business or security arrangements.
- The company will also involve security personnel and other employees or representatives in discussions with the community and work with them to share information, views and objectives.

- Creating a shared understanding of the security challenges with the local community implies that everyone is involved and can work together to ensure a safe and secure environment for all. Together problems can be discussed and solved using a community-based security approach (CBSA).

**Slide 8 Community-based security approach**

**Notes:**

- A community-based security approach is based on partnership, problem-solving and prevention.

- Models such as SARA can be used to help problem-solve human rights issues.

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**SCAN**

- Have you identified a human rights problem?
- Where can you find more information about the human rights problem?
- Have you identified the consequences of the human rights problem?
- Have you confirmed that the human rights problem really exists?

**ANALYZE**

- Why does the human rights problem exist?
- What is the main cause of the human rights problem?
- What else can you do to better understand the human rights problem?
- Who else do we have to talk to?

**RESPOND**
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Voluntary Principles on Security and Human Rights (VPSHR)

What can we do to solve the human rights problem?
Have you selected the best solution?
What can we do to limit the consequences of the human rights problem?
What do you want to achieve with your solution?
Did we consult all our partners? Do we have their support?
Who will be responsible to implement the solution?

Assess

Did we manage to implement the solution?
Did the solution work?
Did we solve the problem?
Do we need more information?
Do we need another solution?

Ask participants:

Q  How will company security operations benefit from involving the community in its security practices?

Q  How can involving the community help identify and address human rights and security issues at projects/global operations sites?

Anticipated Response:

- The community will help to:
  - Identify and solve actual and potential human rights issues and violations.
  - Identify vulnerable groups within the community that are specifically vulnerable to human rights violations.
  - Obtain information from the community to help you better understand the causes, consequences, and effects of human rights issues and violations.

- Work with the community to identify and select practical solutions to prevent and respond to human rights issues and violations.
- Use the community to help identify meaningful projects that will help promote human rights, including the rights of vulnerable groups in the community.

**Reflection**

0 h 10 min

In plenary, ask and have participants reflect on the following questions:

Q Is there a difference between the duties and responsibilities of the company and private security personnel compared to the duties and responsibilities of public security personnel (forces)? If so, explain.

**Anticipated Response:**

- Yes

- The company and private security personnel will perform their duties and responsibilities at company facilities, projects and operations – on company owned and controlled property.

- Public security personnel (forces) will primarily perform their duties and responsibilities outside the company-controlled facilities and property. When requested, or authorised, they will help the company deal with security situations that they cannot deal with.

- Company and private security personnel do not have the same mandate, authority and jurisdiction as public security personnel (forces).

- A memorandum of understanding (MOU) between the company and public security personnel (forces) will determine how they support company security operations.

Q What can company, and private security personnel do that public security personnel (forces) cannot do? Why?

**Anticipated Response:**

- Control access to restricted areas of company property as part of their duties and responsibilities. Not all areas may be accessible to all staff.
Deny the access or movement of unauthorised persons or restricted goods on company premises according to company approved security policies and procedures.

Q What can public security personnel (forces) do that company and private security personnel cannot do? Why?

**Anticipated Response:**

- Search with a warrant; company and private security personnel are not sworn law enforcement officials and are not authorised to do searches with a warrant.

- Detention and imprisonment; company and private security personnel can only temporary detain a person or goods with the intention to immediately hand them over to the local law enforcement agency who have a choice to arrest, charge, or detain such a person with the intent of bringing him/her before a court of law.

- Criminal investigations; company and private security personnel can only protect a crime scene and evidence and then hand it over to the local law enforcement agency and the appointed investigating officer who will collect evidence, and interview the witnesses, suspects and victims.

- Dealing with assemblies and crowd control; if authorised company and private security personnel may remove protestors illegally trespassing on company property whilst public security personnel (forces) may be mandated and equipped to deal with assemblies and crowd control on and outside company property.

Q Who or what authorises security personnel to perform their duties and responsibilities?

**Anticipated Response:**

- Job descriptions

- Employee contract from the company
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- Service contract between the company and the contracted private security provider
- HR and IHL (including the VPSHR)
- National laws, policies and guidelines
- The company Security standard, policies and guidance notes
- Security policies and procedures that apply to the specific company projects or operations

**Note to facilitators:**

Do not discuss this in too much detail. The next topic, dealing with the regulatory framework will explore these issues in more detail. You only want to get participants thinking of what gives them the authority to do their job.

You may wish to discuss and clarify this matter with company managers/supervisors during your preparation.

**Q** What situations do you think require of public security personnel (forces) to assist company and private security personnel?

**Anticipated Response:**

- Arrest of a suspect
- Conducting a full body search of a suspect, or his/her property
- Dealing with armed and dangerous suspects
- Dealing with assemblies and crowd control
- Emergency situations (incidents of public and political violence, a bomb threat, a hostage situation, etc.)
- Evictions
- Dealing with crimes committed on company property

**Q** Is there an overlap between the roles and responsibilities of company and private security personnel compared to the duties and responsibilities of public security personnel (forces) as far as company security operations are concerned?

**Anticipated Response:**
- Yes

- *Company security and private personnel* will deal with internal security duties and responsibilities.

- When *company and private security personnel* are unable to deal with a situation, they will receive assistance from *public security personnel (forces)*.

- *Public security personnel (forces)* can also support company security operations as agreed in the MOU.

**Q** Have you thought of how your duties and responsibilities may limit or infringe on the rights of company personnel, the community, and/or suspects or persons dealt with?

**Anticipated Response:**

- Security actions have the potential to limit the fundamental rights associated with life, liberty, freedom, equality, and justice.

- When we implement security actions as part of our job, we must ensure that we still respect and protect the rights of others. We also must ensure that our actions comply with the PLAN principle.

**Conclude** by saying:

- Security personnel may have different duties and responsibilities due to law, mandate, or jurisdiction.

- Depending on the MOU with *public security personnel (forces)* and security policies there may be some overlap in the duties and responsibilities of *the company and private security personnel* and *public security personnel (forces)*.

- There is a major difference in the mandate and authority of *company and private security personnel* compared to *public security personnel (forces)*.

- All security personnel have a responsibility to work together to ensure that HR are protected and respected.

- Actions taken by *all security personnel* must be proportional, legal, accountable and necessary (PLAN).
To ensure accountability, and to ensure that the needs and rights of the persons and the community are considered, the community must as far as possible be involved and consulted on security issues affecting the rights of communities and people.

**Regulatory Framework for Security Practices**

0 h 40 min

**Preparation**

**Review SP: Roles and Responsibilities of Security Personnel**

**Note to facilitators:**

The slide on *Country laws and treaties* require of you to identify and share national laws that authorise or limit the actions of security personnel, as well as examples of international treaties and human rights instruments ratified by the country.

Examples of country specific laws include:

- The constitution
- Police laws
- Military laws
- Private security laws
- Criminal law and criminal procedure law
- Bylaws
- Religious laws

Examples of international treaties include:

- Universal Declaration of Human Rights
- Geneva conventions
- African Charter of Human Rights
- Declaration on the Elimination of Violence Against Women
- Etc.

The objective is to make sure that security personnel **understand that it is not up to the company** to decide what they want to; duties and responsibilities must be performed within and in **compliance** with the law (rule of law) and must consider **international HR** standards.
There are laws that the company must respect, and there are laws that security personnel must respect. If these laws are not respected, then security personnel and the company may be found guilty of an offence.

The slide on **Site specific security policies and procedures** requires you to identify site specific security policies and arrangements that influence the duties, responsibilities, and actions of security personnel.

**Operations specific arrangements** include:
- Other duties and responsibilities
- Restricted or controlled goods
- SOPs
- Equipment available and approved for use
- Use of force policy applicable to private and public security personnel

**Provider arrangements** to be considered include:
- Contracted private security (as per contract)
- Public security personnel (forces) (as per MOU)

The objective is to **make sure that security personnel understand that their duties and responsibilities** must be performed in **compliance** with the company and site-specific security policies and procedures. Contracts and agreements will be used to ensure that **contracted private security personnel and public security personnel (forces)** understand how they are required to do their work, protect and respect human rights, and support company security operations.

The slide on **Community considerations** require of you to identify and share site specific community issues that impact on the actions of security personnel and the rights of the community.

Examples of community considerations include:
- Traditions and values
- Cultural practices
- Environmental issues and concerns
- Religious issues
- Security risks and threats

The objective is to **make sure that security personnel understand that duties and responsibilities must** respect local customs and traditions and protect and respect the rights of the community that they work in.
Presentation and group discussion
0 h 40 min

Continue SP: Roles and Responsibilities of Security Personnel

Slide 9  Regulatory Framework

Notes:

- In Module 1: Human Rights Framework for Global Operations and Security Practices, we already discussed human rights, IHL, and the VPSHR. We also looked at how these apply to security personnel.

- Several rules, laws, policies, procedures and best practices inform you:
  - What to do
  - Why you can do it
  - What you cannot do
  - How to do it
  - When to do it
  - Why you must do it

- Combined these laws, policies, procedures and best practices form the “regulatory framework” applicable to all security personnel and company security operations.

Slide 10  Authority, mandate, jurisdiction?

Notes:

- The laws, policies, procedures and best practices that inform you how to do your job may be different depending on who you are, where you work, and what you are authorised to do.

- For example: Company and private security personnel will never be expected to respond to service calls from the public; service calls in public is part of the mandate of the local law enforcement agency. Depending
on their mandate public security personnel (forces) may be obliged to respond to all service calls from the public and community.

- The company and private security personnel working on company premises must comply with the company security policies and procedure.

- Public security personnel (forces) work in public and within the community. They have national laws and departmental policies and procedures with which they must comply. The company forms part of the community and based on the MOU in place public security will be asked to assist company security operations.

Slide 11 Country laws and international treaties

Notes:

Note to facilitators:

Use this opportunity to share country specific laws that authorise or limit the actions of security personnel, as well as examples of international treaties and human rights instruments that the country are signatories to.

Conclude by saying:

- The company has assigned you certain security duties and responsibilities.

- You do not have “unlimited authority and powers”.

- Your duties must be performed according to the laws, policies and procedure that apply to you.

- Company security policies and procedure applies to all security personnel working at, with, or supporting company security operations.
Slide 12  **Site specific policies and procedures**

**Notes:**

**Note to facilitators:**

Use this opportunity to share site specific security policies and procedures guiding the actions of security personnel, as well as contracts and MOUs in place with *private security providers* and *public security personnel (forces)*.

**Conclude** by saying:

- We want to ensure that you understand your duties and responsibilities and that you perform them in compliance with local laws and company specific security policies and procedures.

- *All security personnel* need to observe and honor the contracts and agreements that the company has in place with them or their employers.

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Slide 13  **Community considerations**

**Notes:**

**Note to facilitators:**

Use this opportunity to share community-specific considerations that impact on the actions of security personnel, and the rights of the communities that they work in.

**Conclude** by saying:

- The company wants to be a good corporate citizen and a good neighbour.

- The objective is to make sure that you understand that your duties and responsibilities must be performed in such a way that it respects local customs and traditions and that you have an obligation to ensure that the rights of the community are protected and respected always.
The better your understanding of your community, the easier it will be for you to respect their rights and work with them to problem-solve security issues.

Slide 14 **Gender and security**

**Notes:**

**Explain** to participants that

- **Gender and security requires that:**
  - Your actions should equally benefit or limit the rights of women and men.
  - Security arrangements need to recognize that men and women are different and that they have different needs.
  - Women security personnel can better respond to the needs of women.
  - You need to treat women and men equally.
  - This is a security imperative, that is not optional and fundamental to providing HR compatible security arrangements.

- **Equal opportunities imply:**
  - Acknowledging the important role and importance of involving women as part of law enforcement and security practices.
  - Ensuring equal career, training, and education opportunities for female and male security personnel.
  - Ensuring equal remuneration and benefits.
  - Ensuring equal involvement and participation for women and men at all occupational levels.
  - Taking steps to address past discrimination and restore the balance between men and women

- **Equal treatment implies:**
- Not discriminating against a victim, complainant, suspect, or colleague based on his/her sex or gender.
- Affording the same rights to women and men in all aspects of your work.
- Treating men and women equally with the dignity and respect that they deserve.
- Avoiding harassment and sexual harassment.

- Remember: Equality does not necessarily mean the same. But it does mean that you must be fair to everyone.
- You also need to recognize the different needs of women and girls as suspects, victims of crime, and a vulnerable group of society.

Slide 15  Company Logo

Conclude by saying:

- You now have a better understanding of your roles and responsibilities as security personnel.
- You have also been introduced to national laws and security policies and procedure that tell you what you are authorised to do.
- The company wants you to respect the laws of the country and to do your job as set out in the security policies and procedures discussed.
- You also now have a better understanding of the duties and responsibilities of public security personnel (forces) who may be called to assist company security operations.

End SP: Roles and Responsibilities of Security Personnel
Module 3: Roles and Responsibilities of Security Personnel

2. Dealing with Vulnerable Groups

0 h 35 min

Preparation

Prepare four sets of LT: Vulnerable Groups Flash Cards.

Read the section in the Participant Handbook on Dealing with vulnerable groups.

Note to facilitators:

The discussion to follow is based on key international human rights applicable to women, children, foreign nationals (workers), and victims of crime.

You can identify and share the national laws (e.g. the constitution, criminal law, or criminal procedure law) that protect or support the rights of these groups.

Also have participants identify the vulnerable groups in the communities that they work in.

Introduction:

0 h 01 min

Inform participants:

- The company acknowledges the rights, special needs, and vulnerability of children, women, foreign nationals (workers), victims of crime, and victims of human trafficking.

- These groups deserve to be treated with the same dignity and respect as other persons. Security personnel (you and me) need to take special care to ensure that the rights of these groups are protected, and that we ourselves do EVERYTHING POSSIBLE to respect and protect their HR.

- The next activity will have us explore and discuss the rights of these vulnerable groups.
Divide the class into three small groups.

Present each group with a set of four flashcards (*LT: Vulnerable Groups Flash Cards*).

Inform groups:

- Your set of flashcards includes images of four vulnerable groups:
  - Flashcard 1 - Children
  - Flashcard 2 - Women
  - Flashcard 3 - Foreign nationals (workers)
  - Flashcard 4 - Victims of crime

Instruct participants:

- Each group will be assigned a different vulnerable group.

- In small groups, **identify** three rights that you feel the assigned vulnerable group have that you (as security personnel) can limit or violate.
  - Group 1: Flashcard 1 - Children
  - Group 2: Flashcard 2 - Women
  - Group 3: Flashcard 3 - Foreign nationals (workers)

- Think of the rights of these persons as individuals, suspects, members of the community, employees, or victims of crime.

- Also, **identify** three responsibility you feel you must protect the rights of these persons.

- You have 10 minutes for this part of the activity.

- Following your group discussions, we will return and share our feedback as a group, in other words in plenary.
Your Participant Handbook contains a summary on the rights of these vulnerable groups, as well as an overview of the roles and responsibility of all security personnel to protect these rights.

Each group will be assigned a facilitator to guide you in your discussion and preparation.

Note to facilitators:

One facilitator is assigned to each group.

Keep the discussion focused and on track.

Highlight some of the rights and examples of roles and responsibilities that participants must protect the rights of the vulnerable group.

Group 1: Children

Inform participants:

- Children need special care and protection; they are dependent upon the aid and assistance of adults until they become adults.

- The UN Convention on the Rights of the Child (CRC) recognizes the need for special safeguards and care, including appropriate legal protection for children both before and after birth.

- Article 1, on the Convention on the Rights of the Child, defines a child as ...every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

- Sometimes security personnel must deal with children or must detain or arrest a child suspected of committing a crime.

Ask groups to share the three rights, and three responsibilities that they identified to protect the rights of children.
**Voluntary Principles on Security and Human Rights (VPSHR)**

Module 3: Roles and Responsibilities of Security Personnel

Ensure that the feedback on rights support those provided for in the UN Convention on the Rights of the Child (CRC) (1989).

Supplement the rights discussed by participants with the following:

<table>
<thead>
<tr>
<th>Notes to Facilitators:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The UN CRC (1989) outlines the basic rights of children. Extracts of these rights include:</td>
</tr>
<tr>
<td>• not be discriminated against (article 2,3)</td>
</tr>
<tr>
<td>• not be punished based on their status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (article 3)</td>
</tr>
<tr>
<td>• to have actions taken in his/her best interest (article 4)</td>
</tr>
<tr>
<td>• to life (article 6)</td>
</tr>
<tr>
<td>• to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (article 19)</td>
</tr>
<tr>
<td>• to have cases of maltreatment investigated (article 19)</td>
</tr>
<tr>
<td>• to the highest standard of health (article 24)</td>
</tr>
<tr>
<td>• to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development (article 32)</td>
</tr>
<tr>
<td>• for a minimum age for submission to employment (article 32)</td>
</tr>
<tr>
<td>• to be protected from all forms of sexual exploitation and sexual abuse (article 34)</td>
</tr>
<tr>
<td>• not to be abducted, sold or trafficked (article 35)</td>
</tr>
</tbody>
</table>
• not be subjected to torture; to cruel, inhuman or degrading treatment or punishment; to corporal punishment; or to life-imprisonment without possibility of release (article 37)

• if deprived of liberty, to be treated with humanity and respect (article 37)

• to be arrested, detained, or imprisonment according to law, and as a measure of last resort and for the shortest appropriate period (article 37)

• to be excluded from armed force if under the age of 15 years (Article 38)

• to be presumed innocent until proven guilty (article 40)

• to be informed of the charges against him/her (article 40)

• to as quickly as possible be brought before a court of law (article 40)

• not to be forced to give testimony (article 40)

• the free assistance of an interpreter (article 40)

• have a minimum legal age determined for accountability (article 40)

Supplement the feedback on the roles and responsibilities of participants with the following:

Notes to Facilitators:

Roles and responsibilities implied for the detention or imprisonment of a child:

• It shall be a last resort and as short as possible.

• They shall be separated from adult detainees.

• They shall receive visits and correspondence from family members.
• Non-judicial proceedings and alternatives to institutional care shall be provided for.

• The child's privacy shall be respected, and records will be kept confidential.

• The use of physical restraints and force on children is to be exceptional and employed only when all other control measures have been exhausted and have failed, and only for the shortest possible time.

• Weapons shall not be carried in juvenile institutions.

• Discipline shall respect the child's dignity, and shall instill a sense of justice, self-respect and respect for human rights in the child.

• Officials dealing with juveniles shall be specially trained and personally suited for that purpose.

**Conclude** by saying:

• The rights of children are protected by instruments such as:
  
  ▪ The UN Convention on the Rights of Child (1989), and additional protocols
  ▪ The Universal Declaration on Human Rights (1948)
  ▪ The International Covenant on Civil and Political Rights (1979)

• International instruments that govern the administration of juvenile justice, include:
  
  ▪ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
  ▪ United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)
  ▪ United Nations Rules for the Protection of Juveniles Deprived of their Liberty

• You have a responsibility to:
Module 3: Roles and Responsibilities of Security Personnel

- Protect children against abuse, neglect and exploitation. (CRC, articles 32 to 36).

- Know and apply the reasons for and the conditions under which children can be lawfully deprived of their liberty, as well as the entitlements of the child who is accused of committing a crime (CRC, Articles 37 and 40).

- Familiarise yourself with all local laws dealing with children.

- Immediately report any allegations or incidents of human rights violations against children.

- Company and private security personnel will immediately hand over to the local law enforcement agency children detained or suspected of committing a crime.

- Under no circumstances may security personnel punish a child. This is the responsibility of a judge.

- The company will not employ children or tolerate them being physically or sexually exploited. Any suspicion must immediately be reported. If you have any concerns, discuss this with your supervisor, manager, or call Speak OUT.

Group 2: Women

Inform participants:

- Women are entitled to equal enjoyment of all human rights. This includes political, economic, social, cultural, and civil rights.

- These rights include the right to life; equality; liberty and security of the person; equal protection under the law; freedom from discrimination; the highest attainable standard of mental and physical health; favourable conditions of work; and freedom from torture and other cruel, inhuman or degrading treatment or punishment.

- Violence against women, in all its forms, violates the human rights and fundamental freedoms of women. Where women are the victims of serious violent crimes and sexual offences, security personnel should deal with them in a sensitive and discreet manner. Calm the victim,
ensure that she is safe, cover the victim with a blanket if her clothes are torn, meet in private, take statements in private, and secure medical assistance.

**Ask** groups to share the three rights, and three responsibilities that they identified to protect the rights of women.

**Ensure** that the feedback on rights support those provided for by the UN Declaration on the Elimination of Violence Against Women (2003).

**Supplement** the rights discussed by participants with the following:

**Note to facilitators:**

**Supplement** the feedback on the roles and responsibilities of participants with the following:

- Have women security personnel deal with women victims and suspects. Women shall be detained separately from male detainees.
- Prevent further victimization of women victims of crime. Be sensitive and caring and treat her with dignity and respect that she deserves.
- Report and act to ensure that any crimes or acts of violence against women are reported and investigated by the local law enforcement agency.
- Violence against women is a crime - report it. Also help women report domestic violence. If needed provide or arrange a temporary place of safety to prevent further abuse or harm.
- Do not discriminate against or exploit women detained or arrested.
- Women detained should be interviewed and supervised by women security personnel.
- Pregnant women and nursing mothers shall be provided with special facilities while being detained.

**Conclude** by saying:
Whether they are victims or suspects, the rights of women must be protected and respected always.

Notes to Facilitators:

The rights of women are protected by:

- Universal Declaration on Human Rights (1948)
- UN Declaration on the Elimination of Violence Against Women (2003)

Apart from sexual and gender-based violence (SGBV), women, children, as well as men, also fall victim to trafficking in persons. This involves persons trapped or deceived into migrant work, domestic work, bonded labour, prostitution, servile marriage in the form of mail order brides, and child labour.

- The United Nations Convention against Transnational Organized Crime in Palermo (General Assembly resolution 55/25 of 15 November 2000) promotes cooperation between States to prevent and combat transnational organized crime more effectively.


  - Aid, and protection of victims of trafficking in persons (article 6).
    
    Assist with the repatriation of victims of trafficking in persons (article 8).

    Prevent the trafficking in persons by means of policies, programs and other measures (article 9).

Sources:

**Group 3: Foreign nationals (workers)**

**Inform** participants:

- A foreign national refers to:
  - a person who is not a citizen of the host country in which he or she is residing or travelling
  - a person who is not a citizen or a permanent resident in the country
  - or a person, who is a citizen in another another country, working at company operations, facilities, or projects

- Foreign nationals (workers) have the same human rights as country nationals. It does not matter if they are in the country legally or illegally: their human rights are to be respected and protected.

**Ask** groups to share the three rights, and three responsibilities that they identified to protect the rights of foreign nationals (workers) of the company.

**Ensure** that the feedback on rights support those provided for in the Article 36 of the Vienna Convention on Consular Relations (VCCR) (1963).

**Ensure** the discussion includes reference to the following rights. If not, mention them yourself:

- In the event of the unforeseen injury or death, to immediately inform the consulate and family;

- To immediately report any foreign national not in possession of valid travel documents, identification documents, or work documents to the applicable local authorities (i.e. the police, customs, or immigration).

**Remind** participants that the company does not break the law. If participants are aware of illegally employed foreign workers, or of any violations of the law, they will report it to their supervisor or manager.
Reference to facilitators:

Article 36 of the Vienna Convention on Consular Relations (VCCR) (1963) confers specific rights on all foreign detainees and prisoners:

- To be informed without delay by the arresting authority of the right to consular communication
- To choose whether to have the consulate contacted
- To have the consulate contacted promptly by the arresting authority
- To communicate freely with the consulate
- To accept or decline any offered consular assistance

Also,

- In the event of the unforeseen injury or death, to immediately inform the consulate and family;
- To immediately report any foreign national not in possession of valid travel documents, identification documents, or work documents to the applicable local authorities (i.e. the police, customs, or immigration).

Indicate to participants that refugees and internally displaced persons (IDPs) are vulnerable and may need their help. As security personnel, they will likely not be involved in operations directly dealing with refugees or IDPs. They should contact their supervisor or manager for guidance and ask for assistance from the local law enforcement agency to best deal with these groups.

Conclude by saying:

- Foreign nationals (workers) have the same rights as country nationals.
- They also have special rights protected by the Vienna Convention on Consular Relations (1963).
Refer groups to Flashcard 4 - Victims of crime

Inform participants

- As security personnel, you are often the first person to receive a complaint or report of crime. This means that you are the first person to deal with the victim of crime.

- Ask participants:

  Q  Have you or any of your family members ever been the victim of crime?

  **Anticipated Response:**
  - Yes
  - Crime affects us, those we know, as well as other innocent victims.

  Q  What rights do victims of crime have?

  **Anticipated Response:**
  - To be treated with compassion and respect. Be kind, supportive and caring to the victim.
  - Access to justice. Report the crime, and if you are the police immediately respond to the call – do not turn a blind eye or allow crimes to go unreported.
  - To be kept informed about the progress of their case, especially if it is a serious crime.
  - To be provided material, medical, psychological and social assistance.
  - To be provided safety and to have their privacy respected. Prevent further harm, intimidation, or retaliation against the victim or his/her family.
  - To be compensated for wrongful arrest or detention.
▪ To be explained why force or firearms were used against them.

▪ To have abuses investigated and make those responsible accountable for their actions.

Q What is your role and responsibility when dealing with a victim of crime?

**Anticipated Response:**

▪ *(Depending if it is company and private security personnel or public security personnel (forces), see below)*

<table>
<thead>
<tr>
<th>Responsibility of public security personnel (forces) responsible for law enforcement:</th>
<th>Responsibility of company and private security personnel:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Ensure the safety and well-being of the victim and his/her property:</td>
<td>• Ensure the safety and well-being of the victim and his/her property:</td>
</tr>
<tr>
<td>▪ provide or secure first aid and medical support at the crime scene</td>
<td>▪ provide or secure first aid and medical support at the crime scene</td>
</tr>
<tr>
<td>▪ if injured, accompany victim to emergency medical services</td>
<td>▪ if injured, accompany victim to emergency medical services</td>
</tr>
<tr>
<td>▪ refer the victim to agencies who can provide victim support or counseling</td>
<td>▪ secure the property of the victim</td>
</tr>
<tr>
<td>▪ secure the property of the victim</td>
<td>▪ if authorized, consider a citizen’s arrest of the suspect</td>
</tr>
<tr>
<td>▪ arrest the suspect</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Responsibility of public security personnel (forces) responsible for law enforcement:</th>
<th>Responsibility of company and private security personnel:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Respect and protect the rights of the victim:</td>
<td>• Respect and protect the rights of the victim:</td>
</tr>
<tr>
<td>▪ treat the victim with dignity and respect</td>
<td>▪ treat the victim with dignity and respect</td>
</tr>
<tr>
<td>▪ take reasonable action to prevent the victim being subjected to further harm or injury</td>
<td>▪ take reasonable action to prevent the victim being subjected to further harm or injury</td>
</tr>
<tr>
<td>▪ inform the victim of his/her rights</td>
<td>▪ inform the victim of his/her rights</td>
</tr>
<tr>
<td>▪ have a female police officer deal with female victims of sexual and domestic violence</td>
<td>▪ have a female security officer deal with female victims of crime</td>
</tr>
<tr>
<td>▪ inform the victim about how to protect evidence</td>
<td>▪ report the crime to the law enforcement agency</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Responsibility of public security personnel (forces) responsible for law enforcement:</th>
<th>Responsibility of company and private security personnel:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Collect evidence and investigate the crime:</td>
<td>• Preserve evidence and the crime scene:</td>
</tr>
<tr>
<td>▪ contain and preserve the crime scene for purposes of evidence collection</td>
<td>▪ inform the victim about how to protect evidence</td>
</tr>
<tr>
<td>▪ collect evidence</td>
<td>▪ cordon off and preserve the crime scene</td>
</tr>
<tr>
<td>▪ process evidence</td>
<td>▪ do not touch evidence or allow anyone access to the crime scene</td>
</tr>
</tbody>
</table>
### Responsibility of public security personnel (forces) responsible for law enforcement:
- identify witnesses and take witness statements
- conduct investigation
- arrest the suspect

### Responsibility of company and private security personnel:
- identify potential witnesses and record their details
- hand over the crime scene to the first responder police officer
- communicate the details of witnesses to the police

- **Personally, follow-up with the victim after 24 to 48 hours.**
- **Cooperate with the police during the investigation of the crime.**

- **Provide the victim with the following information:**
  - the name and details of the investigating officer
  - regular feedback during the investigation on the status of investigation
  - the date of the trial of his or her case
  - cancellation of any trial, and new dates
  - the date on which the convicted person will be sentenced
  - the outcome of the trial and the sentence that was passed
  - the place where and time when, and the person from whom, any confiscated property of the victim may be collected
  - the details of any public provisions that exist for victim’s compensation, support services, etc.

- **Provide the victim and the investigating officer with your name and contact details.**

### Conclude by saying:
- The rights of victims of crime are guaranteed by:
  - The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Victims Declaration) (1985)
- Think of yourself as a victim of crime and treat others in the way you want to be treated.
- Always show respect, compassion and assistance towards the victim of crime.
Conclude, by saying:

- The company acknowledges the rights, special needs, and vulnerability of children, women, foreign nationals (workers), victims of crime, and victims of trafficking.

- These groups deserve to be treated with the same dignity and respect as others and you have a professional and ethical obligation to support the company in doing so!

- What is an ethical obligation? We will discuss ethics in Module 3.
3. Activity: Human Rights and Security Actions  1 h 05 min

Preparation

Note to facilitators:

- **Study** the three role-plays.
- **Assign** character roles to each facilitator.
- **Plan, prepare, and practice** the role-plays the day/evening before presenting them in class.
- You will need the following equipment for the role-plays: a classroom, a security uniform, a police uniform, crime scene tape and any small items that can be used to represent stolen goods.
- **Supplement** the content with national laws in support of temporary detention, arrest, search, seizure, and the investigation of crime.

Introduction  

0 h 05 min

Inform participants:

- The next activity will introduce you to specific security actions and the human rights applicable to temporary detention, arrest, search and seizure, and the investigation of crime.
- You will also be required to use your understanding of your mandate and authority to reflect on your duties and responsibilities in each of these actions.
- Your facilitator will demonstrate three role-plays. After each role-play you will be required to reflect on:
  - The action itself
  - Human rights guidelines applicable to the actions taken
  - Your roles and responsibilities in these actions
• Role-play 1 will focus on temporary detention and arrest (20 minutes)
• Role-play 2 will focus on search and seizure (20 minutes)
• Role-play 3 will focus on the investigation of crime (20 minutes)

Role-play, Discussion, and Reflection
0 h 20 min

Role-play 1: Temporary detention and arrest

Read the scenario to participants. This will help to set the scene and context for participants.

Demonstrate the role-play.

Note to facilitators:

Scenario

A security officer doing access control finds an employee in possession of stolen goods during a routine rudimentary body search at an access control point to a restricted mining area. The employee (suspect) is locked in a room, and the local police are informed. The police respond to the call and arrest the employee for theft. The suspect is handcuffed for transportation to the police station. The employee (suspect) is never informed of his/her rights.

Role-play instructions:

Facilitator 1: Security officer

• Be calm and polite to the employee, even when he/she refuses to answer you.
• Ask the employee if the stolen goods are his/hers.
• Inform the suspect that he/she must wait in the room whilst you call the police to come and solve the problem.
• When the police arrive, say to the police officer: “I locked the thief in the room so that he/she cannot escape”.
• Hand over the suspect and the stolen goods to the police officer.

Facilitator 2: Employee (suspect)

• Do not resist to be searched.
- Say nothing when the security official talks to you; remain silent.
- Comply with the instructions of the security officer.
- Once the police officer arrives, inform him/her that you have no idea where the goods come from, or how it ended up in your possession.

Facilitator 3: Police officer

- Say to the suspect: “Now you are in deep trouble”.
- Do not ask the security officer to explain what happened.
- Handcuff the suspect; do not inform him/her that he/she is being arrested.
- Do not inform the suspect of his/her rights.
- Slap the employee on the head and say: “Let’s go to prison.”

Inform participants:

- This section will focus on temporary detention and arrest.
- Your response should also only focus on the temporary detention and the arrest of the suspect, as well as the actions of the security and police officer.

Ask participants:

Q What would you have done differently? Why? Explain.

(Use this question to gain an understanding of the level and experience that participants have on the topic)

Anticipated Response:

- Open ended

Q What is the difference between temporary detention and arrest?

Anticipated Response:

- Temporary detention refers to persons or suspects temporarily deprived of personal liberty on suspicion of committing a crime with the intent to immediately hand them over to local law enforcement agency.
Arrest refers to the act of apprehending a person for the alleged commission of an offence or crime. Only sworn law enforcement officials or persons authorized by law may arrest a person. Typically, law enforcement officials and government security forces have powers to lawfully arrest a suspect. Arrest is used to secure the attendance of a suspected criminal at his or her trial.

Q Who can temporary detain and who can arrest a suspect?

Anticipated Response:

- Sworn law enforcement officers, authorised to do so in terms of national law may arrest a suspect. Public security personnel (e.g. police of government military forces) assisting company security operations may, depending on their mandate, be authorised to arrest a person on company property. In such cases, the company security manager should be informed of the arrest.

- Company and private security personnel will not arrest suspects – they will only temporary detain them and immediately hand them over to the local law enforcement agency. The local law enforcement agency will then decide if they are going to arrest or further detain the person or suspect for a crime.

Q Do you need a warrant to arrest a suspect?

Anticipated Response:

A person can be arrested with or without a warrant.

- Arrest with a warrant means that the person performing the arrest are in possession of a legal document that allows him/her to arrest the person mentioned in the document. Warrants for arrest are usually issued by a magistrate, judge, judicial officer or, in certain instances, a senior law enforcement officer (depending on national law).

- Arrest without a warrant normally takes place when a person commits a crime – or attempts to commit a crime – in the presence of a sworn law enforcement officer, or a person authorized to make an arrest.
Depending on the national law, or assigned legal authority, it may be possible for a private person (including company and private security personnel) to perform a “citizen’s arrest”. If authorized, a law enforcement officer can ask the company and private security personnel to help him/her arrest a suspect on company property. If this is the case, immediately your security manager who will tell you what to do and whether you should help or not.

Q  When and how would you have informed the suspect of his/her rights?

**Anticipated Response:**

- Inform the suspect of his/her rights during arrest.

This includes:

- The right to remain silent and not to admit guilt, and that silence will not be interpreted as an admission.

- The right to contact a relative or close friend and be visited by such person.

- The right to contact a legal representative and communicate with him or her confidentially.

- The right that a legal representative will be appointed if the suspect is unable to pay for a lawyer.

- The right to be brought before a court within a reasonable time and to apply for bail (as stipulated in the law of each country).

- The right to be questioned in the presence of a legal representative, unless the right is waived; and, if the suspect is a foreign national.

- The right to contact diplomatic or consular officials of his or her country.

Q  What important data should be recorded in support of the arrest?

**Anticipated Response:**
- the reasons for the arrest
- the time of the arrest
- the time transferred to a place of custody
- the time of appearance before a judicial or other authority
- the identity of the law enforcement officials concerned
- precise information concerning the place of custody
- the details of questioning or interrogation
- the property of the detained person kept by the police
- the date and time that the individual was brought into custody
- the medical condition of the individual at the time of arrest and at the time of detention
- each visit by detention officers, lawyers, doctors and family or friends
- exercise periods
- time and date of transfer to detention facility or release

**Conclude** by saying:

- Before arresting someone, the person arresting a suspect should ask himself/herself the following questions:
  - Who may arrest a person?
  - Am I authorised to arrest a person?
  - What laws authorise me to arrest a person?
  - Do I know these laws?
  - When may I arrest a person?
- Do I have the means to restrain the person arrested?
- Am I allowed to carry and use weapons and security equipment to arrest the person?
- What is the use of force policy for arrest?
- What are the rights of the person arrested?
- What do I have to do before I arrest a person?
- If I am not a sworn law enforcement officer, can I still arrest this person ("citizen’s arrest")?
- When may I perform a citizen’s arrest?
- What do I have to do during the arrest?
- What do I have to do after I arrested a person?
- When should I not arrest someone?

- The arrest of a person seriously limits his/her rights to liberty, dignity, and freedom of movement.

Role-play, Discussion, and Reflection
0 h 20 min

Role-play 2: Search and Seizure

Read the scenario to participants. This will help to set the scene and context for participants.

Demonstrate the role-play.

Note to facilitators:

Scenario

Following the “temporary detention” of the suspect, the security officer informs the police officer that he/she suspects that the employee may have more stolen goods hidden on his/her person. The security official also
suspects that there may be more stolen goods hidden in the employee’s vehicle parked on company property.

The police officer conducts a body search and finds more stolen goods. The police officer and the suspect accompany the security officer to the suspects’ car and forces open the trunk. More stolen goods are found in the vehicle. The security officer, accompanying the police official identifies the goods as stolen mine property.

Role-play instructions:

Facilitator 1: Security officer

- Inform the police officer that you have a suspicion that the suspect may be hiding more stolen property on his body.
- Also inform the police officer that a CCTV camera recording of the parking area suggest that the suspect may have more stolen goods in his/her vehicle parked on mine property.
- Accompany the police official and suspect to the suspect’s parked vehicle.

Facilitator 2: Employee (suspect)

- Do not resist the body search.
- Inform the police official that you prefer to be searched by a person of the opposite sex.
- Say nothing when more stolen goods are found during the body search; look surprised.
- Complain about the damage caused force-opening your vehicle.
- Ask the police officer: “Why didn’t you ask for the key?”
- Say to the police officer: “You are going to pay for the damages?”

Facilitator 3: Police officer

- Conduct a body search of the suspect.
- When you find more stolen goods on the suspect, say to the suspect: “Is this yours?”
- Point out the stolen goods found to the security officer.
- Have the suspect accompany you and the security officer to the parked vehicle
- Do not ask the suspect if the vehicle belongs to him/her.
- Pretend to force-open the trunk of the vehicle.
• Point to the stolen goods found in the trunk of the vehicle; show it to the security officer.
• Say to the suspect: “Now you are in really deep trouble”.
• Inform the security official that you wish to leave the evidence as is for the investigation officer.

Inform participants:

• This section will focus on search and seizure.

• Your response should only focus on the search of the suspect, vehicle, and seizure of evidence.

Ask participants:

Q What would you have done differently? Why? Explain.

(Use this question to gain an understanding of the level and experience that participants have on the topic.)

Anticipated Response:

- Open ended.

Q Who is best suited to conduct a body search of the suspect – the police officer or the security officer?

Anticipated Response:

- Basic searches can be performed by authorised company and private security personnel on company property, based on site specific security policies and procedures, the consent of the person searched, or as a condition to enter or exit a restricted security or work area.

- Searches are usually conducted by law enforcement officials following the arrest of a person or based on reasonable grounds or a reasonable suspicion that a person is in possession of illegal or restricted goods.

Q Is it permissible to have a person of the opposite sex conduct a body search?

Anticipated Response:
Module 3: Roles and Responsibilities of Security Personnel

- No.
- Only women shall search women, and only men shall search men.

Q Do you need a warrant to search the suspects’ vehicle?

Q Can employees be searched at random for the possession of stolen goods?

Q Can employees be searched to control the access of persons and restricted goods to and from company property?

**Anticipated Response: (Combined)**

**Searches can be conducted with and without a search warrant:**

- Depending on national law, police officers may be permitted, based on reasonable grounds or a reasonable suspicion, to search without a warrant if a delay in obtaining such a warrant will defeat the objective of the search.

- Depending on site specific security policies and procedures or as a condition of access to and from company premises, persons, vehicles, and goods may be searched.

- During the arrest of a suspect to ensure that the person arrested is free from objects that can cause injury, or to seize goods for purposes of evidence, or safekeeping.

- If the persons searched provides his/her consent to the search.

Q What are the guidelines for search of persons, and seizure of goods?

**Anticipated Response:**

**Search of persons**

- The search conducted should comply with the PLAN principle.

- Treat the person searched with dignity and respect. Women security personnel should search women, and men should search men.
• Use only the force necessary to conduct the search.

• Intimate body and cavity searches should be conducted by a qualified medical practitioner, under the supervision of a law enforcement official with the same sex as the suspect.

**Seizure of property**

• Keep record of all restricted goods seized for temporary safekeeping at access control points (i.e. mobile phones, firearms).

• Restricted or dangerous goods seized on company property must be dealt with according to site specific security policies and procedure.

• Hand over seized property that will be used as evidence to the local law enforcement agency.

Q What are the guidelines for search of private property, and the seizure of goods?

**Anticipated Response:**

• The search must be lawful – meaning you must be authorised to conduct a search.

• Do not cause unnecessary damage to property.

• Search only in places where articles may possibly be found.

• Inform the owner or occupier that you intend to conduct a search.

• Use minimum and proportional force.

Q What will the result be of unlawful searches, and/or the unlawful seizure of property?

**Anticipated Response:**

• Humiliation

• Harassment

• Malicious damage to property
Inadmissibility of evidence

Possible civil action

**Conclude** by saying:

- Before you search or seize, ask yourself the following questions:
  - What does the company security policy and procedure say about search and seizure?
  - Who may search a person, vehicle, or goods on company property?
  - What goods are permitted/restricted on company property?
  - Am I authorised to search a person?
  - What laws authorise me to search?
  - What laws authorise me to seize?
  - Do I know these laws?
  - When may I search a person or goods?
  - Do I have equipment to help me search?
  - Am I authorised to use such equipment?
  - Do I know how to use the equipment?
  - What is the use of force policy for search?
  - What are the rights of the person searched?
  - What do I have to do before I search a person or property?
  - What do I have to do during the search?
  - What do I have to do after I searched a person or property?
  - If I am not authorised to search a person, then who can?
When may I search a person?

**Role-play, Discussion, and Reflection**

**0 h 20 min**

**Role-play 3: Investigation of crime**

**Read** the scenario to participants. This will help to set the scene and context to participants.

**Demonstrate** the role-play.

**Note to facilitators:**

**Scenario**

Following the search of the suspect and the suspect’s vehicle, the police officer declares the suspects’ vehicle a crime scene. He asks the security officer to protect the crime scene until the investigating officer arrives. The security officer watching the vehicle is bored and decides to look what else is hidden inside the vehicle.

Later the investigating officer arrives at the crime scene to interview the security officer and get his/her statement of events. No notes are made or recorded during the interview, and the security official is asked to sign a statement that the detective prepared in advance.

**Role-play instructions:**

**Facilitator 1: Security officer**

- You are bored looking after the crime scene.
- In the absence of any police officer, climb inside the vehicle and start looking around for more evidence.
- You find some money inside the vehicle and slip it into your pocket.
- Later, when the investigating officer arrives, try to tell him/her what happened.
- Ask the investigating officer if you can help him interview the suspect, and the person operating the CCTV camera.

**Facilitator 2: Investigating officer (police detective)**
Inform participants:

- This section will focus on criminal investigations.

- Your response should only focus on the rights of the victim, the rights of the suspect and witnesses, the protection of the crime scene, and the criminal investigative process.

Ask participants:

Q What would you have done differently? Why? Explain.

(Use this question to gain an understanding of the level and experience that participants have on the topic)

**Anticipated Response:**

- Open ended.

Q Who is authorised to conduct the criminal investigation?

**Anticipated Response:**

- The local law enforcement agency – the police officer appointed as the investigating officer.
Q  What are the principles that apply to criminal investigations?

*Anticipated Response:*

In investigations, the interviewing of witnesses, victims and suspects, personal searches, searches of vehicles and premises, and the interception of correspondence and communications:

- Everyone has the right to security of the person.
- Everyone has the right to a fair trial.
- Everyone is to be presumed innocent until proven guilty in a fair trial.
- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence.
- No one shall be subjected to unlawful attacks on his honour or reputation.
- No pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information.
- Torture and other inhuman or degrading treatment is absolutely prohibited.
- Victims and witnesses are to be treated with compassion and consideration.
- Confidentiality, and care in the handling of sensitive information, is to be exercised always.
- No one shall be compelled to confess or to testify against himself.
- Investigatory activities shall be conducted only lawfully and with due cause.
- Neither arbitrary, nor unduly intrusive, investigatory activities shall be permitted.
Q Why should the crime scene be preserved?

*Anticipated Response:*

- To allow for the discovery and collection of evidence that will be used to establish facts to prove the guilt or the innocence of the suspect.

Q Why are the police obliged to investigate crimes?

*Anticipated Response:*

The local law enforcement agency is mandated to investigate all crimes, and will take the lead in all criminal investigations of crimes:

- By company employees
- On company property
- Outside company facilities and premises (in public)

Criminal investigations are conducted by the local law enforcement agency to:

- Identify suspects
- Identify witnesses
- Identify victims
- Discover and collect evidence
- Present evidence collected with the purpose to discover the truth and determine guilt or innocence of a suspect
- Arrest perpetrators
- To identify other crimes

Q What are the rights of the suspect?

*Anticipated Response:*
• To remain silent, and not to testify against himself/herself, or to confess guilt.

• Not to be tortured.

• To be informed of the nature and cause of the charge against him/her.

• To have enough time and facilities to prepare with his/her council for defense.

• To be tried without undue delay.

• To have the right to defence
  – to defend oneself in person
  – to choose one’s own counsel
  – to be informed of the right to legal counsel
  – to receive free legal assistance

• To call and examine witnesses

• To have the free assistance of an interpreter

• Not to be testify against himself/herself.

• Not to confess guilt.

Q What are the rights of the witness?

Anticipated Response:

• To security of the person and family.

• To be treated with dignity and respect.

• To be treated with compassion and consideration.

• To be informed of their role in the legal proceedings.
Q What should the police do to ensure that human rights are respected and protected during criminal investigation?

_Anticipated Response:_

- If you are not sure if what you are doing is legal, first ask your supervisor.
- Treat all suspects as innocent persons, politely, respectfully and professionally.
- Keep a detailed record of all interviews conducted and evidence collected.
- Always advise the victim, witness or suspect of his or her rights before interviewing.
- Before taking any investigatory action, ask yourself:
  - Is it legal?
  - Will it hold in court?
  - Is it necessary?
  - Is it unduly intrusive?

Q What can the security officer do to ensure that human rights are respected and protected during the investigation?

_Anticipated Response:_

- To identify and communicate the details of witnesses and evidence discovered.
- To protect any crime scene or evidence until the police arrives. Use barrier tape to cordon off a crime scene.
- To hand over the crime scene to the first responding police officer.
- Do not touch or tamper with any evidence.
- To take notes and report to your supervisor.
- Do not interfere with the duties of the investigative officer.

- To give an accurate statement of events witnessed to the investigative officer.

- To testify in legal proceedings.

- To report any crime or suspicion of a crime to your supervisor and the police.

Conclude by saying:

- Local law enforcement agencies and their assigned investigating officer are authorised to conduct criminal investigations.

- *Company and private security personnel* do not have any legal authority to conduct criminal investigations; they will give **limited assistance** to the law enforcement agency and the investigating officer.

- The assistance provided by company security personnel will be limited to minor activities such as crime scene protection, evidence protection, and helping to identify witnesses.

- It is suggested that any *security personnel (forces)* **authorised** to participate in criminal investigations, receive proper training in criminal investigation, crime scene management, as well as the interview of witnesses, victims, and suspects.
4. Activity: Dealing with Assemblies, Crowd Control and Evictions

**Note to facilitators:**

- **Study** the three scenarios.
- **Test** play *SP: Assemblies, Crowd Control and Evictions*.
- **Supplement** content with national laws on crowd control, and site-specific security policies and procedure for dealing with assemblies, crowd control, protests, or public disorder on/at company property.

**Briefing**

0 h 03 min

**Begin SP: Assemblies, Crowd Control and Evictions**

**Slide 1  Company Logo**

**Slide 2  Security situation**

**Inform** participants:

- Welcome to the company mining operations.
- My name is Bob Rodgers – the company security manager.
- We have a few security situations that you need to help us deal with.
- More specifically, we need to deal with assemblies, crowd control and evict some people illegally occupying mine property.
- As you know protestors have the right to freedom of liberty, freedom of speech and association, the right to protest and express themselves, and to be treated with dignity and respect. Similarly, evictees have the right to be dealt with respect and dignity.
- The company wants to respect these rights and find the best possible way to deal with the situations at hand.
Slide 3  **Handing over of petition**

**Display** the slide in the background.

Notes:

- Situation 1 deals with a peaceful and authorised union strike.
- Protestors have assembled at the main gate, just outside the mine premises. They want to hand over a signed petition to the manager.
- The group seems to be peaceful.
- Group 1, you must deal with the situation.
- I want you to identify and discuss the roles and responsibilities of the company and private security personnel compared to the duties and responsibilities of public security personnel (forces) (e.g. the police) in dealing with the situation.
- Tell me who will do what, when, where, and why?
- Please consider the rights of the protestors. The last thing we want to do is have more problems on our hands.

Slide 4  **Violent protest**

**Display** the slide in the background.

Notes:

- Situation 2 deals with a group protesting the unfair dismissal of a fellow employee.
- The employee was caught stealing and was fired (dismissed).
- The assembly seems to be violent and we have received reports that the group of protestors are throwing rocks at vehicles entering and exiting company premises.
- Group 2, you must deal with the situation.
• I want you to identify and discuss the roles and responsibilities of *company and private security personnel*, compared to the duties and responsibilities of *public security personnel (forces)* in dealing with the situation.

• Tell me who will do what, when, where, and why?

• Please consider the rights of the protestors and the safety of company property and personnel.

**Slide 5  Eviction**

**Display** the slide in the background.

• Situation 3 deals with the eviction of a group of community members who decided to illegally occupy a mine hostel (block of flats) that have been abandoned for some months.

• The mine hostel is unsafe to live in.

• The mine hostel is on company property.

• The company Health and Safety Manager demands that the illegal occupants be evicted from the property.

• The company cannot afford to have people trespassing on mine property and live in conditions that may be hazardous to their life and general well-being.

• Group 3, you must deal with the situation.

• I want you to identify and discuss the roles and responsibilities of *company and private security personnel*, compared to the roles and responsibilities of *public security personnel (forces)* in dealing with the situation.

• Tell me who will do what, when, where, and why?

• Please consider the rights of the evictees.

**Slide 6  Company Logo**

Notes:
• Thank you for attending the security briefing.

• Please report back in ten minutes so that we can discuss how we can best deal with each of these issues.

**Group Discussion**

0 h 10 min

**Instruct** small-groups:

• Meet and discuss your assigned scenario.

• Prepare to give feedback in 10 minutes.

**Assign** one facilitator to each group.

**Note to facilitators:**

**Refer** to the notes provided for dealing with assemblies and crowd control in the *Participant Handbook*.

**Refer** participants to their scenario in Module 2 of the *Participant Handbook*, and the list of questions provided.

**Guide** your assigned group by asking the following questions:

Q What are the duties and responsibilities of *company and private security personnel* dealing with assemblies and crowd control?

Q What are the duties and responsibilities of *public security personnel (forces)* to deal with assemblies and crowd control?

Q What rights do the protestors have?

Q What rights do the evictees have?

Q Who will be responsible to evict people from company property?

**Keep** discussions to the point. Groups only have ten minutes.
Group Feedback and Plenary Discussion

0 h 15 min

Start with feedback from group 1 and work your way through to group 3.

Display Slides 3 to 5 in the background whilst receiving feedback (this will serve as a visual anchoring point for participants and help them distinguish between the different scenarios.

Ask groups to give feedback on the different roles and responsibilities identified for company and private security personnel and public security personnel (forces).

During group feedback, use the following two questions to elicit from groups the exact areas of responsibility of company and private security personnel and public security personnel (forces).

Q Is this inside or outside company property that … will perform their duties?

Q Do … have the appropriate equipment to deal with the assembly and the situation?

Q Is … authorised to do this?

Q If the situation gets violent who will deal with it?

Highlight the following key issues on the duties and responsibilities of company and private security personnel and public security personnel (forces):

Q What are the duties and responsibilities of company and private security personnel on dealing with assemblies and crowd control?

Anticipated Response:

- Do not engage in dealing with assemblies and crowd control. It is the responsibility of public security personnel (forces), or the local law enforcement agency.

- Protect company property, facilities, and personnel according to approved security policies and procedures.
Report any human rights violations observed during the assembly or the dispersal of the crowd control.

Q What are the duties and responsibilities of public security personnel (forces) or the local law enforcement agency in dealing with assemblies and crowd control?

Anticipated Response:

- **Before assemblies and crowd control:**
  - Meet with those representing or organising the protest, and those protested, to solve conflict disputes or agreements.
  - Ensure that you are equipped and trained in the use of crowd control equipment. This includes practice in the use of shields, defensive vests, helmets and non-lethal instruments.
  - Ensure that you are properly trained in the use of force and firearms if you are equipped and authorised to use such firearms.
  - Receive training in first aid, self-defence; the use of defensive equipment; the use of non-lethal instruments; the use of firearms; crowd behaviour; conflict resolution; and stress management.
  - In groups, practice crowd-control techniques that minimise the need for the use of force, and the appropriate use of equipment.
  - Arrange for standby emergency medical care and treatment.
  - Before deploying ask about the situation, threat, arrangements, and use of force policy for crowd control.

- **During assemblies and crowd control:**
  - Listen to the instructions of your commander; if you are not sure then ask.
  - Deal with individual behaviour in the crowd and not with the crowd as one individual. This means that if one persons’
behaviour is threatening the safety of others then it doesn’t justify the use of force against others.

– Do not do something to provoke the crowd.

– As a group, practice crowd-control techniques that minimise the need for the use of force.

– Avoid unnecessarily provocative tactics (i.e. use of dogs, unjustified arrest

– Use gradual and progressive force, beginning with non-violent means.

– Do not blindly shoot into the crowd.

▪ After assemblies and crowd control:

– Report the use of force during crowd control.

– Ensure that suspects arrested are treated according to their rights.

– Arrange for medical care and treatment of persons injured.

– Request a debrief with team members to discuss problems experienced and solutions suggested.

Q What rights do the protestors have?

Anticipated Response:

▪ The right to hold opinions without interference (ICCPR, Article 19.1)

▪ The right to freedom of expression (ICCPR, Article 19.2)

▪ The right of peaceful assembly (ICCPR, Article 21)

▪ The right to freedom of association (ICCPR, Article 22.1)

▪ The right to life, liberty and security of all persons

▪ The prohibition of arbitrary arrest or detention
- The right to a fair trial
- The right to humane treatment for persons deprived of their liberty
- Freedom of opinion, expression, assembly and association

Q What rights do the evictees have?

**Anticipated Response:**

- Respect, dignity, freedom, housing.
- To be provided a copy of the eviction order authorising their eviction.

Q Who will be responsible to enforce evictions?

**Anticipated Response:**

- Local law enforcement officials in possession of an eviction order.
- Unless authorised, *company and private security personnel* will not be involved in the eviction of persons from company property. They can provide perimeter protection following the eviction or control access to and from the premises from where persons have been evicted.

**Conclusion**

0 h 02 min

**Conclude** by saying:

- The activity introduced you to dealing with assemblies, crowd control and evictions. We also discussed some of the basic rights of persons participating in assemblies or being evicted from company property.
- We also had a look at forced evictions and the accompanying rights of evictees, as well as the roles of the local law enforcement agency and *company and private security personnel* in dealing with evictions.
- Given the limited authority, potential for conflict, and limited equipment of *the company and private security personnel*, the *local law enforcement agency* or *public security personnel* (forces) authorised to
do so, will be better equipped to deal with assemblies, crowd control and evictions.

- *The company and private security personnel* will continue to protect the company’s premises and facilities according to its security policies and procedures in place.

- *Public security personnel (forces) and law enforcement agencies* have a responsibility to familiarise themselves with the national laws and policies guiding assemblies, crowd control, evictions, and the use of the use of force and firearms (UOFF).

### Conclusion

**0 h 05 min**

**Conclude** by saying:

- This module and its activities introduced you to the duties and responsibilities of security personnel, with consideration for human rights, national laws, company security policies, and the VPSHR.

- International conventions and treaties discussed provided you with a basic understanding of the human rights and principles applicable to security actions of arrest, detention, search and seizure, criminal investigation, crowd control, and evictions. National laws in support of these actions will inform you of the legal obligations and authority in support of each of these actions. You must study, know, and apply these laws to each of these actions.

- We also had a look at the specific rights of vulnerable groups such as children, women, foreign nationals, and the victims of crime. Due to the nature of your job, *all security personnel* have a special responsibility and ability protect the rights of vulnerable groups.

- The next module will deal with the use of force to ensure that actions taken, and the rights limited in doing so, are proportional, lawful, accountable, and necessary (PLAN).