

ASIS *The Informer* INTERNATIONAL

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What's inside?

- **Chairman's Message**
- **Synopsis-Chapter meetings**
- **John E Reid and Associates Course**
- **Security Business Model- Unsustainable**
- **Membership Report**
- **Synergy - Joint Interagency Operations Group. (JIOG)**
- **Guidelines for Hotel Security**
- **Legal Status of Security Guards**
- **Extract from Security Management Magazine**

Chapter Chairman's Message



**Captain (Ret'd) Basil Bewry
CPP, PCI, PSP**

Chairman – ASIS International Jamaica Chapter

The first 7 months of the year have literally flown by but not without the chapter racking up some noticeable accomplishments. The first being the appointment of my erstwhile Vice Chair Capt. Garth Gray, CPP, PCI, PSP who was appointed an Assistant Regional Vice President (ARVP) for Region 7B on January 1st with special responsibility for Jamaica, Bahamas and the Dutch Caribbean.

Garth's promotion meant that I now had company to the Leadership Exchange in Arlington, Virginia on January 23rd and 24th which allowed us not only to meet the Board Members of ASIS International but to network with other chapter leaders and to discuss best practices. Needless to say, the lessons learnt from this seminar were expertly shared on our return by our ARVP who had the added distinction of being the guest speaker at our January 31st chapter meeting.

We again successfully staged our Annual Awards Banquet where our guest speaker was none other than the President of the Private Sector Organization of Jamaica, Mr. Howard Mitchell, CD, JP. The excellent turnout provided a most fitting event for us to recognize the sterling services of Mr. Richard Hines, JP of National Commercial Bank and Major Richard Reese, JP of Allied Protection Ltd as well as the heroics of security officer Errol Morrison of Atlas Protection Ltd. No doubt due to our ARVP's influence this year's banquet had an international flavour as ARVP Lt. Col. Richardo Garcia, CPP with responsibility for Trinidad & Tobago and St. Lucia and the Deputy Chair of The Bahamas

Chapter, Brian Jacques were in attendance.

In keeping with our mantra of not leaving anybody behind, the chapter hosted a PSP Refresher Course on April 23rd – 25th primarily for candidates who were unsuccessful at the November 2018 sitting and although the take up was disappointing I am, however, happy to report that Lorenzo Reid and Astrid Scott-Beckford who made full use of the opportunity both passed the PSP exam on May 4th. Their success however was overshadowed somewhat by Warren Smith, PCI, PSP and Capt. Garth Gray, PCI, PSP who passed the CPP exam and by so doing achieved legendary Triple Certificant status.

In order to place the enormity of their achievement in to perspective, of the 35,000 ASIS members worldwide, less than 220 or 0.6% are Triple Certificates. It was for this reason why the chapter took out a half page advertisement in the Gleaner newspaper honouring the two gentlemen. It would, however, be remiss of me not to applaud another Triple Certificant, Capt. John Richards, CPP, PCI, PSP who was instrumental in instituting the Internet Based Tests that allowed our exam candidates to get their results on the same day rather than have to wait a torturing 6-7 weeks.

On June 4th- 6th we hosted the John E. Reid & Associates' Course on Investigative Interviewing & Positive Persuasion for 61 participants with a further 27 persons

attending the Hiring the Best Course on June 7th. Separate and apart from being a huge success, the revenue generated has significantly improved the chapter's bottom-line enabling us to undertake a number of charitable ventures.

One such was our sponsorship of the HEART Trust National Debating Competition on "Domestic Violence" which climaxed with the Finals on July 11th. Besides providing some guest judges for the elimination rounds, we also presented prizes to the Best Debater and the Coaches for the Winning Team. This competition which was the brainchild of our Legislative Chairperson Suzanne Scarlett, PSP, LLB (Hons) also allowed yet another platform for the chapter to gain national recognition.

In addition to hosting our ever-popular PSP Study Course which will be running from July 2nd to October 29th for persons wishing to sit the PSP exam on November 2nd, our newly elected Vice Chair, Warren Smith, CPP, PCI, PSP and Nichelle Duncan, PSP were among an exclusive few awarded an ASIS Foundation Scholarship.

Another first was our Newsletter Editor, Carlos Pipher, BSc. (Hons), CPP, PSP being specially invited by the Professional Certification Board (PCB) to serve on a select committee to review the CPP exam. Although one should not count one's chickens before they hatch but

given Wayne Ballen, CPP, PCI, PSP and Capt. Garth Gray, CPP, PCI, PSP participation on the chapter's PSP certification programme, I am supremely confident that they will shortly be announced as worthy recipients of the PCB Regional Certification Award.

What, however, must go down as a major achievement is that the chapter has to-date attracted 25 new members and can currently boast 83 members in good standing of which 40% have at least one ASIS designation. Our increased numbers bodes well for the future as evidenced by the fact that we already have a no less than 20 persons registered for this year's Global Security Exchange in Chicago on September 8th -12th. This will be by far our largest delegation.

As you can see 2019 already has the making of being one of the most productive and exciting years of our 44 years of existence and I would like to take this opportunity to thank every one of you for your unwavering support as we continue to do ourselves, our chapter and our country proud.

Chapter Meetings Synopsis - Editor

Chapter meetings are usually held on the last Thursday of each month. Meetings are always very educational and informative. Guest speakers are sought from the private sector, government agencies and the

academia. Topical issues, especially those that are security related are given much emphasis.

April 4th

Mr. Gareth Hamm, CEO of Bulwark Insurance was the guest speaker at our chapter meeting. Mr. Hamm's presentation was well received. The lack of adequate insurance for security guards was highlighted and recommendations were outlined for remedial action.

April 25th

The Director of Compliance & Enforcement at the FLA, Ms. Letine Allen was our guest speaker. She gave a very insightful presentation. Many questions were asked and clarifications were given. Firearm is a tool of security, so her presentation was well received by all in attendance.

May 30th

The Acting Deputy Director of the Office of Disaster and Emergency Management (ODPEM) delivered a timely presentation on disaster preparedness. It was the opportune time for the presentation, seeing that the Atlantic Hurricane season began on 01st June. Security and Safety managers are usually tasked with preparing the facility for natural disasters.

June 27th

European Union Regional Security Manager Israel Jimenez Lucas, PCI, PSP gave a presentation on terrorism.

The theme of his presentation was, **“How can security personnel prevent or mitigate terrorist activity”**

July 25th

Executive Director of the Private Security Regulation Authority, (PSRA) Mr. Rick Harris delivered a very informative and educational lecture on the mandate and functions of the PSRA. The PRSA is a department of the ministry of national security that is mandated to regulate private security companies and also to issue license to private security guards.

August 22nd

Mentorship chairperson, Wayne Ballen CPP, PCI, PSP gave a presentation that was very educational. The topic was “Stakeholder Alignment and Management”. Main take away was the ‘VUCA’ initiative - Volatility, Uncertainty, Complexity & Ambiguity.

John E. Reid and Associates Course

Reid and his associates developed a structured interviewing format that

permitted evaluation of a person's truthfulness independent from a polygraph examination. This procedure, known as a Behavior Analysis Interview, (BAI) has become a standard investigative technique.

The Reid Technique involves three different components -- factual analysis, interviewing, and interrogation. While each of these are separate and distinct procedures, they are interrelated in the sense that each serves to help eliminate innocent suspects during an investigation., thereby allowing the investigator to focus on the person most likely to be guilty and to interrogate that individual in an effort to learn the truth.

Security Services Business Model - Unsustainable



**Captain (Retd) Garth Gray
CPP, PCI, PSP**

**Assistant Regional Vice
President (Region 7B)**

In the security industry, approximately 80% of revenue goes directly to the security guard, the other 20% covering logistics, administration, facilities, utilities, management, supervision, insurance and statutory obligations. This is coupled with the fact that clients are usually billed after the duties are done and the guards are paid.

The industry's cash flow and profit are always tight and competition keeps margins extremely thin, between the government's regulated minimum wage for security guards and what clients are prepared to accept and hopefully pay. The current business model is unsustainable and needs to change.

Security companies should consider negotiating with clients to either:

1. Invoice clients in advance, based on rostered duties; or
2. Negotiate an annual budget for security services - paid fortnightly; not necessarily related to guard hours but related to the overall security program. This may include video surveillance, electronic access control, intrusion detection (burglary) systems, monitoring internal policies and procedures, etc.

Security service clientele are encouraged to work with their security service providers in devising a sustainable approach to this burning issue that may

lead to the demise of many security companies, large and small.



Membership Chair



Courtney Wallace, PSP

I am happy for the opportunity that chairman Capt. Basil Bewry CPP, PCI, PSP has given me to serve as membership chairperson for 2018-2019. The task requires commitment, dedication and at times personal resources.

The year ended with great news, ASIS International embarked on a reclassification of membership fees for some countries, which included Jamaica and resulted in a decrease in our membership fee

from US\$195.00 to US\$100. I therefore urge members and aspiring members to make use of this opportunity and renew or become a member of ASIS International.

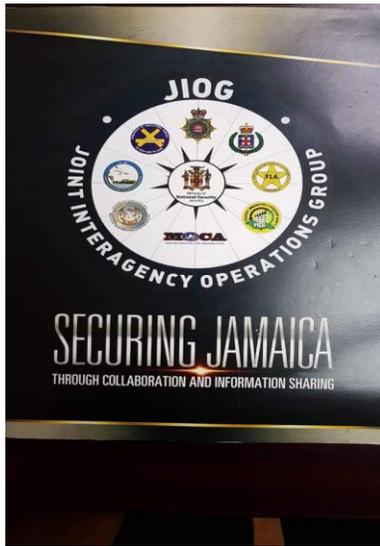
The benefits far outweighs the cost, e.g. unlimited access to ASIS website, monthly issue of the prestigious security magazine, 'ASIS Connects' platform where professionals discuss solutions, scholarships, of which I have been a recipient of a CPP online scholarship valued at US\$ 1000, webinars on best practices and access to the many standards and guidelines which are very critical to the effective running of a security programme.

Even though there were financial challenges, the membership grew by eight (8%) by new members. We have not reached our target of 30 %, I am presently targeting several security practitioners who I have approached.

Meetings have been planned with the Jamaica Defence Force, Caribbean Maritime University (CMU) and Jamaica Constabulary Force, (JCF) I am hopeful that we will not only reach but will surpass the intended 30%.

Thanks to our chapter chairman and all the members who have been supporting and continues to support me in achieving our chapter's objective.

Synergy with JIOG



Brigadier Radgh Mason from the Jamaica Defence Force (JDF) was a guest at our annual awards banquet in March 2019. Obviously, the Brigadier realized that the chapter could add value to the **JOINT INTERAGENCY OPERATIONS GROUP. (JIOG)**

At the banquet were cumulative years of security experience by ex members of the JDF, JCF and other security professionals, government and private security industry.

JIOG comprises multiple law enforcement agencies of the Jamaican Government and their interrelated agencies. The aim is to share information and provide awareness on matters of national security so as to better manage the national security effort.

A committee lead by Capt. Garth Grey CPP, PCI, PSP met with Brigadier Mason to have

discussions concerning how the chapter could aid in the objectives of JIOG.

Timely sharing of information is critical for interagency relationships, which is important in issues of national security. Information sharing is an area where the chapter will partner with JIOG. This is a collaborative effort, and so the chapter stands to receive information through established secure means that will add value and will allow the private security industry to be more proactive.

Guidelines for Hotel Security



Carlos Pipher, CPP, PSP, Editor

Security is best provided for when the executive takes it seriously and factors it in the company's business policy and mission statement. Security as an afterthought is a recipe for unwanted acts. During the planning phase, a security

professional should be on the project management team to address the broad concerns of security. A risk assessment is the first order of business, it will help management to plan for the necessary protective measures and also provide legal defence.

Divide the property into sectors and list possible threats for each sector. Threats are crime, accidents and hazards. Think of the probability and severity if a sector were to be negatively impacted and assign a consequence rating of low, medium or high. Collect local crime statistics on homicide, robbery, assault and sexual assault, this information is also crucial to implementing a robust security plan. Crime statistics from similar properties are helpful in mitigation measures, similar hotels in the same locale will have similar criminal activity and threats. This information should be freely shared by security heads, this is very important in liaison relationships and to the industry.

Public areas should be patrolled, such as bars, lounges and parking lots. These areas allow for open access to disruptive persons. (Guests can also be disruptive) Active monitoring of CCTV images, overt cameras and proper lighting reduces opportunities for crimes. Constant vigilance should be maintained at the check-in counter to look out

for anything that seems odd. Communicating security tips in advance to guests attending public events such as conventions is a good proactive measure, this allows for guests to arrive armed with vital information which will heightened their awareness. The hotel's staff should be the ears and eyes of management. Staff training should be ongoing with the aim of ensuring a professional response to all emergencies, especially life safety.

Your security detail should not be too imposing so as to make guests feel uncomfortable. Guests that feel secure and safe will recommend to their friends and family which results in ROI for the facility.

The Legal Status of Security Guards



**Suzanne Scarlett, PSP
Legislative Chairperson**

For many years the Government of Jamaica has expressed concerns about the treatment of private security guards by the private security companies with regards to their classification as independent contractors as against employees. This concern was raised by former Minister of Labour and Social Security, Hon. Dr. Fenton Ferguson, January 2016, when he expressed that:

“The Government will be acting on a recommendation from the Minimum Wage Commission, to address the issues of some security guards... being designated contractors. The contract designation prevents the guards from obtaining certain benefits under labour regulations...”

The designation of an independent contractor has prevented the private security guards from receiving certain employment welfare benefits to which they are entitled to include vacation leave, sick leave and maternity leave. Additionally, the private security guards do not receive the 1 ½ overtime beyond the forty (40) hours per week to which they are entitled. The court in Ready Mix Concrete v

Minister of Pensions [1968] 2 OB 497 held that, whether a contract creates a ‘master and servant’ relationship between an employer and employee on the basis of contractual rights and duties, the nomenclature used in the contract is irrelevant. So, the fact that the contract termed the driver in the case as an “independent contractor” was not material. The determination by the court for a contract of service is when: (1) a person agrees to perform a service for a company in exchange for remuneration; and (2) a person agrees, expressly or implied, to subject himself to the control of the company to a sufficient degree to render the company his “master,” including control over the task’s performance, means, time; and (3) the contractual provisions are consistent with ordinary contracts of service.

The Government’s action to prevent the private Security guards from being taken advantage of was observed at the Public Administration and Appropriation Committee (PAAC) in Parliament on Wednesday, April 17, 2019. Mrs. Collette Roberts-Risden, Permanent Secretary for the Ministry of Labour and Social Security made the disclosure acting on a complaint by the Jamaica Society for industrial Security (JSIS) that a number of companies were paying the

private security guards below the minimum wage.

The labeling of the security guards as an independent contractor is not unique to the local security industry. According to Robert Wood, Montana Law Review, Vol 70, Issue 1, Article 4, 2009, the Internal Revenue Service (IRS) made a determination that security guards for Blackwater Security Consulting LLC were employees and not independent contractors. Blackwater is a Security Consulting Company that entered into a Worldwide Personal Protective Services II Contract with the US government. The agreement called for Blackwater, along with two other private military contractors, DynCorp and Triple Canopy, to provide security services to the State Department in Iraq. In March of 2007, a former security guard sought clarification from the IRS on his status as an employee or independent contractor. The IRS in its determination ruled that the security guard was an employee and not an independent contractor.

It was observed that Blackwater treated its domestic workers – security guards as employees but classified its overseas workers – security guards as independent contractors, although Blackwater indicated that these

workers were subject to the “control, supervision, standards and protocols of the US government”. The IRS found this to be inconsistent with the attributes of an independent contractor. They also found that the overseas security guards were also exposed to demanding training and extensive screening and were outfitted with body armour, uniforms, boots and handbook. Additionally, they disciplined their staff which the IRS found inconsistent with the treatment of an independent contractor. Independent contractor under a contract for service is not subject to the supervision, direction and control of another person; does not hold an integral position within the organization; provides his own equipment; assumes his own financial risk and is responsible for his investment and management. This arrangement means that an independent contractor is not subject to any disciplinary action under the contract. An employee on the other hand has an implied duty to obey reasonable and lawful orders and if found in breach would be subject to disciplinary action under their contract of employment.

The Blackwater contract also sets out the hours of each work day and where the security guard is to report for duty, where he will be stationed and

how he will be compensated. The security guards were provided with equipment, weapons and transportation as well as with food, shelter, laundry and housekeeping services. Further, the security guards were required to follow Blackwater policies in relation to personal attire and hygiene and to report directly to Blackwater supervisors and leaders and perform the duties in accordance with Blackwater’s rules and regulation until released by the Blackwater supervisor. The IRS for the above reasons found the actual working relationship is determinative of a contract of service and not the designation of the security guard being an independent contractor and thus the classification was without merit even though Blackwater required the security guards to sign as an independent contractor.

When the requirements under the labour relations and industrial dispute (LRID) Act was compared with the Blackwater contract, it was observed that with specific reference to ‘the direction, supervision and control of the employer regarding hours of work, nature of work, management of discipline and such other conditions similar to those which apply to an employee’ were very similar to

the features in the Blackwater contract to determine whether the relationship amounts to a contract of service.

In concluding, it can be agreed that the current employment construct for the private security industry is emphatically in conflict with the law. While this contractual construct may be economically convenient or expeditious for the private security companies, it results in severe disadvantage for the private security guards who are effectively financially penalized and are deprived of their employment welfare benefits. The proposed solution therefore, is to place the private security guards on a Fixed Term Employment Contract as they are designated by law as employees.

JAMAICA CHAPTER BOASTS SIX TRIPLE CERTIFICANTS

Jamaica is known for beautiful Caribbean beaches, majestic mountains and reggae music. And now it has another wonder. The ASIS Caribbean Chapter has six members who have earned three ASIS certifications each: The Certified Protection Professional (CPP), the Professional Certified Investigator (PCI), and the Physical Security Professional (PSP). Another six members have earned two certifications each, and nearly half of the 75 chapter members

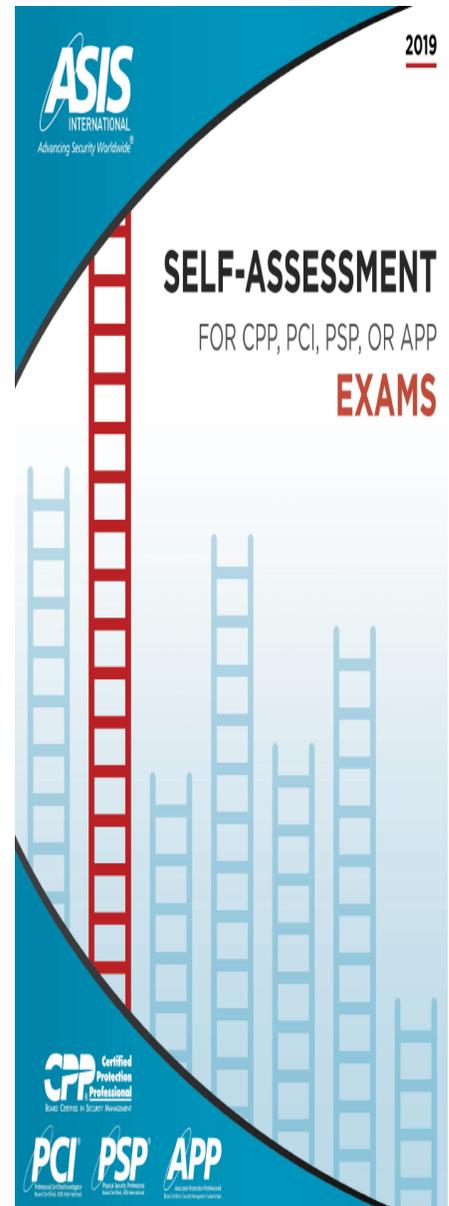
have at least one certification. Only 212 members in the entire world currently hold all three certifications. Jamaica Chapter members Wayne Ballen, Basil Bewry, Michael Jackson, and John Richards have held the three certifications for some time. Recently earning their third certification are Garth Gray of Guardsman Security,



who also serves as an ASIS assistant regional vice president, and Warren Smith of the CSI Group, who also sits on the ASIS Security Services Council.

Congratulations to all!

The above-mentioned article was published in the August issue of ASIS International Security Management Magazine.



2019

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SECURITY MANAGEMENT

AUGUST 2019

Special Report

- 12 Digital Safety: Discover a cutting-edge perspective on digital security
- 14 Cybersecurity: Discover the latest in cybersecurity

- 40 BUSINESS CONTINUITY
- 48 FINANCIAL CRIME
- 54 PERSONAL BRANDING

32 SKY-HIGH SECURITY RENOVATIONS



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