

# Sworn to Protect and Defend

## Close Protection within the South African Private Security Industry



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**PSiRA**  
Private Security Industry Regulatory Authority



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# EXECUTIVE SUMMARY

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The number of registered businesses specializing in close protection in South Africa currently stands at 2, 465. These businesses employ a considerable number of security officers. As part of the private security industry, the close protection sub-industry has become a force to be reckoned with. Despite this high number of businesses providing close protection services, only 225 were inspected during the financial year 2015/16, thus casting a doubt on whether this industry is effectively regulated and controlled by the Authority.

The study found that close protection is a specialized type of security service which takes more than just a PSiRA Grade C, which is the current minimum requirement for becoming a close protection officer. The Grade C training is just too basic as it only deals with access control on higher risk and supervision of lower grade security officers. The level of discipline and expertise required of a close protection officer could in no way be equated to a PSiRA Grade C holder.

This report underscores the need for a re-look at this specialized field of private security. It emphasizes the importance of developing regulatory frameworks that would be specifically addressing the close protection industry in South Africa. In doing so it makes a case for professionalizing the industry, which was arguably a subject of neglect in so far as PSiRA was concerned. The existence of unregistered close protection officers as well as the “exportation” of close protection services in contravention with the South African law is quite alarming. The need for PSiRA inspectors to understand the industry is important for purposes of ensuring compliance within the industry.

The study found it disturbing that there is no legal definition for close protection. This becomes an issue as anyone wishing to be in the industry can participate, sometimes without the necessary training requirements and with the use of illegal firearms. It is equally disturbing that the industry is still male and white dominated after more than two decades since South Africa became democratic. This is an indictment of the Authority, whose mandate is to encourage the ownership and control of security businesses by persons historically disadvantaged through unfair discrimination, and to promote the empowerment and advancement of persons who were historically disadvantaged through unfair discrimination in the private security industry.

As informed by the study conducted on the subject matter, the report makes recommendations that are pertinent to ensuring that the Authority effectively regulates and controls the close protection industry. For instance, there is a proposition that regulations for the close protection industry be developed in order to ensure compliance. The “fit and proper” test which is a requirement for registering as a security service provider must be of a higher standard than an ordinary PSiRA Grade-C holder. The need for professionalizing the close protection industry cannot be overemphasized. Largely, this has to do with ensuring high training standards for would-be close protection officers. Professionalizing the close protection industry is also linked to ensuring that close protection officers have integrity and are trustworthy. The report also recommends effective inspections of close protection businesses and an establishment of close protection submit within the PSiRA.

# ACRONYMS



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**GPS** Global Positioning System

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**CPI** Close Protection Industry

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**CPO** Close Protection Officer

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**FPOS** First Person On Scene

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**SASSETA** Safety and Security Sector Education and Training Authority

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**SAPS** South African Police Service

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**PDP** Professional Driving Permit

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**CPOC** Close Protection Officer Certification

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**PSiRA** Private Security Industry Regulatory Authority

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**POSLEC SETA** Police, Private Security, Legal and Correctional Services Sector Education and Training Authority

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**TSCM** Technical Surveillance Counter-Measures

# SWORN TO PROTECT AND DEFEND

## 1. INTRODUCTION

The Private Security Industry Regulatory Authority (PSiRA) is mandated to regulate the private security industry and exercise effective control over the practice of the occupation of security service provider in the public and national interest and in the interest of the private security industry itself.<sup>1</sup> The Private Security Industry Regulation Act (PSiRA Act) further provides that PSiRA must promote an industry which is characterized by professionalism, transparency, accountability, equity and accessibility.<sup>2</sup> The PSiRA Act provides that in order to achieve the above, PSiRA must determine and enforce minimum standards of occupational conduct in respect of security service providers.<sup>3</sup> It must be noted that looking after the interest of the industry is paramount, and is in line with the PSiRA mandate.

In defining a “security service”, the PSiRA Act definition includes “protecting or safeguarding a person or property in any manner.”<sup>4</sup> This security service therefore includes the provision of close protection services, otherwise known as body guarding. During the financial year 2015/16, there were 2, 465 registered businesses.<sup>5</sup> During the financial year 2014/2015, there were 2, 683 security businesses that were registered.<sup>6</sup> During the 2013/2014 financial year, there were 6, 089 registered security businesses offering body guarding services.<sup>7</sup> The drastic reduction of the registration of businesses during the financial year 2015/16 offering this specialized private security service is not very clear as it is unthinkable that the body guarding services could suddenly not be sought after. Be that as it may, close protection services remain a lucrative business within the private security sector in South Africa.

The purpose of this study is to provide the basis for the need for policy change in so far as close protection within the private

security industry in South Africa is concerned. The overarching aim of the research is to enable PSiRA to effectively regulate close protection services within the industry and to effectively exercise control over the practice of the occupation of close protection provision in the public and national interest, and in the interest of the private security industry.

## 2. BACKGROUND

Close protection is as old as mankind and warfare.<sup>8</sup> While operatives in the close protection field have the special ability to deal with a multitude of dangerous situations in different environments, their regulation and control in South African remains minimal. According to Schneider, close protection can be defined as “implementing all necessary tasks and related activities by trained professionals in order to primarily ensure the safety and security of a designated person (“Principal”).<sup>9</sup> This also implies the Principal’s peace of mind and, if possible, physical comfort.

The reasons for the growth of close protection are varied. The first reason for the need for close protection services is the threat of kidnap and ransom. This is usually directed at high profile victims who are capable of generating substantial amounts. The second reason are the terrorist and criminal violence threats. The third reason is the increasing levels of violent crime and the associated feelings of insecurity and safety. Schneider argues that with comparatively high levels of violent crime in South Africa, certain international operations in South Africa have made provision for close protection services to be provided, not only for visiting high-profile executives, but also for expatriate employees that are residing in this country for brief periods.<sup>10</sup> The fourth reason given for the need and use of close protection

1 S 3 of the Private Security Industry Regulation Act 56 of 2001 (Act).

2 S 3(c) of the Act.

3 S 3(f) of the Act.

4 S 1 of the Act.

5 Page 57, PSiRA annual Report 2015/16.

6 Page 54, PSiRA Annual Report 2014/15.

7 As above.

8 Gavriel Schneider, *Beyond the Bodyguard: Proven Tactics and Dynamic Strategies for Protective Practices Success*. Universal Publishers.

9 As above, p.12.

10 As above, p.54.

services results from the activities of paparazzi and media phenomenon.<sup>11</sup> This is usually directed at celebrities or high-profile persons. The fifth reason for the growth and demand and use of close protection services is the increase in government outsourcing of such services. According to Schneider, “[t]his is an international trend, which sees close protection tasks that were originally considered the sole preserve and responsibility of state agencies (police, military, intelligence or other government organizations/institutions) being outsourced to private companies.”<sup>12</sup>

### 3. RATIONALE

It must be noted that since its establishment in 2001, PSiRA has never commissioned nor conducted a study on close protection. While close protection services are not specifically provided for under section 1 of the Act, it is nevertheless implicitly included in the definition of security service of “protecting or safeguarding a person...in any manner.”<sup>13</sup> During 2014/15, there were 169 close protection services inspections.<sup>14</sup> Between 1 April 2015 and 31 March 2016, a total of 225 inspections were conducted on close protection service providers.<sup>15</sup> The highest number of inspections, being 2016 inspections, took place in Gauteng.<sup>16</sup>

For the first time, section 21A (1)(b) of the Private Security Industry Regulation Amendment Act of 2012 (PSiRA Amendment Act) (not yet in force), lists close protection as one of the categories for which PSiRA may register as security business for purposes of rendering services. Section 35 (1) of the PSiRA Amendment Act provides that the Minister may make regulations relating to “the obligatory undergoing of security training by security service providers in respect of the different categories referred to in section 21A (1). These different categories, among other things, include close protection. Regulations relating to the obligatory undergoing of security training relating private security providers specializing in close protection. Any regulations made by the Minister would be informed by a thorough knowledge of close protection within the private

security sector in South Africa. It is for this reason, therefore, that the need for conducting a study on close protection, as a matter of priority, is critical.

### 4. RESEARCH OBJECTIVE

This research seeks to uncover the specialized field of close protection within the private security sector in South Africa. The study is exploratory in nature. It will consider the extent of the sector within South Africa with a view of understanding its demand. It will also address the question of whether the current training standards for close protection are adequate in ensuring professionalism within this field. The study will also consider whether PSiRA is adequately equipped to effectively regulate and control this specialized private security provision. It is envisaged that the research findings in this report will enable PSiRA to understand the close protection sub-sector with a view of developing policies that will inform the development of regulations relating to close protection.

### 5. RESEARCH HYPOTHESIS AND QUESTION

The hypothesis for this study is as follows:

*As the private security sector continues to grow, the demand for close protection services is also increasing and PSiRA plays an increased role in effectively regulating and controlling the provision of close protection services in South Africa.*

The research question for the study is as follows:

*What role should PSiRA play in regulating the close protection sub-sector and exercising effective control over the practice of the occupation of close protection in the public and national interest and the interest of the private security industry in South Africa?*

11 As above, p. 10.

12 As above, p. 11.

13 S 1 of the Act.

14 Page 23, PSiRA Annual Report 2014/15.

15 See PSiRA Annual Report 2015/16.

16 As above.

## 6. RESEARCH METHODOLOGY

As already stated above, this research was exploratory in nature involving both desktop and field research. In gathering information that was intended to be rich and provide deeper insights into the close protection phenomenon, the methodology was qualitative. Unstructured interviews with the close protection service providers registered with PSIRA were conducted.<sup>17</sup>

## 7. LITERATURE REVIEW

Private security in terms of Close Protection is an industry which is still growing in South Africa. The dearth of literature on close protection in South Africa is quite alarming despite the fact that the sub-sector is thriving. Despite this limitation, one of the fairly recent and (supposedly only) unpublished doctoral thesis on this subject is by Gavriel Schneider, titled *An examination of the required operational skills and training standards for a Close Protection Operative in South Africa*.<sup>18</sup>

Schneider (2005:1) argues that the industry was introduced in 1994 as the then South African government saw a need for Close Protection in order to address the rising crime rates in South Africa. Accordingly, close protection related services were conducted by military, police and related government organisations before the introduction of private security. In essence the state was unable to function independently and hence the need for the assistance from the private security sector. The close protection operatives saw ways in which the security of individuals could be protected from various crime activities.

Schneider notes that the close protection industry in South Africa has been lacking in training, as it was flooded by “fly by night” training companies. These companies were offering low quality training in a short period of time. Making reference to an interview by Schneider with

McGuire,<sup>19</sup> it was noted that trained individuals were unable to compete internationally because they have inadequate skills. Training was essential because individuals would be able to be responsive when matters arise and be vigilant in addressing unsecured environments. Training could influence values of competency in the workplace for they would have knowledge of the regulations and policies set.

Schneider (2005:52) points out POSLEC SETA and PSIRA need to look at factors in working with the national defence and SAPS for the training of close protection operatives in order to effectively assess their competency. He argues that the POSLEC SETA could also enforce ways to ensure that service providers do their part diligently in making sure that they are providers that will be able to train Close Protective Operatives. In South Africa there are many operatives that are working illegally, and this is something that needs to be looked into in order to effectively address this problem in terms of fines or other punishable means.

Schneider (2005:30) argues that there is a low percentage of individuals registered with PSIRA and POSLEC SETA as close protection operatives and some operate illegally. This issue raises a few red flags that many operatives do not have the required qualifications and the essential training. He further recommends that SETA could introduce bursaries and learnerships that would provide training to the individuals.

Schneider makes reference to an interview with Jacobs,<sup>20</sup> who mentions that, in order for good results to be yielded, there needs to be individuals that are capable and competent to be able to perform all aspects of close protection. This comes down to the standards that have been set for the operatives to adhere to. In terms of competency and professionalism of close protection operatives, individuals during their training need to go through a code of conduct.

Most recently, Schneider further contributed to the subject matter on close protection through his book titled, *Beyond the Bodyguard: proven Tactics and Dynamic Strategies for*

17 The PSIRA database of registered service providers in the close protection field was identified.

18 Schneider, G., 2005. An examination of the required operational skills and training standards for a Close Protection Operative in South Africa (Doctoral dissertation). Available at <http://uir.unisa.ac.za/handle/10500/734> (Accessed 20 July 2016).

19 Interview 4: Clinton McGuire. Durban. 12 May 2003. Former Close Protection Operative SANDF, Freelance close protection specialist; now Director of Dynamic Alternatives (Pty) Ltd a specialist close protection training company based in Pretoria.

20 Interview 2: Lourens Jacobs. Pretoria. 5 May 2003. Former Commander Presidential Protection Unit, SAPS; now specialized consultant, instructor and team leader for Close Protection related tasks.

*Protective Practices Success* (2009). Schneider dedicates his book to “all those professionals who put their lives on the line to secure others”. In his book he argues that the area of specialist/private security is a relatively under-researched field when compared to other fields (Schneider, 2009: 1).

Another instructive book on close protection is by Thompson titled, *Bodyguard Manual: Protection Techniques of the Professional (Revised Edition)*.<sup>21</sup> In the book, Thompson analyses aspects of a protective effort. While the book is not country-specific, it nevertheless offers practical solutions in so far as close protection is concerned. Further, the book does not address the regulation of CPOs, which is what the main focus of this study is concerned, it nevertheless supports some of the research findings in this study.

## 8. RESEARCH FINDINGS

This part will discuss the main research findings on close protection.

### 8.1 Definitional Conundrum

One of the main research findings relates to the absence of a legal definition of Close Protection. Evans (2010) states that bodyguards are in essence close protection operatives. According to Schneider (2009: 1), “close protection is a holistic approach to the protection of designated individuals.” The Draft Regulations for the Training of Security Service Provider, 2016 (Draft Training Regulations) define as “a security service provider who only renders a service consisting of the protection or safeguarding of a natural person.”<sup>22</sup> The Draft Training Regulations provide that

[e]very natural person who is applying for registration as a security provider or who is registered as a security service provider and is required to perform the duties of a close protection officer must complete training or instruction in a skills programme, part qualification or qualification which includes but is not limited, to the following competencies:

- knowledge of the role of the Authority and legislation governing the private security industry;
- provide static protection of persons;
- provide protection to persons whilst in transit;
- provide protection to persons during the transition from transit protection to protection on foot and vice versa;
- provide protection to a person during a pedestrian escort;
- identify emergency situations and provide first aid;
- physical defensive restraining techniques;
- knowledge of statutory prescription applicable to the possession, handling, carrying, storage and use of a firearm and ammunition;
- duties and obligations of firearm ownership in terms of legislation;
- handle and use a handgun for business purposes including tactical knowledge in the use of firearms and tactical proficiency in the use a handgun.

Close protection is also referred to as Executive Protection. For example, Icon Services Corporation,<sup>23</sup> a full security and investigative US-based agency, divides Executive Protection into various components, namely: VIP Protection; Celebrity Bodyguards; Travel Security; High Risk Travel Security; Assets and Valuables Escort; Personal Protection; Dignitary Protection; and Witness Protection.

### 8.2 Gender Dimension

The close protection industry is a male dominated industry. A number of females are slowly getting into the industry. The women also train alongside their male counterparts. In many cases females fear getting into the industry, because their size and structure. Within the industry, there are no barriers for women. Nevertheless, there are standards that they need to attain which are also applicable to their male counterparts.

21 Leroy Thompson, *Bodyguard Manual: Protection Techniques of the Professionals (Revised Edition)*, 2005.

22 Reg. 3 of the Draft Training Regulation.

23 <http://industry-icon.com>

Clients may influence the gender dimension. Some clients require male figures as they feel better protected because of their physique. The industry is, however, more about physical realities rather than a body structure of an operative. Females have an advantage in many instances as they are able to blend in with their clients and are able to be compassionate as opposed to males.

### 8.3 Racial Dimension

For purposes of understanding the racial dimension of close protection, it is important to consider its historical background. According to Steyn and Patta, "VIP protection (like every other state organ in apartheid South Africa) had been racially segregated. Even the high-risk job of being prepared to take a bullet for a revered apartheid leader was an honour reserved for whites only. "Coloureds and Indians looked after the protection of VIPs in their own racial groups serving in the Houses of Representatives and Delegates respectively, and a black major was responsible for the safety of black VIPs, essentially Bantustan leaders."<sup>23</sup> Most of the owners of Close Protection companies are white. There is a division in the market as white individuals render services to corporate clients and clientele for most 'blacks' in the state. In most cases the issue is that African individuals arguably do not practice professionalism and sometimes operate illegally. The other issue may be that many black individuals cannot afford the payment of the training of close protection and may be disadvantaged in the delay of their certification from SASSETA.

### 8.4 Background of CPOs

The study found the background of CPOs is multifarious. The political dynamic of the country is shaped by the growth of the industry. The majority of the owners of CPO companies are mainly from the Military or the Police Service, though they are civilians who are also interested in the industry. The CPI requires individuals to have discipline, which plays a role to professionalize the industry. The study also found that there is a high prevalence of *Umkhonto We Sizwe* members in the close protection industry. This was partly because of the ANC deployment. There are a few individuals who were bouncers and security officials and later became professional operatives, as they wanted to improve their skills and get

better employment opportunities. Close Protection is an industry which requires passion and discipline.

### 8.5 Clientele of CPOs

The CPI has a number of clients who have different professions. Clients of CPOs can vary from corporate persons, to politicians, ambassadors and celebrities etc. Contracts are concluded through connections and word of mouth. The CPI is close-knit and companies work closely together, especially many white-owned companies. The outcome is that most white-owned companies benefit more than black owned companies within the industry.

The study found that the best close protection is the "blending in" where the close protection officers are not visible. According to Thompson (2005: 9), close protection should be as unobtrusive as possible. The exception to this rule is that in some Third World countries (as in the case of Africa), "an obvious display of firepower may discourage an attack" (Thompson, 2005: 10). It was gathered that, as a CPO, one should not be in the eye of the public and should not show or display force as the industry is not about intimidation when providing a close protection service. It must be noted that this is an ideal situation as, in other instances, there may be a requirement for the show of force in order to ward off would-be attackers. This is, however, largely dependent upon the client or principal.

### 8.6 The Use of Uniforms by CPOs

The study found that, in so far as the uniforms, badges and insignia are concerned, CPOs do not wear any uniform and do not display any insignia. For blending in purposes, CPOs only carry their PSiRA identification cards. As Thompson (2005:10) argues, the protective team should attempt to dress in such a way that will allow them to blend in with the surroundings. He further observes that casual clothing should be chosen. For instance, in the case where the assignment involved guarding a principal on the beach, casual clothing would be ideal, while formal attire should be worn for formal occasions (Thompson, 2005: 10). If operatives are unable to blend in with the principal, it could increase the risk of their principal being targeted.

24 Rory Steyn & Debora Patta, *One Step Behind: Mandela – The Story of Rory Steyn, Nelson Mandela's Chief bodyguard as told to Debora Patta* (2011).

### **8.7 Exploitation Within The CPI**

The study revealed that the majority of service providers exploit their employees in a manner that most CPOs work under minimum wages and their working shifts are not fair. According to Thompson (2005: 19), "protective personnel will often have to work 12 hour or longer shifts to provide full coverage". However, the majority of the service providers indicated that the working hours of a CPO are usually 8 hours minimum and 12 hours maximum working hours. In terms of the salaries, most of the service providers start from a minimum wage of R1500 up to R2500 a day. However, the wage scale depends on the risk of the job. As they say "the higher the risk the higher the scale". In most instances within the industry, operatives may be paid on the very same scale as Grade C general security officers. According to Schneider (2005:3) "there are dubious, small scale companies attempting to gain a foothold in this lucrative industry and turn a quick profit. They have been able to do this by employing unqualified CPOs whom they can pay less than well trained specialist operatives."

### **8.8 Unit Standards for CPOs**

As far as the unit standards for CPOs are concerned, unit standards are too basic and may be biased. They are biased in the sense that individuals who set the standards were covering for their own interest and not for that of the industry. The unit standards are applicable when individuals have undergone a full four-week course, which is ran by SASSETA.

It was found that there are many companies which are not competent in South Africa. Bouncers are different from close protection officers, yet they sometimes provide close protection services. It is also unthinkable that a CPO can provide a service to their principal without carrying a firearm. Most companies are not qualified to provide close protection services.

The training of the regulation of the unit standards concerning training is not adequate. The unit standards move away from training, not realising that training is the most important aspect and is critical. In fact, Thompson

(2005:10) argues that "[a] close protection team may train for years in counter-ambush tactics, yet never have to deal with such an attack." This indicates that CPOs need to be well trained and qualified to address any situation that might occur. Thompson (2005:10) emphasizes that a CPO should be prepared for a wide variety of contingencies and not just those involving an attack on the principal.

The training standards do not cover the basics of close protection, meaning that they need to be re-written. The training standards of all the other grades and CPOs are different. Therefore, there is a need to have two separate documents for the training standards. The Quality Council for Trades and Occupations (QCTO) could develop standards for the CPI.

### **8.9 Freelancing in the CP Industry**

Close Protection Operatives work on a contractual basis with service providers. It was found that the industry was, more often than not, seasonal and not many service providers would be rewarded with fixed employments. In this aspect, most of the service providers are faced with working as freelancers so they can get work on a base, which will assist them to progress. Trust is a fundamental aspect. When individuals are freelancers within the industry, it becomes problematic in terms of their use of firearms. The question becomes which weapon is the officer going to use as they are sometimes far away from the contracting security business.

### **8.10 The Use of Illegal CPOs**

There is a large contingent of foreign individuals who are working within the industry. According to Section 20 of the PSiRA Act, "requirements for registration are that one is a citizen of, or has permanent resident status in South Africa". The reality is that there are a large number of individuals who work in the industry who are not South African and have not registered with the PSiRA. Service providers are able to monopolize the industry by charging a ridiculous amount of money only to pay operatives a lesser amount of money. The use of illegal CPOs makes this a reality.

### **8.11 Psyche of a Close Protection Officer**

According to Joey Guzman, "People think celebrity protection or dignitary protection work requires big hulking gorillas running around with machine guns and pushing people out of the way. While that may have been true once upon a time, I believe the biggest muscle a protection agent needs to have is the mind..."<sup>25</sup>

Many individuals within the industry do not have any qualifications and they have had the advantage of working within the industry because of the way their physique is built. Individuals are approved in the industry because of the way they look, for example because a person being huge and bulky they will be taken seriously and will be able to intimidate other people. It was stated that just by being "bulky" within the industry means nothing, all that is important is having good CPO training, being professional and being able to protect your client. Most of the bulky men who work as CPOs are unfit. And yet they think they will be able to work as Close Protection Operatives even though they cannot run as little as 5km without becoming short of breath.

The life of a bodyguard is usually long and tedious. There is a lot of paperwork and preparation, in addition to being in action. The CPI is thriving and seasonal. For some companies that are based in Cape Town, for instance, most of their clients require their services during holidays/vacation. Whereas in Johannesburg the market will more likely be corporate clients and politicians. In each province, the market differs as the clients do not have the same needs.

### **8.12 The (Illegal) Use of Private Firearms by CPOs**

The use of private firearms in the industry is prevalent due to the nature of the work involved. The majority of CPOs, especially those who are freelancers, prefer using their own firearms as their employment is not fixed. In practice, CPOs are at times unable to reach the company's firearm in order to use it when a client requires the rendering of services. It was gathered that PSIRA has to find a way of regulating the privatization of firearms within the industry. It was also gathered that, as a CPO, one has to be able to use any kind of firearm.

### **8.13 Risk Assessment**

It was found that some training institutions do not provide training on risk assessment, which is a critical component for training as a CPO. CPOs must understand risk assessment, security management, advise on security protocols, possess advanced skills on hand guns – unarmed combat and how to start managing a close protection team. According to Thompson (2005: 10), bodyguards must be familiar with the techniques of threat assessment and should stay abreast of information on terrorist groups or criminals who may target the principal. This goes to show how important risk assessment of a principal is before the CPO takes up an operation. This is due to the fact that they may be able to grasp situations and know how to address them.

### **8.14 Emergency and Survival Kit**

The study found that a Close Protection Operative always needs to have an emergency kit which will assist them in their work. The emergency kit will consist of operational equipment in case of any emergency. As a Close Protection Operative one basically puts their client's life before their own and ensures that they are readily available for the client regardless of the time and situation they may be in.

### **8.15 Planning**

The study found that CPO work requires a lot of planning. Every CPO needs to be able to plan because the strength of their survival rests in their planning. Thompson (2005: 10) underscores that the protective team should work closely with their principal's administrative assistant or aide to restrict access to information about travel plans, appointments, visits and similar sensitive information. He further goes on to say that reservations should be made in the name of the aide or CPO (2005: 10). A CPO should always be aware of alternative routes when carrying out their assignments whether on foot or by car. For the purpose of protecting the principal, it is preferable that as few individuals as possible should know the whereabouts of the principal. This underscores the importance of planning, which can only be undertaken by a competent and qualified CPO.

25 Agent Joey Guzman, Executive Protection Division, Icon Services Corporation. <http://industry-icon.com/executive-protection/dignitary-protection/> Accessed 20 August 2016.

### 8.16 The Exportation of Close Protection Services

From the research, it was gathered that some CPOs provide their services beyond the South African borders. While it is not clear what CPOs do abroad, it was gathered that some (if not most) provide consultancy services to clients relating to close protection work. It was further gathered that the use of firearms is not common because most states do not permit the use of firearms.

### 8.17 The Use of Technology

The study revealed that the industry has adopted the use of technology over the years, firstly in the utilization of technical surveillance counter-measures (TSCM) which is a system that sweeps and debugs. Secondly, the use of radios is also used. Thirdly, Global Positioning System (GPS) is also used. Also, social media, such as the WhatsApp Application, are widely used in CPO work for communication purposes. It must be noted that the use of technology in the CPI could at times be a risk in the sense that electronic security equipment could be hacked into thus posing a danger to the client.

### 8.18 Regulatory Options

In the study, service providers were generally happy with the regulation of CPOs. However, there was a major concern about the training standards and the grading systems. Many individuals were not happy about the way training in South Africa was conducted. South Africa appears to be ahead with the regard to the development of a set of training standards and a well regulated industry for the provision of close protection service (Schneider. 2005: 35). The grading system for CPOs should be at a level whereby the field is specialized and have levels in the sector. An example would be that the CPO levels would operate as Level 1 dealing with basic close protection. Level 2 would be understanding risk assessment and security management, advise on security protocols, with advanced skills in hand guns, unarmed combat and how to manage a close protection team. Level 3 would be an ultimate CPO (a complete package) of people

a CPO is looking after. The CPO will be focused on advanced management of general skills, an understanding of crime scene investigation, and advanced first aid, advanced driving, the role of close protection, basic understanding of debugging and bugging.

### 8.19 Protection of Privacy, Image and Self-Esteem

The study revealed that being a competent CPO also means that the privacy, image and self-esteem of the principal must be respected at all times. Thompson (2005:13) argues that “[p]rincipals must trust those who protect them and be confident that they will not repeat anything overheard.” Confidentiality also goes hand in hand with professionalism. If CPOs are not adhering to the principle of confidentiality, they will not be able ensure that their client is protected.

### 8.20 Minimal Inspections Conducted

Given the total number of 2,465 businesses registered in the financial year 2015/16, it was found that only 225 registered businesses were inspected during the same year.<sup>26</sup> This meant that a total of 2,240 close protection businesses were never inspected during the year. It was found that the inspections would only be conducted when they were being established (as part of the registration requirements) and in the case of businesses moving offices. The main concern relates to non-compliance of businesses which are not inspected during the year. The inspection on close protection businesses would ensure compliance within the sub-sector.

## 9. RECOMMENDATIONS

In the case of Latin America, Prado *et al* argue that faced with extremely high crime rates and ineffective public police forces, wealthier Latin American citizens have been increasingly relying on private security services, including hiring bodyguards, among other things.<sup>27</sup> What is happening in Latin America could also be equated to

<sup>26</sup> Page 23, PSiRA Annual Report 2015/16.

<sup>27</sup> Mariana Mota Prado, Michael Trebilcock and Patrick Hartford ‘Police reform in violent democracies in Latin America’ Hague Journal on the Rule of Law 2012, 4(2), 260.

what is currently taking place in South Africa. What is disturbing is that many private security forces operate in the informal sector without effective state oversight (and are often partly staffed by moonlighting police officers).<sup>28</sup> It is recommended that PSiRA develops regulations for the close protection sub-industry within the private security industry. In this case, a sub-unit within the PSiRA inspectorate could also be established with the main aim of focusing on the close protection sub-industry in South Africa.

### 9.1 Definition

As there is no legal definition of a CPO, it is recommended that a definition be provided for in regulations that would be specifically focused on close protection in South Africa. In this way, the definition provided for in the Draft Training Regulations could be adopted in the recommended Close Protection Regulations. The CP could be defined as *any person who is suitably qualified to protect a designated person or person's personal integrity, property and reputation.*

### 9.2 The Fit and Proper Person Requirement

Section 23 of the Private Security Industry Regulation Act 56 of 2001 provides that "any natural person applying for registration in terms of section 21(1), may be registered as a security service provider if the applicant is a fit and proper person to render a security service." It is recommended that, for the purpose of registering a person as a CPO, this "fit and proper" test must be applied. This test cannot be the same as any other security service provider.

### 9.3 Professionalizing the Industry

In terms of section 3 (c) of the PSiRA Act, one of the primary objects of the Authority is to promote a private security industry which is characterized by professionalism, amongst other things. PSiRA needs to guide service providers in order to regulate the industry so it could be a more professional industry. As operatives are rated on the same level as security officers who are at an entry level in the industry. In terms of the code of conduct being able to address the issue of how

service providers and operatives will conduct themselves as they work with clients or in the workplace.

In order to professionalize the industry, it is recommended that PSiRA ensures that regulations for CPOs are standardized; that training is based on international standards; that PSiRA participates in close protection officers' association meetings where it will provide guidance; and that PSiRA assist in protecting the CPOs. PSiRA could improve the systems in terms of inspectors inspecting service providers once a year.

### 9.4 Integrity and Trustworthiness

Section 3 (e) of the PSiRA Act provides that the Authority must promote and encourage trustworthiness of security service providers. Integrity and principle are very important factors that no one can buy. When one has integrity he or she will be able to acquire a client's trust. Service providers also conduct evaluation assessments which will enable them to see whether their integrity and competency is still intact. Since there are always new challenges, CPOs need to obtain new skills or update their already acquired skills.

### 9.5 Mental Health Requirement

Since the majority of close protection operatives are from the military (some from Iraq and Afghanistan), a mental health certificate must be a requirement. The assessment of mental health is very important as individuals may not be in the right state of mind.

In the CPI, individuals need to have a sound mental state of mind or else they might be triggered by certain traumatic events in their line of duty. In terms of mental health, individuals may be able to undergo psychiatric tests. The psychometric tests could be conducted online or have a medical practitioner that will deal with the issue. This will ensure that individuals are mentally sound.

### 9.6 Training Requirement

In terms of the training it is argued that the training it is not enough for the individuals that are training as CPOs. As a CPO, one needs to be an all-rounder. In the CPI, certain

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28 As above.

aspects need to be looked into in order to effectively regulate the industry. There are training requirements that need to be dealt with. The specialized field of close protection will only deal with three levels. For example, Level 1 - dealing with basic close protection; Level 2 - understanding risk assessment, security management, advise on security protocols, advanced skills on hand guns, unarmed combat and how to manage a close protection team; Level 3 - is an ultimate CPO (a complete package) of people a CPO is looking after. CPO will be focused advanced management of general skills, an understanding of crime scene investigation, and advanced first aid, advanced driving, the role of close protection, basic understanding of debugging and bugging.

PSiRA's training is very minimal in that individuals need to go to other places to acquire knowledge which is lacking. PSiRA needs to improve its training.

Every year there should be competency training conducted which will be led by PSiRA to ensure that individuals are still competent to compete within the market.

All the CPOs will be required to have a Close Protection Officer Certification. This will ensure individuals to be registered with PSiRA and to have police clearance in order to practice as CPOs. This will also confirm that individuals have undergone training. It is essential that all CPOs must have a Professional Driving Permit.

Risk assessment should form part of the modules for the training of CPOs. Risk assessment is core for the CPI. Risk assessment involves assessing the places of visits such as the hotel, routes, restaurants, flight schedules and other areas of interests beforehand. There need to be at least three plans which are different to enable a CPO and his/her principal to get out of a situation. CPOs need to be ready for situations that they may have to deal with such as attacks on their clients. Training could include ways of conducting counter terrorism measures in order to avoid any future terrorist attacks against the country. Terrorism is something that is evidently growing in the world and all law enforcement agents need to start preparing for any attack.

On the issue of grades, the cards and the PSiRA system should clearly state which grade the client is registered. This will avoid any confusion with during inspections.

### **9.7 Literacy Aptitude Test / Competency Test / Psychometric Test Requirement**

Competency tests must be conducted annually by independent service providers. Psychometric evaluations are not conducted due to the fact that they are too expensive and take a lot of time. Although in most cases conducting psychometric evaluations are important because a service provider needs to be aware of the mental state of the individual. It must be noted that CPOs work with people and need to have people's skills. Psychometric evaluations will ensure that risk is minimal.

### **9.8 In-Service Experience Requirement**

A security provider wishing to become a close protection operative should undergo a compulsory in-service / learnership programme consisting of a maximum of 60 hours. The learnership will assist individuals to get a "taste" of what the industry is all about and once one gets into the industry. may become an expert. This can also indicate the degree of dedication and willingness to work within the industry. In terms of the CPI one needs to be an individual that is dedicated and passionate. In the CPI one needs to be open minded to certain situations.

### **9.9 The Non-Use of Uniform, Insignia and Badges**

Close Protection Operatives are by their nature meant to blend in with their client. The use of uniforms and display of insignia and badges are not appropriate for the work they do.

According to the Private Security Industry Regulations (2002:30) "every security officer contemplated in the sub-regulation (1) must wear the uniform provided for him or her when rendering such a security service."

Close Protection Operatives are, by nature, meant to blend in with their client. At times, a Close Protection Operative needs to dress according to the individual that they are protecting. This serves as a way to protect the individual. For example, when a principal is dressed in casual wear, the CPO must dress casual and if there are in formal wear the operative should also be in formal wear.

### **9.10 The Non-Visibility of the Name Tags**

According to Private Security Industry Regulation (2002:30) “security officers should have at least two badges attached to their uniform on the top part of their uniform which has their name and the registration number.”

Close Protection Operatives cannot have their badge visible to the public because it puts their client at risk when they are in public. Close Protection is all about being discreet and not for public knowledge on what you do. This means the badges of individuals should be out of sight the entire time, in order to protect their clients from any risk of attack.

### **9.11 Inspection of Close Protection Operatives**

It is recommended that the inspectors need to be educated in terms of the industry in order for them to know what is going on within the industry. In terms of the inspectors, there needs to be a sub-unit which inspectors will be able to approach and understand what Close Protection work entails. In most cases most of the inspectors do not understand the work of Close Protection. The inspectors need to have some sort of training in order for them to be equipped for, and also to have an image of what Close Protection entails.

### **9.13 Frequent Police Clearance Requirement**

There should be police clearance that would be conducted every six months as CPOs will be able to be monitored. Police clearance would play a role in minimizing the commission of any crime by CPOs.

### **9.14 Profile of Close Protectors**

There needs to be a standardized profile of all CPOs that should be kept by PSiRA. The summary of the CPO profile could be accessed by prospective clients wishing to engage him or her. This will ensure that the market is regulated and that there are fewer individuals who are trying to exploit the industry. The profile will also be able to protect the industry as a whole as well as the clients. The profile could be of assistance as clients would be able to know who they are working with and the experience they have. In this way,

the client would be assured that the CPO would be able to protect them.

There needs to be an improved database within PSiRA that would make it possible to identify those close protectors who are providing services abroad and those providing services within South Africa. The identification of CPOs operating beyond the South African borders will enable PSiRA to keep track of their activities and also to ensure that such CPOs comply with all the South African laws, especially those dealing with the exportation of services.

### **9.15 Minimum Payment**

Due to the fact that close protection is a specialized field, close protection operatives must be paid a higher wage/ salary than private security guards. When the study was conducted, many of the service providers were at a daily scale of between R1500 and R2500. This aspect needs to be taken into consideration because a CPO and a general security officer cannot be rated on the same level in terms of earnings because they are not subject to the same level of risk. The higher the risk of the CPO, the higher the pay they require. This is to enable the CPO industry to be competitive. Another factor will be that CPOs have a greater knowledge and training.

### **9.16 Service Level Agreement**

Service level agreements must be furnished to PSiRA. The service level agreement between clients and the service providers should be shared with PSiRA in order to ensure that all the requirements of the PSiRA Act and the Constitution of South Africa are taken into consideration. The recommendation may be supported by the PSiRA Act which states that all the service providers should disclose who they are selling their services to. However, it becomes a challenge to the issue of disclosure agreements and confidentiality agreements.

### **9.17 Liability Insurance**

Liability insurance should be compulsory for every CPO due to the nature of the industry. A copy of a liability insurance policy should be provided every year to the Authority. Close

Protection Operatives need to have liability insurance in order to protect themselves from any risks that may occur. When an operative is in the line of duty there are many risks involved. As a CPO, one needs to put the client's life before theirs. Due to these factors, individuals need have liability insurance in order to protect themselves from any life-threatening situations.

### **9.18 Firearm Use & Security Level Holster**

The PSiRA regulations prohibit individuals from using their own firearms in the line of duty. At times, it is impossible for a CPO to have access to the company's firearms. The study revealed that individuals need to always be ready to service their clients at all times and in many instances they are unable to first go to the premises of the employer to go collect the firearm.

A firearm holster is a device that is used to hold or restrict the undesired movement of a handgun. It is located where it can be easily accessed for immediate use. The holster is able to protect individuals when they are carrying their firearms from any other individual getting hold of it. It takes certain training and techniques in order to get the grip of the holster. The holster being regulated will ensure that the operatives and their clients are safe.

### **9.19 Close Protection Training Forum**

PSiRA should have public forums and events where service providers will be invited to make recommendations or share opinions on the issues to be discussed. This will ensure that service providers are involved in the decision-making process for new policies, regulations and systems.

### **9.20 First Person on the Scene Training Course**

As far as the Draft Training Regulations are concerned, the minimum medical requirement for a CPO is to identify emergency situations and provide first aid. It is recommended that CPOs undergo the First Person On Scene (FPOS) Intermediate Training Course, which is designed to equip people with the skills, knowledge and confidence to help a person in a life threatening situation. This is critical in that CPOs are entrusted with the responsibility of protecting

people. This will further ensure that the CPO industry will be more professional.

### **9.21 Identification Of CPOs**

In the absence of uniforms and insignia for CPOs, operatives will have a card that will contain all their information. It will make it easier for inspectors to be able to identify them.

## **10. CONCLUSION**

The main function of the Private Security Regulatory Authority is to regulate the private security industry in terms of ensuring that professionalism, transparency, accountability, equity and accessibility are present. The private security industry is growing rapidly and this indicates that the industry is becoming critical to individuals on a daily basis. South Africa is one of the most violent and unsafe countries in the world, which could be a reason for the increase in the need for the private security industry.

The Close Protection Industry is a sector which has not been examined. Close Protection has been lacking in terms of regulation, the grading system, market and the industry as a whole. The study revealed that the Close Protection Industry is a specialized field yet individuals could be operatives if they are registered to grade C level which focuses on access control of higher risk and supervision of lower grade security guards. Grade C is not enough for individuals to practice as close protection operatives, as operatives require advanced training such as tactical and medical training and being a personal assistance to their clients.

Close protection is more than just being a security service provider. Close Protection does not have any legal definition; the operatives would normally be referred as bodyguards, high expertise security officers, personal assistants and executive bodyguards. There needs to be a legal definition that will define the industry clearly. The industry is a passion driven industry, whereby an operative has to put their client's life before theirs.

The industry is male dominated. Women are usually may be intimidated by the fact that they do not have the body structure or the strength to be operatives. The study revealed that most of the service providers are white. The service providers have acquired their skills from being part of the

police force and the military. The industry is very close knit as service providers work hand in hand. The market of the service providers is likely to be corporate clients, politicians and being consultants when they are abroad.

There are challenges in the industry that need to be addressed, such as training, uniforms, fly-by-nights, PSiRA systems and regulations, privatization of firearms and regulating the industry so that it could be more professional and for individuals to understand the function of close protection.

The findings of the study revealed the exploitation in the industry, clientèle base, freelancing and the illegal use of Close Protection Operatives just to name a few.

The report has clearly indicated that there are many gaps within the industry. The majority of the gaps may have been institutionalized by the lack of effective regulations of the industry. As the industry is growing rapidly, there is a great opportunity that the industry could be better regulated.



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## LEGISLATION & REGULATIONS

Private Security Industry Regulation Act 56 of 2001

Private Security Industry Draft Regulation Act 56 of 2001

## REPORTS

PSiRA Annual Report 2014/15

PSiRA Annual Report 2015/16







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