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TRENDS OF ACTION OF THE PRIVATE / CORPORATE TYPE OF SECURITY EXPERTISE IN ROMANIA

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Abstract

The private/ corporate security is a field that has inserted itself in Romania, in the last twenty years. The security field, once exclusive and only dedicated to state institutions, became, within the context of a democratic Romania, accessible to private area. This type of accessibility is limited by law and interferes with those components of the security that especially ensure personal security and public order.

Key words: *private security, corporate security, privatization of security, citizen safety.*

1. ARGUMENT

What manifests itself as a visible trend in the recent years, is the assumption of achieving a sequence of security by the private companies. Corporate / private security type has become ubiquitous in all social fields. Privatization of security, within the context of the public-private partnership, or just exclusively private is a process that tends to develop. Taking-over an area of security by the private companies is explainable in the complex security conjuncture that propagates both nationally and internationally.

The costs for the security achievement are very high, and the funds come from state budgets and from international organizations budgets. Therefore, security objectives, programs and projects are set, having a high relevance within the act of prevention and control of aggressions or major risk factors. If the institutional achieved and budgeted security is limited, this means that, in this

field, a gap for the private intervention remains open.

Private security does not have the expression, the strength and the scale of the institutionalized security, but by the results and effects it produces, contributes to maintaining a socially optimal. Based on the principle of market economy, the private security has, as a target, the filling-up of the areas exempted by the institutionalized one.

Unlike the intervention area of the state institutions, the private security has a reduced action and spread area.

The area, which is assigned in the responsibility of intelligence services, is kept away from private security interference, because the field requires the organization of some special operations and actions and the use of some secret methods, means and stealths, that can not be used outside their internal legal and normative frame. Also, the activity of these services is a state secret all over the world, the services being themselves the warrant of protecting the secret

information handled or processed in other state institutions or companies of the belonging state.

However, there are situations in which sequences of intelligence services activity is based on the private sector. Currently, it is about those outsourced activities, regarding the logistics line of service and maintenance. From the tactical point of view, the intelligence accepts professional services from the private area only in the situation when there are collaborations for the making of technical means or instruments, which can not be produced by its own possibilities. In some states there are companies that produce technical means for the services, without including in this category those already known as suppliers, who are producing weapons and who are the providers for the specialized market.

The nearness of the private security to the area ensured by the intelligence services will not overcome the barriers mentioned above, another frame of affordability being excluded.

Private security makes its presence increasingly felt in the area of the enforcement of public order and safety of the citizen. Citizen safety is the first level for the achievement of the national security. The state, as an absolute entity in the relationship to its citizen can not provide all the support he needs in terms of a total protection, regarding his physical safety. The state institutions empowered to maintain order and public safety can not cover all the areas where human activities are carried out, and the spaces that require also a certain perimeter delimitation or where evolves activities that may raise the attention of some criminal acts can not be ensured at all times. This uncovered area is taken over by the private security through the companies specialized in maintaining guard, order and protection of urban objectives.

One of the slightly paradoxical situations is the one where the specialized agencies of some states have ensured the guard and the protection of the buildings by the private security companies. This situation was generated by the institutional restructuring

and reform processes that led to the outsourcing of some services, because of the relationship cost / expenses – usefulness / benefit. Although it seems reckless to transfer a part of their own security towards operators who do not have similar situational intervention capabilities, the specialized institutions compensate the human guard with the electronic one, able to identify any gap imputable to the human factor. It is true that the electronic systems, although not infallible, are safer than people, who can commit errors or gestures of professional irresponsibility.

The private security intervene into maintaining order and security at the headquarters of the institution where values are handled (financial companies, banks) by providing them with ongoing human guard or electronic surveillance systems, permanent connection systems (those panic buttons).

The security of the big companies is achieved also through the guard and protection companies. Setting up some guard objectives within the premises of these companies is necessary to protect its staff, to maintain the security of the building, in case of the emergence of damage or destruction that can be caused by fires.

Besides, the big companies deal very carefully with the issues regarding their image, and the willingness shown to maintain the order and the safety of employees is related to the security policies, along with the data and the computer networks security.

The private security companies staff is usually trained by former staff who worked in the state institutions specialized in maintaining security and who is able to cope with the tasks entrusted to them: action into the guard order, detention of the offenders until the arrival of the law enforcement agents, description of the suspects distinguishing or of the identification elements of the vehicles they are using. Training lasts a short period of time and its quality is subject to the availability of employers to invest in human resource training.

Private security is also used by an exclusive group of individuals who require



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for personal protection through the use of a human security device. In this context there is a point of overlap between institutional and corporate security caused by the migration of the specialists from the private to the public area. This process is increasingly evident in recent years, when the intelligence services face losses of specialists drawn to better paid jobs. The private sector will remain a serious competitor to institutional security, in terms of material and career opportunities, being known the fact that, in this field, criteria for advancement in the hierarchy are more lenient compared to the rigorous ones imposed by the type of military or intelligence organizations. Due to their initial status in structures from the institutional security area, bodyguards are aligned to the highest standards of training.

In the recent years, the military field has interfered at the best with the private security. There is actually an old tradition in the overlapping the war interests of the states armies with those of the groups of mercenaries. There were not few the situations when, driven by the same leader, mercenaries fought alongside with the regular army. The difference between the two categories of soldiers is that the first ones were fighting for big money in the interest of states without being their citizens, while the regular army was composed of citizens of the state, fighting for pay or on a voluntary basis.

The international society condemns¹ today mercenary actions carried out through armed conflict or acts of violence directed to remove governments or to undermine the territorial integrity of a state, by persons that

do not have the quality of citizens of that state and are material motivated.

Taking over a section left uncovered in the theaters of operations was allocated to the private domain, these companies legitimately intervene without exceeding the mandate they are entrusted with, are designed to protect the life of important persons and act with the permission or under the aegis of international security organizations.

2. PRACTICE OF PRIVATE SECURITY EXPERTISE IN ROMANIA

Romanian application reproduces to a smaller-scale the Western models specific for this field. The private security companies in our country have been released with some force on a market with many opportunities. In the first years of market economy, the field has been practically invaded by guard and security companies. In time, due to demand and offer, some of them disappeared, managing to withstand only those who responded as expected, to the demands and needs of beneficiaries. Another cause of their disappearance was due to the liquidation of some state-owned companies, which represented an important category of clients.

Private security companies operate and act in accordance with Law no. 333 / 2003 on the protection of objectives, goods, values and protection of persons and on Methodological Standards adopted by GD nr. 1010 / 2004 and GD 935/2007. In order to operate, the favorable opinion of the Romanian Intelligence Service is needed, RIS being the national authority in this field, and the operating license is assigned by the Police. These structures must comply with the legislation, within the limits of the following activities: guard of the objectives, goods and values, and also consulting

¹*The International Convention against Recruiting, Use Financing and Training Mercenaries, adopted by the resolution no 44/34 from 1989 of the UN plenary meeting*

services in the field; guard of transport of goods and valuable assets and consulting services in the field; specialized personal protection, called bodyguard and consulting services in the field.

Duties are limited and designing specific tasks for each job is mandatory, staff must have a moral profile correspondent for performing security guard duties, exceeds of competences are prohibited by law and conditioned by notifying the state agencies about any criminal events or facts connected to the guard service operation.

Guard and protection companies in our country have become a ubiquitous presence within the security field. The main beneficiaries of these companies are other types of private companies or state institutions. Romania (developed countries in the world are no exception) can not afford expanded citizen's protection expenses. The citizen is, in many situations, vulnerable in front of aggression carried out with violence, which puts his life, health, honor or dignity at risk. In the day-to-day space citizens are evolving, conjunctures are created, or they might reach areas with high danger potential, that can be life threatening.

State order forces that enforce public order and security, the Police and the Gendarmerie intervene in the public and domestic space in accordance with the powers conferred by law. One of the methods of ensuring a normal social life climate is the preventive type of intervention by the presence of specialized structures in places and areas where crime is more suitable to occur, or where favorable conditions for committing antisocial acts against persons or property are created. But because the number of personnel is limited and its area of competences is strictly limited, the necessary support for the intervention of private security companies is created.

The security companies in our country execute guard and protection missions into the state institutions whom prevalent activity involves the public, in which educational processes are organized and not least into military units. If, regarding the civil institutions of the state, the presence of the

guard agents could be explained, in the second case, their working situation seems slightly unusual. What seemed to be impossible a few years ago, today already has an ordinary day-by-day character, this appearance being facilitated by the Romanian army reforming and restructuring process, which has facilitated the outsourcing of some services. The first of the outsourced services were those in the logistics field, the second category of activities being the guard ones. Army's trained staff is considered to be overqualified for the performance of the guarding missions, missions that would not need to be ensured by trained soldiers, fitted for other purposes.

This category of services is ensured according to the law, which provides private security a certain degree of freedom in the relationship with this institution of the state, subordination occurring only in specific cases. Guard and protection agents that guard the military units are not directly subordinate to the MND officers, but indirectly, and only in cases of major force. Thus, the guard agents report to a foreman, who, at his turn, will be subordinated to the officer on duty, but only in cases of fire or disaster; in case of imminent military action against the military objective for the destruction of hostile forces penetrated into the objective and for its freeing and for preventing a terrorist action. Guard companies should only take measures to limit the losses produced during special events. Military units have the obligation to provide to private companies the information that they have requested and are necessary to for fulfilling the contract.

Private security companies in Romania are as well exercising their powers in the benefit of companies belonging also to the private sector. These need protection to ensure the integrity of their premises, the security of staff and operating values. Companies that handle values are exposed to the serious risk of becoming targets of some criminal groups, which are organizing actions that have robbery as a final purpose. As a result of the economic degradation in Romania, during 2008-2011, numerous crimes of robbery or theft were consumed in



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order to obtain the amount of money held by the financial companies. These antisocial demarches were completed, in most of the cases, money being stolen in national or foreign currency. Removal techniques have been aggressive, violent, and the perpetrators were armed. Until the arrival of the police forces at the crime scene, the perpetrators succeeded in disappearing, leaving behind material damage or casualties.

As a result of the rising poverty due to economic deterioration, such hold-up actions will be increasingly present in the cityscape. This type of crime is somehow unusual for Romania, where the robberies or rip-offs were done in darkness and in the absence of the employees. Case law reveals the acts take place more and more visible, towards the end of the working hours, when there's a peak of installments.

The manifestation of crime in this field of activity is also due, to a certain extent, to "victim" societies, which, by not taking any specific measures to protect the values, facilitate their consumption. Imposing a certain control over these problems can be done through the private security contribution, but also through the share of the concerned beneficiary. The level of professionalization of the private security companies in our country has to be continuously increased, since not all of them amount to the high standards of exactingness regarding the staff training. Although, in almost all cases, the assignees of the companies management are professionally overqualified in the field and have professional expertise gained while in the special services, not the same thing can be said about all the employees. In order to resist in the market, the companies promote themselves asseverating the professionalism criteria and the good references that they've

received from the satisfied customers, related to the provided services².

Another way of providing the private security expertise is the one internationally driven. A segment of the private security in Romania participates to protecting officials, institutions and convoys in conflict areas missions.

3. CONCLUSIONS

In Romania, compared to other countries, the private security sector finds itself in the first phase of its evolution. Certainly a not too distant future will bring new opportunities to this field, and the enforcement and intervention ability and will be increasingly applied.

For sure, the privatization of security will become a priority for the democratic states, considering that along with the decrease of some high costs, a transfer of the involvement and also one of the civil companies' accountability towards this field is realized.

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² The specialized companies that we present, without claiming the list to be complete, were selected according to the advertisement materials they realized and promoted: STARGUARD SECURITY; TEAM SRL CARPAT GUARD; RPG SECURITY; SYKORA GUARD GRUP; SC PROROM; GUARD SECURITY; COMPANIA DE PAZĂ ȘI SERVICII EUROGRUP; ASTRA NOVA SECURITY; CLASIC GUARD SECURITY; BARTGUARD SERVICES SRL; REGENT SECURITY SRL; CALDO PRIVATE SECURITY.

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