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An Assessment of the Preparedness of
**Large Retail Malls to
Prevent and Respond to
Terrorist Attack**

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Last year, the FBI arrested a man on charges that he intended to blow up a Columbus, Ohio, shopping center. The man, a Somali immigrant who allegedly traveled to Ethiopia to obtain terrorist training, was a friend of a man convicted of conspiring to blow up the Brooklyn Bridge. The Columbus suspect is awaiting trial in federal court.

This report takes a close look at the state of security in large U.S. shopping malls. How have things changed since 9/11, and is the state of security today meeting the standards that the industry, government, and courts have defined?

Background

Experts agree that privatization of policing is a growing trend worldwide. This trend was first widely noted as a result of a 1971 Rand Corporation study commissioned by the National Institute of Justice in the United States.³ Several years later, Stenning and Shearing⁴ noted that a “quiet revolution” towards private security had occurred in Canada. South⁵ documented a similar phenomenon in both western and eastern European countries. An update of the Rand assessment in 1985 concluded that private security outspent public law enforcement by 73% and employed two and one-half times as many persons.⁶ Experts seem to agree that private security is more extensive in the United States amongst western nations than virtually anywhere else,⁷ but it seems clear that privatization of police services is a global phenomenon that needs to be recognized and considered.

As the state’s traditional monopoly on policing dissipates, many functions that were once the exclusive domain of public police forces are now being performed by private agencies. In addition, whole new areas of activities—services that did not exist or were not widely available—can now be purchased. While the state remains a significant player in the delivery and regulation of policing, it is no longer the only institution that aims to safeguard the security of citizens. There are now a range of private security organizations that include, for example, private security firms, insurance companies, forensic accountants, and in-house corporate security.

These private security agencies have moved beyond simply protecting private property. They are actively engaged in maintaining order, investigating crimes, and making arrests in public spaces. In other words, they are performing many activities that were once exclusively performed by public police forces.

³ James S. Kakalik and Sorrel Wildhorn, *Private security in the United States* (Santa Monica, CA: Rand Corporation, 1971).

⁴ Philip Stenning and Clifford Shearing, “The Quiet Revolution: The Nature, Development, General Legal Implications of Private Security in Canada,” *Criminal Law Quarterly* 22 (1980): 220-48.

⁵ Nigel South, “Privatizing Policing in the European Market: Some Issues for Theory, Policy, and Research,” *European Sociological Review* 10, no. 3 (1994): 219-233.

⁶ William C. Cunningham and Todd H. Taylor, *The Hallcrest Report: Private Security and Police in America* (Portland, OR: Chancellor Press 1985).

⁷ South Africa and Russia have higher levels. See Jaap de Ward (1999). “The private security industry in international perspective” *European Journal of Criminology Policy and Research*, 7:2, 168.

The line between what is public and private property—and who is responsible for policing public and private space—is becoming blurred. There has been an increase in what Stenning and Shearing have termed “mass private property”—shopping malls, gated communities, and the like.⁸ These are large tracts of public-access, privately-owned space which have traditionally fallen outside of the domain of public police.

In policing mass private property and in other situations as well, public police and private security agencies often develop cooperative relationships with one another. This cooperation contributes to the blurring of the relationship between public and private sectors. The movement of retiring police officers to the private security sector often facilitates cooperation. Many executives that head up private security companies, forensic accounting teams, or security consulting firms were former public police officers.

In some places, public and private security officers exchange information about people and events in a given jurisdiction. Informally, police officers and private security guards often share information about events in a particular area or about wanted persons. For example, Rigakos⁹ reported that police officers in Toronto made local mall or housing security officers aware of wanted persons, thereby turning security officers into an extra pair of eyes and ears. Similarly, Davis¹⁰ reported extensive cooperation between public and private security in one of New York City’s business improvement districts.

In several cities, police and security firms have formed formal cooperative associations to meet and discuss topics such as bomb threats, executive protection, and burglary investigation. According to Pancake, in Amarillo, Texas, the police and a private security company worked out an agreement under which the private company assumed responsibility for responding to alarm calls.¹¹ Within the same period, Amarillo police also hired private security officers to patrol the downtown core during peak hours in tandem with the police. In New York, the police brief key private security chiefs monthly on terrorism issues.

Private Security in a Post-9/11 World

For the most part, malls and other soft targets that are part of our homeland security concerns are protected, not by public police, but by private security. Thus, the events of 9/11 thrust private security officers into a new and important role. Recognizing this reality, several states—including California, Illinois, and Michigan—took steps to more closely regulate the industry in the year following 9/11/2001.¹²

⁸ Philip Stenning and Clifford Shearing, “The Quiet Revolution: The Nature, Development, General Legal Implications of Private Security in Canada,” *Criminal Law Quarterly* 22 (1980): 220-48.

⁹ George Rigakos (2002). *The new parapolice: Risk markets and commodified social control*. Toronto: University of Toronto Press.

¹⁰ Robert C. Davis, Sarah Dadush, Jenny Irish, Dr. Arturo Alvarado and Diane Davis, *The Public Accountability of Private security: Lessons from New York, Johannesburg, and Mexico City* (New York, NY: Vera Institute of Justice, 2000).

¹¹ Pancake, D. (1983). “The new professionals: Cooperation between police departments and private security.” *The Police Chief*, 50, 34-36.

¹² Robert Salladay, “Davis Signs Bills to Give Security a Boost; Private Guards must Complete Criminal Checks,” *The San Francisco Chronicle*, 16 September 2002, p. A. 16.

How has the industry itself responded to the increased responsibility? Media reports after 9/11 suggested that little had changed. An early 2003 *USA Today* story characterized private security as “homeland defense’s weak link.”¹³ Although a few states had introduced or raised hiring or training standards, the *USA Today* story showed that most states still do not impose minimum training standards or even require background checks. Moreover, even in states that did require training programs, there was little effort to monitor the content or quality of the programs.

Several newspaper articles and limited surveys have reinforced the notion that security in the retail sector did not undergo significant change after 9/11. A 2003 survey by the Council on Competitiveness of 230 corporate executives from companies with gross revenues of \$50 million or more found that only half of the executives had made changes to security in response to terrorism concerns.¹⁴ A survey conducted in three large states for the Service Employees International Union similarly found that four in ten officers reported no new security measures at their workplaces. Seven in ten of the officers reported that bomb threat drills or natural disaster drills were never conducted at their buildings.¹⁵

New Standards for Industry Responsibility

Recognizing the importance of security in the retail sector, the 9/11 Commission determined that businesses have a “duty to care” about the security of their customers. The Commission endorsed the National Fire Prevention Association standard (NFPA 1600) for disaster and emergency management preparedness in the private sector. According to the Commission, “We believe that compliance with the standard should define the standard of care owed by a company to its employees and the public for legal purposes.”¹⁶

The NFPA 1600 standard specifies that emergency management programs should address the four phases of emergency management and recovery, which include: (a) *mitigation*, or efforts to eliminate or reduce the risk of a disaster or emergency, (b) *preparedness*, or activities and programs intended to support recovery from disaster, (c) *response*, or activities to address immediate and short-term effects of a disaster, and (d) *recovery*, or activities and programs designed to return conditions to normal

The NFPA standard lists a number of elements that companies ought to adopt in order to effectively implement the four phases of emergency management and recovery. Included among those elements are:

¹³ Mimi Hall, “Private Security Guards: Homeland Defense’s Weak Link,” *USA Today*, 23 January 2003, p. A. 01.

¹⁴ Sherry L. Harowitz, “The New Centurions,” *Security Management Online*, January 2003.

¹⁵ Peter D. Hart Research Associates, *A Post-September 11 Report on Surveys of Security Officers in California, Texas, and Florida* (Washington, D.C.: Prepared for the Service Employees International Union (SEIU), 2002).

¹⁶ “The 9/11 commission report. www.gpoaccess.gov/911/

- *Risk assessment*—Identification of potential hazards and the likelihood of their occurrence
- *Hazard mitigation*—Based on the results of the risk assessment, efforts to minimize likely hazards
- *Emergency response plan*—Assignment of responsibilities to organizations and individuals for carrying out specific actions during an emergency or disaster
- *Emergency communication protocols*—Determining communication needs and capabilities of various organizations and personnel and ensuring interoperability
- *Training of staff in emergency procedures*—Education of staff on the elements of the emergency management program and periodic testing and exercises
- *Mutual aid*—Agreements with other entities for their participation in emergency response plans

Court decisions have reinforced the responsibility of the private sector to take reasonable steps to guard against terrorist attack. A New York district court ruling in 2003 denied a motion to dismiss a suit against the airlines by families of the 9/11 victims. The judge's ruling was based on the concept that it was foreseeable that a plane whose passengers have been negligently screened at check-in could be subject to terrorist attack. In another recent ruling, a New York State jury found that the agency that owned the World Trade Center was negligent for not doing enough to thwart the deadly 1993 terrorist bombing beneath the twin towers, a ruling that may open the door to more litigation. In fact, the jurors found that the Port Authority was actually twice as liable for the bombing as the actual terrorists! Jurors said they were swayed by a 1985 report written by the Port Authority's own security officials, who warned that the underground parking garage was a likely attack site.

Purposes of This Report

The Police Foundation, in cooperation with the Vera Institute of Justice, the ASIS International Foundation, and the Midwest Research Institute, in cooperation with researchers at the University of Eastern Kentucky and Carlton University undertook an assessment of the level of security in large indoor shopping malls as well as the associated issues of training and legislation of private security forces. The core issue we address in this report is the degree to which malls have become better prepared to respond to terrorist attacks in the aftermath of 9/11.

The investigation we conducted went well beyond earlier surveys conducted after 9/11. It included surveys with state homeland security advisors to get their views on mall preparedness as well as surveys with the security directors of the nation's largest indoor retail malls. We conducted site visits to ten malls to gain greater insight into how they are dealing with security preparedness and response to disasters. We conducted a state-by-state analysis of legislation regulating the hiring and training of private security.

The detailed assessment that resulted from our work indicates what malls are doing in the areas of risk assessments, preventive measures, emergency preparedness plans, training, and coordination with state and local government. The comprehensive picture that emerges of the state of security in large retail malls suggests that there are

gaps in preparedness and that state homeland security officials and local police as well as mall owners and security staff have a role to play in filling those gaps.

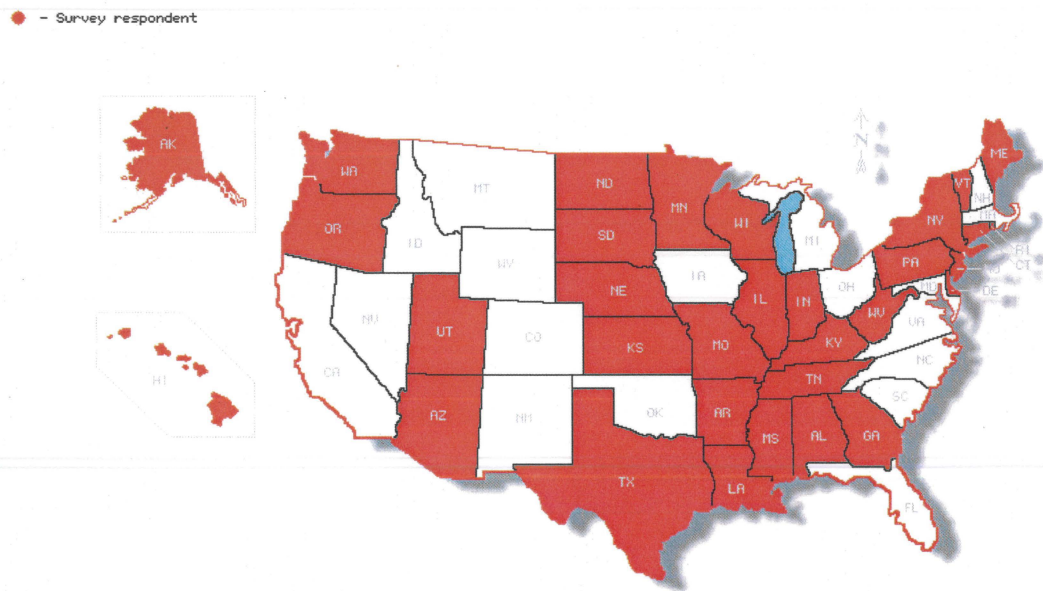
The presentation of data from our work begins with results of the survey that we conducted with state homeland security directors. We then present results of the survey of mall security directors and insights we gained in site visits to malls both in this country and in Israel. Finally, we discuss state legislation in the area of private security and changes in state and federal statutes since 9/11. We conclude with a discussion of what we learned from our work and our thoughts about what steps might be taken to increase the safety of mall customers.

2. Survey of State Homeland Security Advisors

We undertook a survey of state homeland security advisors to find out (a) how closely they were involved with security in shopping malls, (b) how closely malls worked with local first responders, and (c) how prepared they thought malls were to respond to terrorist attack. The survey consisted of both forced-choice and open-ended questions.

We were aided in distributing the survey by the Department of Homeland Security. DHS agreed to distribute the survey to homeland advisors in all 50 states and Puerto Rico, and to task them with completing it. The initial e-mail from DHS was followed by two additional e-mails, and then phone calls by project staff to state advisors who had not responded. A total of 33 responses were obtained. Figure 1 depicts the states that completed surveys and shows good dispersion across all regions of the country.

Figure 1. Map of state survey respondents



Perceptions of Preparedness

The first section of the survey asked respondents to give their opinion on issues surrounding the ability of large retail malls to prepare for, and respond to, terrorist attack. Included in this section were questions about the perceived level of preparedness of retail malls, the industry's ability to prepare, impediments to preparation, and the availability of funding and training.

Overall, the respondents were fairly optimistic about the ability of large retail malls in their state to respond to terrorist attack. Eighteen percent of respondents reported that the ability of the retail malls in their state to respond to the threat of terrorism was very good, 27% thought it was good, and an additional 24% believed that it was at least fair. Table 1 presents the reasons behind their assessments. Most respondents who reported a positive assessment (very good, good, or fair) believed either that malls cooperated well with local law enforcement or that they had developed emergency plans. Others felt positive because some malls in their states had received funding to upgrade security through the federal Buffer Zone Protection Program, a vehicle that provides up to \$50,000 for improving security at critical infrastructure sites.

Table 1. Most common reasons for positive ratings on preparedness

Reason	Respondents answering "very good," "good," or "fair" (n=24)
Cooperation between malls and first responders	9
Development of emergency preparedness plans	9
Participate in Buffer Zone Protection Program	4
Other reasons cited	2

One in three state advisors rated preparedness as poor. The most common reasons given for these assessments were inadequate training, inadequate equipment, or an opinion that mall security would be irrelevant in the event of an attack, since the responsibility for response would be up to law enforcement. One state advisor complained:

The ability of large retail malls...to respond to a terrorist attack depends in large part on the quality of training provided the private security guards who...would be the first responders in the event of an attack. Unfortunately, [this] is one of the few states in the nation that has no regulatory board providing oversight of the private security guards.

Respondents were asked if they were aware of any large malls in their state that have done a good job of preparing for the threat of a terrorist attack, and what made them

successful. Among the 19 state advisors who were able to identify an exceptional mall, the most frequent element identified with the mall's success was superior security staff (see Table 2). Other reasons why malls were thought to be better prepared included an emphasis on preparedness planning and training, a good working relationship between local law enforcement and mall management/security, participation in the Buffer Zone Protection Program, and advanced closed circuit television systems (CCTV). One state advisor noted:

We have three malls in the state that are currently participating in the DHS Buffer Zone Protection Plan initiative. By actually sitting down at the table and working with the other key stakeholders from the local law enforcement, fire, EMS, and EMA communities, these malls are much further down the road in identifying, understanding, and acquiring the physical security resources and training that better prepare them to interdict and/or respond to a terrorist event

Table 2. Qualities of best-prepared malls

Reason	Responses (n=19)
Superior security staff	7
Emphasis on planning/training	6
Good working relationship with local law enforcement	4
Participation in DHS Buffer Zone Protection Program	1
Advanced CCTV system	1

When asked what they believed to be the most important measures retail malls could take in order to better prepare against terrorist attacks, most respondents endorsed improved training for security staff and emergency responders (see Table 3). Other responses included development of emergency preparedness plans, more visible security, better coordination with local law enforcement, enhanced technology, and higher standards for security officers. Some state advisors incorporated multiple ideas into their answers:

Outside budget and personnel additions, formal training in areas such as terrorism awareness and hazard mitigation would be helpful. Additionally, we encourage increased communication and partnerships with the local first responders (police, fire, EMS) to establish mechanisms for information sharing and collaboration to prevent a terrorist attack, and to prepare a fully coordinated response to one should the need arise.

Table 3. Measures retail malls could take to become better prepared

Type of action	Responses (n=34)
Training	15
Additional planning	6
Increase visibility of security staff	5
Partner with local law enforcement	4
Increase technology	3
Increase security officer standards	1

Respondents were then asked what they believed was the biggest impediment to fuller preparedness. A majority of respondents identified cost or lack of funding as the most significant issue (see Table 4), and respondents indicated that states were of little help with this problem. Only five respondents said that funding for improved security was available through their state.¹⁷

The next most common impediment to better preparedness named by the state advisors was fear of disrupting mall business and frightening customers. One respondent stated, "Hardening open environments implies restrictions and limitations that impede traffic flow and impose unaccustomed controls on mall visitors." Other state advisors felt that mall owners lacked awareness or concern about the threat posed by terrorism, that training programs were inadequate, that mall security and first responders had failed to coordinate effectively, or that state regulation of the industry was deficient.

Table 4. What is the biggest obstacle to fuller preparedness?

Obstacle	Responses (n=29)
Cost/funding	18
Disrupt mall business	4
Lack of threat awareness	3
Training sub-par	2
Lack of coordination with first responders	1
Inadequate regulation	1

This question was followed by a question asking whether or not respondents believed that the retail mall industry was prepared to take additional security measures. Two out of three state advisors did not believe that the industry was prepared to take

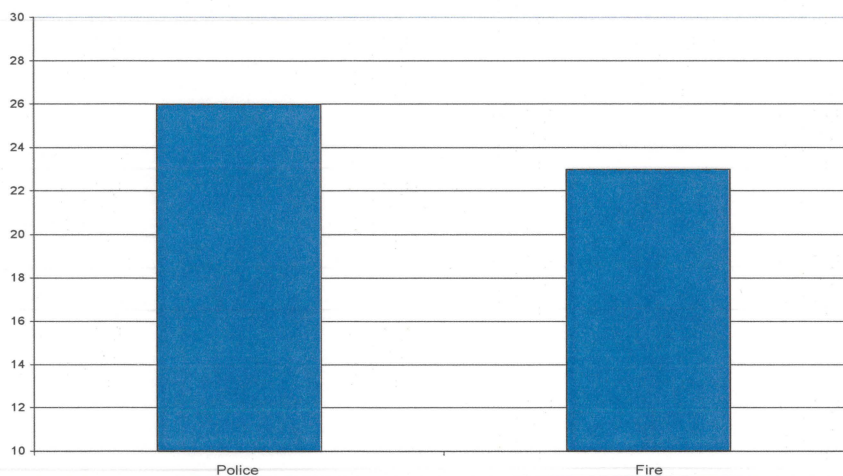
¹⁷ In fact, it is very likely that these five respondents were referring to the Buffer Zone Protection program, which provided federal funding for security enhancements for critical infrastructure sites recommended by the states.

these steps, primarily because of reluctance to spend money on additional security staff or other measures that could improve preparation and response to terrorist acts.

Links Between Private Security in Malls and Public-Sector Responders

Respondents were asked their opinions about the level of cooperation between mall security and local first responders. The state homeland security advisors were very positive about these relationships. Twenty-six, or roughly three out of four, respondents characterized relations between mall security and public police as good or very good, while the remainder characterized relations as fair (see Figure 2). A similar number (23) of the state advisors characterized relations between mall security and emergency services (fire and EMT) as good or very good.

Figure 2. Number of advisors characterizing relations between mall security and first responders as good or very good



Follow-up questions asked respondents whether mall security staff conducted joint training exercises with first responders. Fifteen, or slightly less than half, of the state homeland security advisors affirmed that they were aware of joint exercises between security staff in some malls and local police. Thirteen affirmed joint exercises with fire and/or EMT staff.

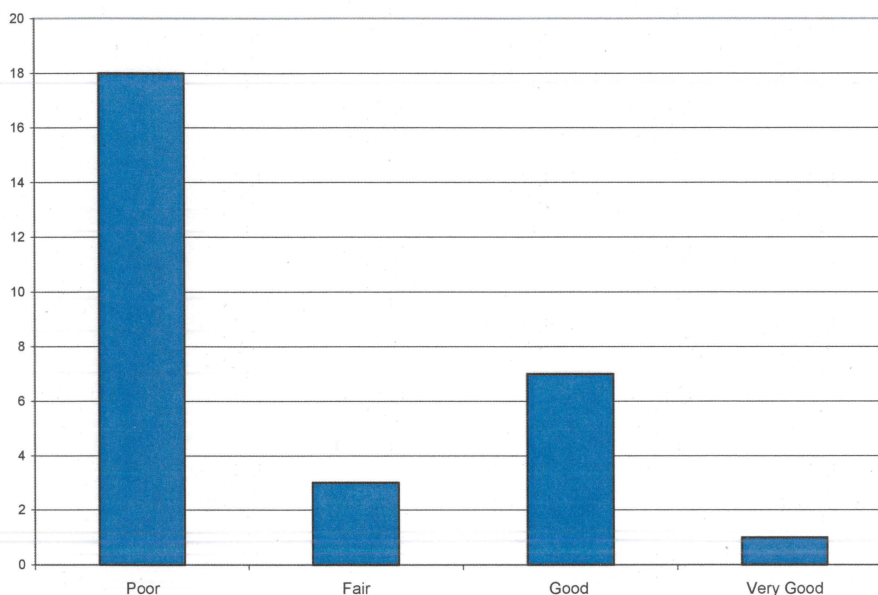
Cooperation with public officials proved to be an important stimulus for the development of emergency preparedness plans. Respondents were asked whether they knew if malls had developed emergency response plans that specified what to do in the event of terrorist attack or other catastrophic situation. Sixteen, or slightly under half, of the state advisors responded in the affirmative. Nearly all the advisors who were aware of emergency response plans stated that the public sector was involved in their development through the Buffer Zone Protection Program or through state or local emergency planning efforts. According to one respondent:

Local police and emergency services have developed response plans specific to a terrorist attack at the mall. There is coordination to develop similar matrixes for elevated threat level security and prevention measures. Both mall officials and local first responders are active in developing these plans due to the clear incentives of the Buffer Zone Protection Plan.

Private Security Regulation

State advisors were asked their opinions regarding the adequacy of state regulation concerning private security. Three in five respondents that gave an answer to this question believed that the legislation was poor, while less than one in four characterized their state's legislation as good or very good (see Figure 3).

Figure 3. Adequacy of state laws governing private security (N=29)



Of 29 advisors answering, 19—or two out of three—felt that additional state regulation would help the industry. The most frequent suggestions were for creation of minimum training standards and hiring standards (see Table 5). According to one state advisor:

Some specific measures would be to update laws as necessary for the screening of security personnel and the mandate of appropriate training pertaining to precursor incident recognition and basic responses to terror attacks. This legislation should be developed with recognized security professional organizations to improve security standards within the industry.

Table 5. Suggestions for additional state regulation

Suggested measure	Responses (n=21)
Minimum training standards	16
Hiring standards	4
Other measures cited	1

Respondents were then asked if they thought there should be uniform national standards regulating the private security industry in the United States. Twenty, or nearly two out of three, state advisors responded affirmatively.

3. Survey of Mall Security Directors

We sent letters with surveys attached to 1,372 security directors of enclosed retail malls across the country having at least 250,000 square feet. The letters were written on ASIS letterhead. The response rate for the first wave was disappointing: we received just 32 completed surveys. Several security directors called and told us that they had been instructed by their parent organizations not to cooperate with the survey. These large mall owners were members of the Security Committee of the International Council of Shopping Centers. Several weeks later, a follow-up letter was sent out, this time on National Institute of Justice letterhead. The second letter got a somewhat better response, for a total of 120 completed surveys. This is certainly lower than the rate we had hoped for, but better than we might have expected, given the circumstances. We did not observe significant differences in response rates either by size of mall or region of the country (East Coast, South, Midwest, West, or West Coast).

The median number of security employees at the malls responding to the survey was 5 full-time and 5 part-time staff. The median starting hourly rate for officers was \$8.50, and the average for all security staff was \$9.50.

Hiring Standards

We began the survey by asking mall security directors about qualifications for hiring new employees. Nearly half of respondents said they had education standards, most often a high school diploma or GED; very few malls required advanced education of new hires (see Table 6). About one in three respondents said that they had experience requirements including prior law enforcement, military, or security experience and/or state certification. Less than one in ten indicated that they had age requirements, and about the same proportion said they had other requirements, including a valid driver's license or clean driving record.

Table 6. Hiring standards for mall security staff

Minimum qualifications in terms of education and experience for security staff	Responses (n=276)	Percent
Education/skills	133	48.2
High school	86	31.1
GED	35	12.7
Some college	7	2.5
Verbal/written skills (English)	3	1.1
A.A. or B.A. in criminal justice	2	0.8
Experience/Training	88	31.8
Security experience	24	8.7
State certification/license/training	16	5.8
General experience	10	3.6
No experience/qualifications	10	3.6
Law enforcement experience	6	2.2
In-house training	6	2.2

Minimum qualifications in terms of education and experience for security staff	Responses (n=276)	Percent
Military experience	5	1.8
Off-duty police officer/deputy/some police officer training	3	1.0
Peace officer	2	0.7
Corrections experience	2	0.7
Other	4	1.6
Age requirements	22	7.9
At least 18 years of age	12	4.3
At least 21 years of age	10	3.6
Other employment requirements	33	12.0
Clean record	13	4.7
Valid driver's license	7	2.5
Drug test	4	1.4
Other	9	3.4

We also asked respondents whether they required background checks on new employees. Nearly all respondents said they required criminal background checks, while slightly more than half required drug tests as well (see Table 7).

Table 7. Background checks for mall security staff

Type of background check conducted on new employees	Responses (n=118)	Percent
Criminal background checks only	48	40.7
Drug tests only	1	0.8
Both background checks and drug tests	65	55.1
Neither background checks nor drug tests	4	3.4

Training

Participants were asked how many hours of training new employees receive. Training averaged about a week (mean = 45.1 hours; median = 40 hours). The vast majority of new employee training was either done in-house (50%) or by the parent security company organization (31%). Local government entities (police, fire, or state/county officials) together conducted training at 17% of the sites (see Table 1 in Appendix A for further detail).

When asked if employees receive special training on preventing and responding to terrorism, just over half (52%) of the security directors responded affirmatively. When asked to indicate which areas are incorporated into their antiterrorism training, the directors most commonly cited working with first responders (46%). Another 43% mentioned securing the scene after an attack, 41% identified access control, 40% said responding to changes in national alert levels, and 34% indicated identifying terrorists

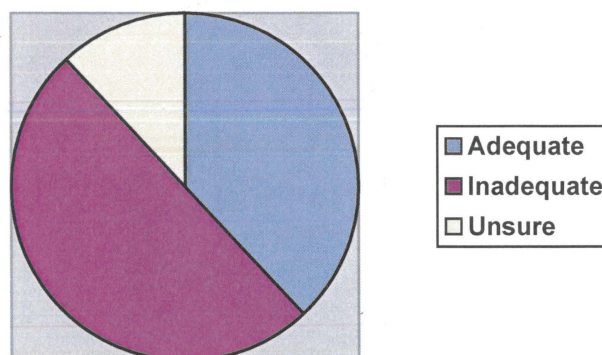
(see Table 8). Other areas identified by smaller numbers of security directors included training in weapons of mass destruction (WMDs) and evacuation procedures.

Table 8. Antiterrorism training

Areas included in the mall's antiterrorism training	Responses (n=120)	Percent
Working with first responders	55	45.8
Securing the scene after an attack	52	43.3
Access control	49	40.8
Responding to changes in national alert level	48	40.0
Identifying terrorists	41	34.2
WMD	4	3.3
Other	14	11.7

Antiterrorism training was provided in-house according to 28% of security directors. The remainder said that the training was conducted by a variety of sources, most commonly law enforcement or fire personnel, trainers from parent security organizations, consultants, or homeland security (for a breakdown, see Table 2 in Appendix A). Just over one in three respondents (38%) believed that their mall's antiterrorism training was adequate. Exactly half believed it was inadequate, and the rest were not sure.

Figure 4: Is your antiterrorism training program adequate?



Changes in Hiring Standards, Training, and Spending on Security Since 9/11

We asked the security directors how much had changed since 9/11/2001. It turned out that remarkably little had changed (see Table 9). Only 6% of respondents said that hiring standards were more stringent since 9/11 and just one in ten said that additional background verification was being required since 9/11. Those who did have additional

requirements indicated that they now conducted more thorough checks or ran drug checks (see Table 3 in Appendix A).

Table 9. Changes in hiring standards, training, and security spending since 9/11

Change	Responses (n=120)	Percent
Hiring standards		
Yes	7	5.8
No	113	94.2
Background checks		
Yes	13	10.8
No	107	89.2
Training		
Yes	38	32.2
No	71	60.2
Don't know	9	7.6
Security spending		
Yes	19	15.8
No	101	84.2

Similarly, just 16% of the security directors said that their budgets had increased beyond the rate of inflation since 2001. Those who indicated an increase in expenditures said that the increased funds had been spent on new technology (better communication or CCTV systems), increased manpower, developing emergency response plans, or performing risk assessments (see Tables 4 through 4d in Appendix A).

Prevention Strategies

The next section of the survey asked respondents about protective measures they may have taken to reduce the likelihood of a terrorist attack. These included the development of security goals and objectives, human surveillance strategies, access control, and technology. Slightly over one in three (37%) of the security directors said that they had developed a set of goals and objectives with respect to protection from terrorist attack. One in four said that they had specific performance measures to define whether they were meeting those goals.

Patrol strategies. Few malls (34%) ever used undercover staff as part of their surveillance strategy, and most of these did so only occasionally. But about half (49%) of the respondents said that their staff were instructed to be on the lookout for unusual behavior or dress of mall clients. The kinds of things security staff were instructed to look for included generally suspicious behavior, taking photos or notes of the facilities,

suspicious clothing (extra bulky), and large or otherwise unusual packages (see Table 10).

Table 10. Types of actions, characteristics profiled by security staff

Characteristic	Responses (n=94)	Percentage
Suspicious behavior (in general)	18	19.5
Taking photographs/videos/notes	16	17.0
Unusual/suspicious clothing	16	17.0
Carrying large/suspicious packages	11	11.7
Loitering	7	7.5
Unusual interest/curiosity	5	5.3
Suspicious appearance (in general)	4	4.2
Suspicious vehicles	3	3.2
Foreigners acting suspicious	3	3.2
Large groups/gangs	2	2.1
Younger adults	2	2.1
Abandoned packages	2	2.1
Other	5	5.5

Almost all respondents said that their malls had well-defined policies on what to do when security guards encountered a suspicious person. In most cases, the encouraged response was to continue surveillance and/or report to a supervisor or law enforcement, if required (see Table 11). About one in ten respondents said that their policy was to have staff approach and talk to the suspicious individual to gain better information on what they were doing.

Table 11. Policy on handling suspicious behavior/persons

What the officer should do	Responses (n=89)	Percentage
Report behavior (to supervisor/dispatch/other officers)	30	33.7
Continue surveillance	27	30.3
Inform police (if required)	16	18.0
Approach (non-threatening)	10	11.2
Other	6	6.6

Nearly two in three (63%) security directors said that their patrol and surveillance strategies had changed since 9/11. The most frequent changes were to increase the visibility of security officers, instruct officers to be alert for suspicious individuals, and pay more attention to cars and delivery trucks coming into the mall (see Table 12).

Table 12. Changes in patrol and surveillance strategies since 9/11

Patrol and surveillance strategies	Responses (n=32)	Percentage
More patrols/strategies/visibility	12	37.5
Heightened awareness/alertness	8	25.0
More attention to vehicles/parking/fire lanes	4	12.5
More attention to deliveries/truck drivers	2	6.3
Other	6	18.6

Access control. We asked respondents whether they had plans to restrict access to sensitive areas of the mall in case of a change in the national threat advisory system or a specific threat. Six in ten answered affirmatively. Nearly the same proportion (56%) said that they had developed or reviewed plans to keep potential wrong-doers from breaching sensitive areas since 9/11.

Technology. We asked the security directors about whether they employed technology to make their malls more secure. Half of the security directors said that their mall had a CCTV system (see Table 13). The vast majority of these systems (81%) were used to monitor events in real time. Three in ten malls had installed bollards, or passive barriers, to prevent vehicles from breaching the entrance. Fifteen percent of malls reported employing explosive detection technology or bomb-sniffing dogs, while one in ten had installed technology to clean the air inside the mall of smoke or other contaminants. Very small percentages of malls had installed window film or explosive-resistant trash cans (4%) or equipment to detect biological or chemical agents (1%).

Table 13. Technological security measures

Security measure	Responses (n=120)	Percentage
Surveillance cameras		
Yes	60	50.0
No	60	50.0
Passive barriers		
Yes	36	30.0
No	84	70.0
Explosive detection devices/canines		
Yes	18	15.0
No	102	85.0
Air decontamination technology		
Yes	12	10.0
No	108	90.0
Window film/explosive-resistant trashcans		
Yes	5	4.2
No	115	95.8
Detection of biological or chemical agents		
Yes	1	0.8
No	119	99.2

Emergency Preparedness

Three out of four (73%) security directors reported that they had developed written protocols for security staff to follow in the event of a disaster. The same proportion reported that these plans included coordination and communication with local law enforcement, fire, and medical first responders. A much smaller number (3 in 10) had held exercises to rehearse emergency protocols with first responders. Most commonly, the exercises were held with local police or fire departments. Other malls conducted exercises with EMTs, Red Cross, the Federal Emergency Management Agency (FEMA), or FBI staff (see Table 14).

Coordination With the Public Sector

Mall security directors indicated a low level of support from their state homeland security advisors. Just 3% said that their state advisors were very involved with security planning, while fully 78% said that their advisors were not at all involved (see Table 15). The major impetus for involvement of the state advisors in mall security has been the Buffer Zone Protection Program (BZPP). Nine percent of survey respondents said that their mall had been designated as a critical asset under that program, and another 7% believed that they would receive such designation. Security directors indicated that funds received through the BZPP would be used to install or upgrade CCTV systems, install bollards, or improve training of security officers (for a complete breakdown, see Table 5 in Appendix A).

Table 14. Partners in preparedness exercises

Agencies participating in mall's rehearsal of emergency protocols	Responses (n=90)	Percentage
Police department	28	31.1
Fire department	27	30.0
EMS	10	11.1
County/city agencies	5	5.6
Red Cross	2	2.2
FBI	2	2.2
FEMA	2	2.2
Other	14	15.4

Table 15. State DHS involvement in security planning

Involvement of state homeland security advisor in planning, reviewing, or approving mall security measures	Responses (n=117)	Percentage
Very involved	3	2.6
Somewhat involved	23	19.7
Not at all involved	91	77.8

Survey respondents reported that their local police were more involved with security in their malls than were the state homeland security advisors. As Table 16 shows, two in three mall security directors characterized their local police as being at least somewhat involved in their security planning. Nearly half (44%) of mall security directors stated that law enforcement officials regularly shared key intelligence with them, and another 34% said that information was sometimes shared. About one in three (36%) security directors said that their relations with local law enforcement had become closer since 9/11.

Table 16. Law enforcement involvement in security planning

Involvement of local and state law enforcement in planning, reviewing, or approving mall security measures	Responses (n=117)	Percentage
Very involved	21	17.6
Somewhat involved	57	47.9
Not at all involved	41	34.5

By a large majority (63%), mall security officials would welcome greater involvement of their state DHS and law enforcement officials in security planning. (In fact, 80% had invited local police to patrol or set up a ministration in the mall.) Survey respondents felt that public officials could assist them sharing more key intelligence (40%), by conducting risk assessments or developing emergency management plans (33%), or helping to train security officers (27%).

Nearly three in four mall security directors (72%) also felt that there were specific things that the federal DHS could do to make malls safer. What most respondents wanted was help with training and better sharing of threat intelligence. Others sought more funding for equipment or help with developing emergency plans (see Table 17).

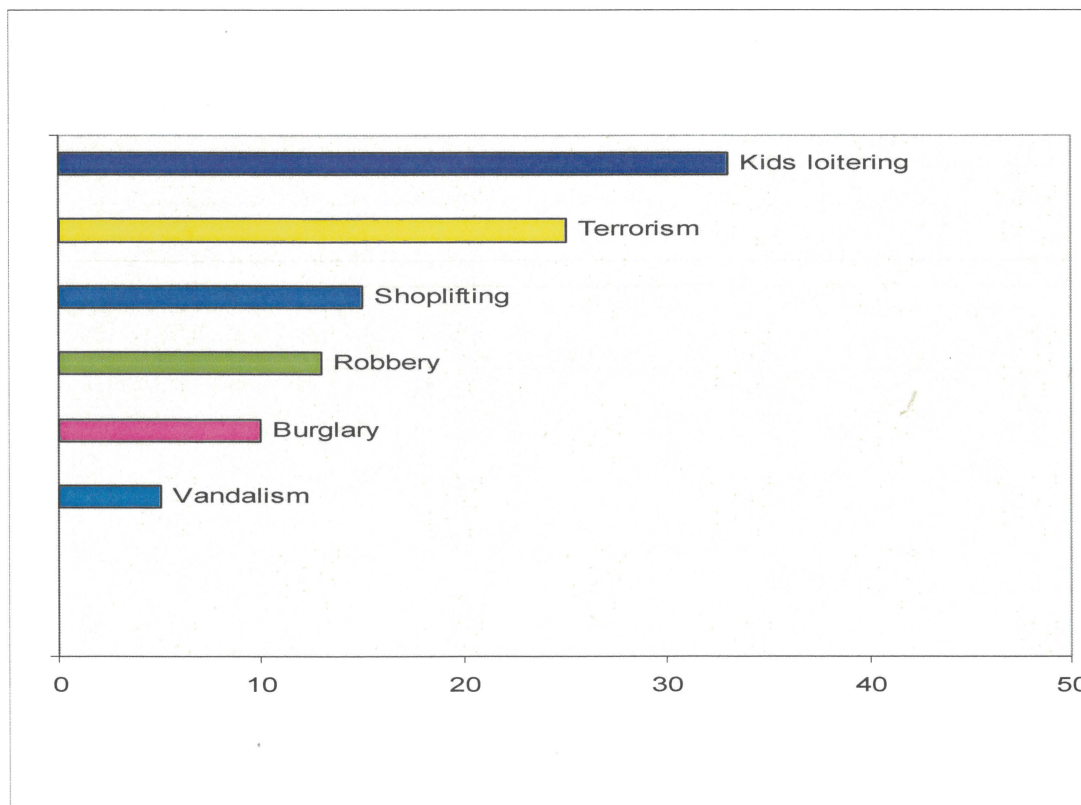
Table 17. Assistance sought from DHS

How DHS could help make large retail malls safer	Responses (n=78)	Percentage
Provide or assist with training/education/seminars/drills	24	30.8
More communication/information/contact/updates	24	30.8
More funding for training/equipment	13	16.7
Help with developing procedures/policies/plans/strategies	12	15.4
Set minimum security standards/training	5	6.4

Opinions About Terrorist Threat

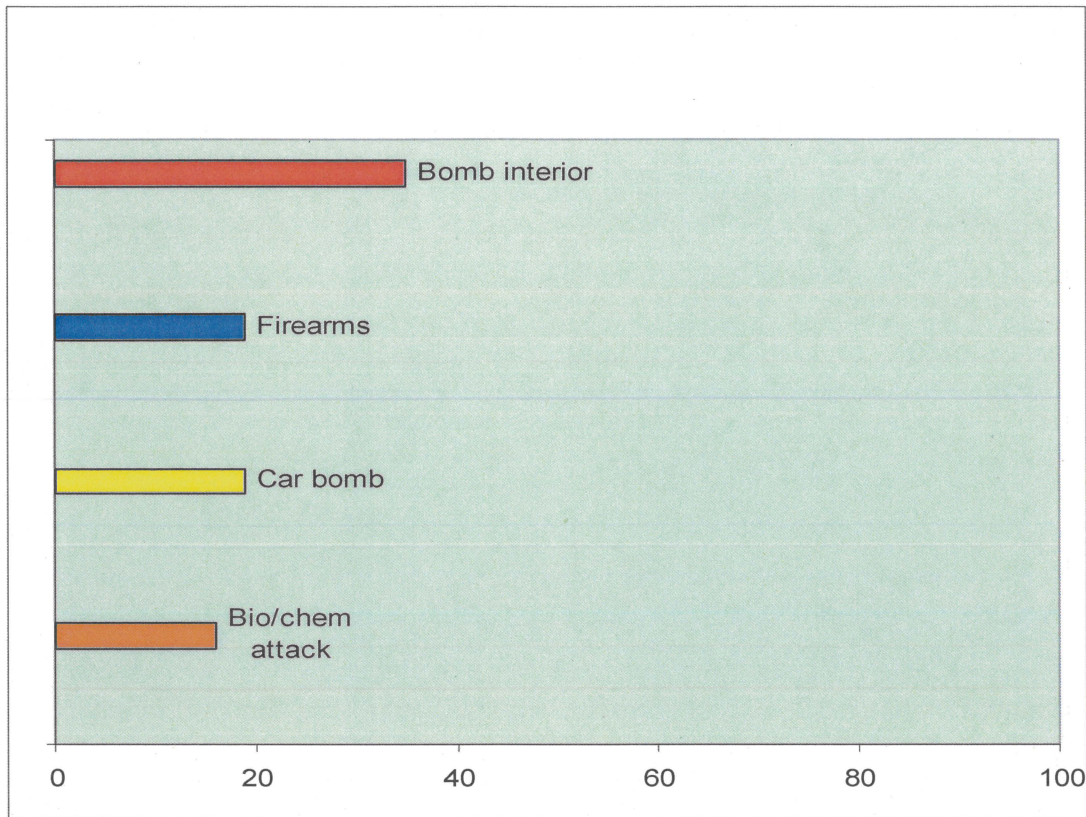
The final section of the questionnaire asked security directors about their thoughts on the danger posed by terrorism and any additional steps they believed necessary to adequately protect their malls. They were asked to rate terrorism and five other security concerns (shoplifting, vandalism, burglary, kids loitering, and robbery) in terms of importance in daily security work. The results, presented in Figure 5, indicate that terrorism was ranked first by 27% of respondents, slightly less than the 30% who ranked kids loitering as first. Interestingly, terrorism was also the security concern most often rated as least important. One in three respondents rated terrorism last—far more than rated any other concern last. This suggests a bipolar reaction to the terrorist threat: it was either a serious concern or was viewed as a problem confined to certain cities and not one high on the priority list of malls in the heartland.

Figure 5. Security Director rating of security threats
(proportion who rated threat as most significant)



Security directors believed that, if a terrorist attack came, it would most likely take the form of a bomb blast in the interior of a mall (see Figure 6). Small numbers of respondents also feared a car bomb, attack with small arms, or a biological or chemical attack.

Figure 6. Most likely form of attack



Slightly more than one in three security directors (38%) believed that implementing additional security measures was critical. The most common measures sought involved new equipment to better monitor the mall or to protect it from car bombs (see Table 18). Some respondents also thought more funds for training were important. Just 16% of security directors who articulated critical measures said that those needs were being addressed, and three-quarters of these respondents said this was due to lack of funds.

Table 18. Additional security measures considered critical

Critical measures	Responses (n=43)	Percentage
Security equipment/surveillance /barriers/ detection	23	53.5
More and improved training	11	25.6
Funding	3	7.0

Communication	2	4.7
More personnel	2	4.7
Domestic terrorism	1	2.3
Increased pay and benefits	1	2.3

4. Results of Site Visits to Malls

In this section, we discuss the results of our visits to eight U.S. malls and two malls in Israel. The eight U.S. malls were double the number called for in our project work plan. We felt it was important to expand the number of site visits, in part because we had a low survey response rate but more importantly because the site visits provided an opportunity to gather far more comprehensive information than we could hope to gain through a survey. For example, in the survey we could only ask whether malls had an emergency response plan. In the site visits, we could try to ascertain how specific the plan was and whether it was rehearsed by staff. We cannot claim that the eight malls we visited were representative of the industry since the number is small and, as with the survey, we ran into opposition from some of the large mall owners. However, the malls we visited were geographically diverse, spread across California, Texas, Wisconsin, and Utah. They were diverse as well in terms of ownership and how security was provided (locally or through national companies).

At each site, we spoke to the mall security director, local police, and local fire officials. We do not divulge the identities of the malls here both to avert the possibility of disclosing confidential security information and also to protect the identities of the security directors, some of whom spoke to us in spite of contraindications from their parent companies.

Spending on Security

One of the most consistent and striking findings during the site visits was that malls we visited have not made any significant investment in increased security following 9/11. With the exception of sites that received federal dollars through the Buffer Zone Protection Program, we did not observe any increases in spending beyond inflation over the past four years. (In fact, one mall had dramatically cut its security budget.) The private sector generally has not invested in improving security either to protect against emergency situations such as a terrorist attack or to protect against petty crimes committed in malls.

The Buffer Zone Protection Program was the only significant source of funding for upgrading security that we observed during site visits. Access to program funds appeared largely to be a function of the priorities of each state's homeland security advisor. We observed that, in sites that had received BZPP funds, local law enforcement, working with the state homeland security offices, took the initiative and contacted area malls to conduct a risk assessment. Other states appeared not to place malls high on their priority lists to receive BZPP funds.¹⁸ One mall owner eager to participate in the BZPP had been unable to initiate a risk assessment for his malls in two states, the first step in getting BZPP funds.

¹⁸ BZPP grant decisions were made by DHS, but informed by recommendations of state homeland security advisors.

BZPP funds were used to enhance video surveillance systems in two of the four malls that had received grants. In two of the sites, BZPP money was used to help improve regional response to disasters. For example, one jurisdiction used BZPP mall funds to help fund a mobile command vehicle for the local police that would assist in responding to terrorism or other disaster at the facility. The vehicle has the ability to access the mall video surveillance system from a remote location in the event of a disaster.

Risk Assessment

Risk assessments, when conducted, have largely been driven by the BZPP application process. This procedure, codified by the DHS and generally implemented by state or local homeland security officials, is quasi-quantitative and employs standard risk assessment techniques developed by the military. It determines probabilities and potential losses for different types of hazards occurring at various locations within facilities. In five of the eight malls, a risk assessment had been conducted at the instigation of the state homeland security advisor. (Following the assessment, four of the five malls had been designated as BZPP sites; one had not.) For example, the risk assessment at one mall determined that the major risk potentially impacting lives and property would be a bomb blast in the mall's food court. Such a blast, it was determined, would produce the most casualties and potentially harm the structural integrity of that part of the mall. This knowledge was incorporated into exercises for security staff.

The three malls not considered for BZPP status had not undertaken risk assessments on their own, even on an informal basis. In some cases, malls simply were not at the top of the list of local critical sites. But in one mall we visited, the security director told us that local law enforcement had offered to conduct a risk assessment, but that mall owners had declined, worried about potential liability if they failed to implement precautionary measures following a risk assessment. Without undergoing some form of risk assessment process, it is difficult for mall managers to arrive at an understanding about what elements should be protected and which strategies should be employed for prevention of specific assets.

Prevention Tactics

We observed both human and technological deterrent strategies. One mall we visited had installed bollards, or barriers, to protect against the possibility of a car bomb being detonated inside the mall. Several other security directors said that bollards would be a good idea, but that their company did not have plans to implement them. Most malls had policies designed to monitor and restrict deliveries to stores. Delivery trucks were checked coming in, and nonroutine deliveries were checked out before allowing the drivers to proceed. A few malls restricted deliveries to off-hours when stores were closed or the mall was less populated. Other security directors said that they would move to such a plan if the national alert level went up or if a specific threat against the mall was uncovered.

Singling out and observing mall visitors was an important part of human prevention tactics. But, according to policies, profiling was based not on ethnicity but on

dress or patterns of behavior (refer back to Table 10). Common activities prohibited were photography and large group gatherings. In one mall that we visited, security staff had, in fact, observed a group of middle eastern men photographing sensitive locations inside the mall: The group was confronted by security staff and fled before police arrived. Other types of behavioral profiling were less well-defined and covered characteristics such as obvious bulges under clothing, carrying large backpacks, wearing heavy coats, unwillingness to make eye contact, frequenting the same area of the mall repeatedly, or sitting in one place too long. When security staff encountered persons acting suspiciously, according to the definitions of a particular mall, the staff were instructed to observe or engage the suspects in conversation. If the security guard's curiosity was not satisfied, he or she was then instructed to call the local police. We also asked security directors about whether they employed undercover officers in their prevention strategies. A single director responded affirmatively, and even then, only at certain times, such as holidays. The thinking seemed to be that officers were most valuable when conducting *visible* patrols.

Deterrence most often relied on CCTV systems. All but one mall we visited had some form of CCTV system in place. The systems varied in their sophistication: some were monitored constantly, while others recorded events for security staff to refer to after the event had occurred. Visible security patrols also were designed to act as a deterrent, with patrols often increased at holidays and other peak usage times.

Training Programs

All of the malls we visited had implemented some form of antiterrorism training for security staff. We encountered many varieties of training programs. Some malls that had contracted with a national security firm had generic company programs, some had training programs developed by state government, and some used the program promulgated by DHS. In the case of contracted mall security, training is often viewed as a key competitive advantage of one contractor over another, and it was marketed as such.

The format of the terrorism preparedness training programs varied. Most consisted of a classroom format usually four hours in length, some taught by outside experts and others by mall security directors trained by experts. One mall had a "text-based" approach, where security staff were required to learn from printed materials and then take a test to indicate mastery. Content appeared to vary but mostly focused on identifying potential terrorists; spotting suspicious packages; and response to an attack, including securing the scene and working with first responders. Malls generally did not have ways to evaluate whether information imparted in terrorist training programs was retained for long or affected the way security staff approached their jobs.

The high rate of turnover among mall security staff lessened the long-term utility of training. Wages in the industry are generally low (\$8 to \$11/hour) with little room for advancement. Most security directors said that they experienced 100% turnover within a year. When security personnel leave a mall, the investment in training leaves with them; the effect of the high turnover is that, at any given time, the security staff includes a good

number of new recruits who are inexperienced and have not received anything beyond basic training.

Emergency Response Plans

All malls we visited had written procedures to follow in the event of a threat to the mall, or in an actual emergency. Typical protocols following a threat to the mall included limiting access to critical areas of the mall, increasing security staff presence, and keeping a closer eye on parking lots and mall entrances. A number of malls had standardized procedures for security personnel in the event of a change in the DHS Threat Advisory System. Details were similar to steps taken in response to a specific threat against the mall, including stepped-up patrols and restricted truck access.

For emergencies, written procedures covered evacuations (in the event of fire, gas leak or suspected bomb), emergency communications, small-arms attacks, basic first-aid and triage, as well as the normal procedures for handling lost children, misplaced property, and so forth. In emergencies, protocol for most malls called for contacting emergency services, contacting designated emergency management staff in the mall (mall owner, security director), providing first aid for any injuries, evacuating people, and/or sealing off an area of the mall. Some plans were more specific, including having security staff meet at designated locations, setting up first aid and command areas, or evacuating through specific routes.

None of the malls we visited had developed ways to coordinate with first responders in the event of an emergency. The only means of communicating with first responders was by phone. The general plan in all cases was that, once first responders arrived on the scene, they would take charge and mall staff would follow any instructions they were issued by police or fire officials. In none of the malls we visited was it clear who would be responsible for briefing first responders or how mall security evacuation plans would be coordinated given law enforcement's need to retain and interview eyewitnesses. One law enforcement official was blunt in his assessment: "We don't take mall security into account. They are poorly trained and not professional."

An emergency response plan must be well understood by staff in order to be effective. We do not know from our visits the extent to which security staff had internalized these plans. It was not encouraging that, in one mall, the security director said that he would refer to his company's manual in the event of an emergency. Two of the malls we observed carried out exercises to rehearse response to emergencies. In one, the rehearsals were limited to finding simulated bombs and taking appropriate action. In the other, exercises also included a simulated response to a bomb detonation and was quite sophisticated, including evacuating people, setting up triage and press areas, and designating a helicopter landing area.

The most significant gap in emergency preparedness was the lack of coordination between mall security and the security staff of the large mall anchor stores. In one mall, security could communicate with tenants by radio; but in all other malls, the sole means of communication between mall security and tenants was by phone. In only one mall

were tenants involved in the mall's overall emergency response plans. Usually, the decision to evacuate anchor stores and the responsibility to oversee the evacuation was up to store security or store management. In several malls, security directors explicitly told us that relations with security staff in anchor stores were minimal or, in one case, even hostile.

Relationship With Local Law Enforcement

We found wide variation in how local law enforcement and regional terrorism task forces had been involved in mall security. We observed malls that had a close relationship with local law enforcement. These relationships were sometimes driven by state homeland security plans that included malls in risk assessments of critical infrastructure. In other cases, they were driven by mall security directors drawn from the ranks of the local police, who still had personal ties to members of the police force. In still other cases, they were driven by the presence of police officers stationed in the mall. Such malls participated in risk assessments, and their security directors felt that the police were generous in sharing information.

On the other hand, we also observed malls that had little relationship with local law enforcement. These malls were generally not privy to police intelligence data and did not participate in risk assessments or emergency plans. For example, in a discussion with local first responders at one location, both police and fire officials acknowledged that, although they probably should have established contact people in major stores in the local mall, mapped out exit routes, and created an evacuation plan, they had no plans to do so. During our discussion, they also discovered that they did not even have floor plans for the mall to refer to in case of an emergency.

We did not find any malls among the eight we visited that conducted joint exercises with local first responders and law enforcement. There seemed to be two reasons for this: sometimes local law enforcement did not consider malls a high priority target and had decided to expend their efforts on other types of facilities. But more often, it was the malls that resisted because they could not find a convenient time or did not want to alarm the public. This situation represents a large disconnect in response to emergencies. Most mall security forces have conceptualized their role in emergencies as an initial "triage" force that will rapidly hand off actual situations to first responders, yet they have not practiced this hand-off in a joint exercise.

Assessment

We did not encounter any active programs to evaluate what guards derived from terrorism training, or if terrorism prevention and response was actually incorporated into daily work routines. Similarly, we did not observe in any malls standards for evaluating whether their preparedness plans or their response to a simulated emergency were adequate. (Of course, this point is largely moot since few malls conduct emergency preparedness exercises.) With no tabletop or live exercises and no clear standards for evaluation, it is impossible to say how well staff would respond in the event of a disaster.

The Special Case of Israeli Malls

Israel is the world leader in experience-based expertise with antiterrorism efforts in retail malls. In the years since 9/11, many law enforcement agencies in the United States have attended presentations given by Israeli security directors as part of comprehensive antiterror training initiatives sponsored by the Justice Department and other federal agencies. The New York City Police Department has often sent officers to Israel to be trained in antiterror tactics.

The terrorism threat in Israel is qualitatively different than the threat that U.S. citizens face today. Therefore, antiterrorism efforts in Israeli malls do not represent a fair standard for U.S. malls. Still, it is useful to observe Israeli malls as an exemplar of what *can* be done when motivation and funds are at high levels. In November of 2005, researchers conducted site visits to two of the largest malls in Israel, the Azrieli Center and the Jerusalem Mall. At each site, we met with the mall security representatives. As expected, we found vast differences between U.S. and Israeli malls. Some of the most notable differences are discussed below.

Security strategy. Mall security plans in Israel place the mall at the center of three concentric circles. In the outermost circle are roving patrols of one or two security officers and vehicle inspection points. Bollards and retractable barriers are used to keep vehicles from being driven through the checkpoints. All vehicles entering mall parking areas are subjected to a search of the passenger and trunk compartments. In addition, drivers are assertively questioned by security officers in an effort to determine whether they pose a possible security threat. Unlike U.S. malls, ethnic profiling is an integral part of the screening process. Once inside the outermost perimeter, all pedestrians attempting to enter the mall have their bags searched and must be scanned by a metal detector. Screenings are conducted by relatively low-paid, unarmed security staff, but they are monitored by a highly trained guard armed with a submachine gun. Inside the mall (the innermost circle), one or two armed security officers patrol and observe visitors.

The intent of the concentric circle approach is to intercept terrorists before they actually get inside the mall. This approach has worked extremely well. Israel has had ten attacks against malls in recent years, several of which involved suicide bombers who inflicted fatalities. However, none of the attackers penetrated to the interior of the mall where they could have done far more serious damage.

Security chiefs of both malls acknowledged that even stringent security measures might not be enough to stop a determined attack. Therefore, they say, deterrence and displacement is a big part of their strategy. One security director believed that visible security measures were responsible for the there having been relatively few attacks against malls, but many against buses.

Spending on security. Israeli malls spend millions of dollars each year on security. According to one of the security directors, approximately 40% of the operational budget of Israeli malls is devoted to security. (He contrasted this with 3% to 5% in the U.S.) Several factors drive this cost. When stringent governmental regulation and

licensing requirements were adopted, malls were forced to provide comprehensive security services. Initially, governmental oversight and inspections forced the immediate closing of some malls not in compliance, thereby creating a financial incentive to comply. Moreover, we were told that, in Israel, security expenditures are looked upon as an investment. During the Intifada, for example, Israeli malls provided a sanctuary for people frightened of suicide bombers. This was good for the country, but also good for mall businesses.

Government involvement in mall security. The Israeli Government heavily regulates private security systems in retail malls. The regulation process consists of stringent licensing procedures carried out at the local level and overseen by local police commanders. The regulation structure mandates minimum numbers of security guards, vehicle checkpoints, and barricades. The district police also license and approve all armed security candidates and license all unarmed security officers. Compliance with these regulations is ensured by frequent on-site inspections. Typically, the district police will inspect each mall once or twice a month. In addition, they will observe many of the drills being conducted by the mall security staff. Each mall is required to re-apply for licensing every year.

According to the security directors that we spoke with, local law enforcement and emergency service representatives often conduct joint exercises with mall security. The exercises include comprehensive drills attended by the district fire brigade, ambulance system, and the entire police district. In addition, there is open intelligence sharing between mall security and local law enforcement. In one mall, police briefed the mall security chief weekly. In the other, the local police district held monthly meetings during which antiterrorism intelligence was shared and discussed with key individuals in the community, including mall security directors. One of the malls we visited provides the local police district with an on-site substation. This allows a subset of officers to become knowledgeable about mall operations and physical layout. It also allows these officers to get to know the mall's security staff. Finally, mall security and local law enforcement share interoperable communication systems. In the event of an emergency, each unit could communicate with one another over a shared radio-communications band.

Risk assessment. Israeli malls are required under governmental regulation structures to conduct periodic risk assessments. According to mall representatives that we spoke with, the risk assessments are conducted by both in-house and outside security experts. The in-house assessments are conducted on a continual basis as part of everyday security practices. Outside security assessments are conducted periodically by independent experts contracted by the malls. Once the plan is completed and reviewed by district police, an operating license is granted.

Emergency response plans. Both of the Israeli malls we visited had comprehensive response plans for various emergencies, required by the government in order for the mall to obtain a license to conduct business. Each security officer is given a duty under the plan, and a subset of officers is assigned to an emergency response team. Plans include preventing outsiders from gaining access to the mall as well as possible

evacuation—a decision that, unlike what we observed in U.S. malls, is entirely up to the security director. An immediate reaction squad meets in a special control room to monitor and direct security actions until the police arrive.

Emergency plans target the first 20 minutes after a critical incident. The plans include designated places to meet and how to brief police officers as they arrive. Once on the scene, the police take command of the emergency.

Training programs. Malls provide monthly training for all officers that is almost entirely focused on recognizing and responding to terror threats. Training is highly repetitive, both to engrain the procedures in the minds of the officers and to counteract the effects of high security staff turnover, a problem as acute in Israel as it is in the U.S. One advantage that Israel has is that, while turnover is high, many security officers come to the job with recent military training as a result of the country's policy of compulsory military service.

According to the security officers we talked with, the malls usually conduct about 50 drills per month. These range from minor procedural drills to covert drills during which false bombs are planted and attempts are made to bring them into the mall. Major exercises are carried out in cooperation with the police, who evaluate the adequacy of the response by mall security. When security officers fail to detect planted threats, they are retrained. If they fail a second time, they are fired. In addition, a system of positive incentives is also utilized. If a security officer detects a problem during a drill and acts accordingly, that officer will receive a monetary bonus. Roll calls often focus on the assessment of recent drills. Successes and failures are discussed and alternative responses are explored.

5. Analysis of State Statutes Regulating Private Security

A recent study, "Watching the Watchmen: State Regulation of Private Security,"¹⁹ concluded that there has been a trend toward an increase in statutory regulation for the hiring of private security officers but minimal changes to state regulations regarding training for such staff between 1982 and 1998. The study found that the number of states requiring background criminal checks for prospective employees increased from 13 to 20 over the 16 years that statutes were tracked. The study found little change, however, in state regulations regarding private security officer training: just one additional state added such a regulation between 1982 and 1998.

Trade organizations have promoted the adoption of standards for hiring and training of private security officers. Recently, ASIS International²⁰ published guidelines that set forth minimum criteria that regulating bodies and companies in the United States can use to assist in recommending legislation and policies for the selection and training of private security officers. The guidelines contain templates for states to use in developing or enhancing their legislation regarding private security officers.

Still, prior to 9/11, the private security industry in the U.S. was not subject to extensive regulation by the government. There were no federal laws governing the industry. State regulation was spotty at best, enforcement of regulations was weak, and most states had no requirements regarding hiring and training.

The events of 9/11/2001 highlighted the important role of private security in detecting and deterring domestic terrorism at critical infrastructure sites. This section examines whether government standards for private security have increased in the 3 ½ years since 9/11.

Staff of the Justice and Safety Center at Eastern Kentucky University analyzed statutes in the 50 states plus the District of Columbia regarding regulation of private security to determine how legislation may have changed since 9/11. This content analysis used Westlaw Academic Universe to review statutes in six areas:

- Requirements for background checks of prospective security officers
- Education or experience requirements
- Training requirements
- Oversight of the quality or content of training programs
- Statutes granting security officers the power to detain and search suspects

¹⁹ Hemmens, C., Maahs, J., Scarborough, K.E., Collins, P.A., (2001) *Watching the Watchmen: State Regulation of Private Security 1982-1998*. Security Journal, Vol. 14, No. 4, pp 17-28.

²⁰ ASIS International (2004). *Private Security Officer Selection and Training Guideline*, 2004. <http://www.asisonline.org>

- Any statutes pertaining to the use of surveillance technology in mass private spaces

Legislation was catalogued as to whether it was enacted before or after 9/11. A coding scheme was developed suitable for creation of a computer database. Summary results presented here describe the number of states that have statutes on the books in each of the six areas of possible regulation. State-by-state results for each area are presented in Appendix B. The ASIS website contains the full text of the legislation for each state ([http:// www.asisonline.org](http://www.asisonline.org)).

Summary Results

We found that two-thirds of states require some level of background investigation for prospective security officers, most commonly involving criminal history checks. However, just three states (California, Hawaii, and Michigan) have set minimums for education or work experience for employment as a private security officer (see Table 19).

Table 19. State statutes regulating private security

Requirement	Frequency (n=50)
Background checks	33
Educational requirements	3
Training requirements	22
Standards for quality of training	13
Standards for content of training	21
Power to detain	3
Power to search	1
Regulation of surveillance in mass private spaces	13

Twenty-two states mandated minimum hours of training for private security officers. Of these states, all but Montana also regulated the content of training programs. Thirteen of the states also attempted to ensure the quality of security officer training. At this point, no states mandate specific training on issues relating to preventing and responding to terrorism.

Just three states (California, Hawaii, and South Carolina) granted security officers the statutory power to detain; only California grants private security officers the power to search. Thirteen states had statutes pertaining to the regulation of the use of surveillance technology in mass private spaces such as malls.

Changes Since 9/11

It appears that not much has changed in state training requirements for private security officers since 9/11. Just six states enacted or amended statutes pertaining to private security since that date (see Table 20).

Table 20. Post-9/11 changes in state private security statutes

	Back-ground checks	Educa-tion req'men t	Require training	Regulat e training quality	Regulat e training content	Powe r to detai n	Power to searc h	Regulate electronic surveillanc e
CA			amende d		amende d	new	new	
HI	amende d							
NJ	new		new	new	new			
N M								amended
OH	new		amende d	amende d	amende d			
VT			amende d		amende d			
W A			amende d		amende d			

New Jersey and Ohio added statutes requiring background checks for new security guards, while Hawaii amended its statute to require criminal history checks for all new security employees. New Jersey also passed new legislation regarding training of private security guards, while California, Ohio, Vermont, and Washington changed their training requirements. For example, Ohio's legislation mandates a certified training curriculum for those seeking employment in the private security field. The content and curriculum of the private security academic training course was to be established and approved by a governmental commission. California enacted new legislation that broadened who is able to administer a course in the power to arrest and detain, and to test and certify private security officers in the exercise of those powers. New Mexico passed a law allowing license revocation or revocation of employee registration for persons using electronic surveillance in mass public spaces for unlawful purposes. Thus, although a few states have attempted to enhance regulation of private security in the wake of 9/11, there has been no major trend toward increased state regulation.

After 9/11, the federal government for the first time attempted to ensure minimum hiring and training standards. Congress debated legislation that would require employers of private security officers to submit to their state the officers' fingerprints or other means of positive identification to conduct a criminal history record information search. The Private Security Officer Employment Authorization Act of 2003 successfully

passed the Senate, and a version of it was added to the Intelligence Reform Act, which has been signed into law. The Act stresses the importance of cooperation between public and private sectors and the need for professional, reliable, and responsible private security officers who are thoroughly screened and trained. However, the original provisions were watered down: in the final version of the Act, state attorneys general could request a search of FBI files for new private security hires, but states could elect to opt out of the background check system. Moreover, in order to submit fingerprints, the employer is required to obtain written permission from the applicant and to allow them confidential access to their criminal history information. With these loopholes, it is unclear whether the federal attempt at regulation will make a significant difference.

6. Conclusions and Recommendations

Our assessment found that malls have taken some steps to improve security. Most security personnel now get several hours of antiterrorism training. Although half of the mall security directors answering the survey nonetheless felt that their staff could use more training, it is a step in the right direction. Similarly, a large majority of mall security directors say they have emergency management plans to define actions that security staff should take in the event of a disaster.

Yet, our surveys and site visits found that, outside of Buffer Zone Protection Program grants, very little money is being spent to upgrade security. Only a few states have changed their statutes to require background checks, minimum hiring standards or training, and few malls have upgraded hiring standards of their own accord. Risk assessments are rare and, when they have been performed, are instigated by the Buffer Zone Protection Program and state homeland security officials. Emergency management plans are too often developed without the participation of local first responders or mall store owners and their security staff. Drills to test the security staff's knowledge of what to do in emergencies—when done at all—are seldom rigorous, seldom done with first responders, and are usually done without clear standards to measure their success. Many malls do not even have plans to limit access to sensitive areas in times of heightened alert. Many state homeland security offices have not taken an active interest in working with large malls to enhance security.

The situation in the U.S. stands in sharp contrast to what we observed in our visits to Israeli malls, where security is the top priority and there is a strong partnership between the public and private sector. No reasonable person would suggest importing the level of security used in Israeli malls to the U.S. given the present security environment. Additional terrorist attacks feared after 9/11 so far have not materialized. People would not stand for queuing to pass through metal detectors at malls, and there is no reason to ask them to do so. As a society, we have a strong predisposition against the kind of ethnic profiling that is standard practice in Israeli malls. There is no justification for U.S. malls to spend nearly half of their operating budgets on security.

On the other hand, while there is no reason to take the extreme security measures that have been adopted in Israel, the threat of terrorist attacks in the U.S. is real, and preparedness ought to be substantially higher than before the 9/11 attacks. The general belief seems to be that, if such an attack came, it would most likely occur in malls located in the large cities or states on the eastern seaboard or west coast. However, even if the possibility of an attack by ideologically inspired terrorists is discounted in some areas, many of the same security measures that would safeguard malls against that kind of threat also would serve also to protect against other disasters as well. Risk assessments, emergency management plans, and drills would help mitigate the effects of random terrorist acts such as the one that occurred in Tacoma, as well as the effects of fires, earthquakes, and other natural disasters.

Steps to Take

Prudent steps can be taken by malls and state homeland security offices, steps that are not expensive and would not alter the experience of consumers. These include:

1 Conduct formal risk assessments and take steps to mitigate known risks on a cost-benefit basis

In our site visits, we visited places where local police were not interested in conducting risk assessments in malls. We also found a mall that was not interested in having a risk assessment done because owners were worried that, in the event of a disaster, they could be held liable if they had failed to act on the findings of the assessment. Some states are doing a good job of working with malls to see that risk assessments are done, but homeland security advisors in all states should make sure that large malls have risk assessments conducted by trained experts.

Risk assessments will highlight areas in which malls are particularly vulnerable. In many cases, steps can be taken to reduce the risk; for example, access to air circulation systems and other sensitive areas can be curtailed, deliveries can be tightly monitored, and passive barriers can prevent a car with explosives from penetrating heavily populated areas. While some measures may involve considerable cost, others are relatively inexpensive or even cost-free.

2 Develop and rehearse detailed and coordinated emergency response plans and involve stakeholders

Emergency response plans can only work if they contain clearly delineated roles for security staff in time of crisis and if security staff know them well enough to respond instinctively. To be effective, the plans need to be developed and rehearsed in coordination with first responders, to whom mall security staff will hand off responsibility. Effective plans also must involve mall tenants, have clearly defined responsibility for ordering evacuations, and incorporate reliable methods of communicating with first responders and tenants. Homeland security advisors in all states should coordinate the development and rehearsal of emergency response plans, possibly under the direction of national guidelines established by DHS.

3 Standardize antiterrorism training courses.

Most mall security staff currently receive some form of antiterrorist training. But the methods, substance, and quality of these courses vary. States should set minimum standards for the frequency of these courses, the material covered, and the learning methods used. The curricula should be accompanied by performance measures to assess how effectively the training increases participants' knowledge of terrorism issues and helps them incorporate this understanding into daily routines.

4 Enhance partnerships with the public sector.

Even though malls are privately owned, partnership with government is essential to ensure the best security systems. State homeland security officials and first

responders have the requisite expertise and therefore have a role to play in helping malls conduct risk assessments, develop emergency management plans, and rehearse protocols in various disaster scenarios. First responders also need to develop workable protocols for ensuring that intelligence information that affects malls can be and is shared with responsible parties. State homeland security officials should ensure that first responders in each locality have formed these partnerships with large malls and ensure that security staff at each mall receive sufficient training in anti-terrorism efforts. State officials should also ensure that the standards in their states with regard to qualifications and training of security guards meet national guidelines.

These kinds of measures—risk assessment, mitigation of known risks, emergency plans developed and rehearsed with first responders, standardized antiterrorism training curriculum, and a better partnership with government officials—would bring malls into compliance with the National Fire Prevention Association standard for emergency management programs, which was endorsed by the 911 Commission. The recent court decisions based on the two World Trade Center attacks indicate that this commitment would reduce the industry's liability in future lawsuits that could result from an attack by ideologically driven terrorists, lone gunmen, or natural disasters.

APPENDIX A

Details of Mall Security Director Survey Results

Table 1. What organization does the training for new employees?

Organization	Responses (n=136)	Percent
In-house	68	50.0
Private/outsourced security company	42	30.9
Police department	12	8.8
State/county training	8	5.9
Fire department	3	2.2
Red Cross	1	.7
Unknown	1	.7
Other	1	.7

Table 2. What organization provides the training on terrorism?

Organization	Responses (n=86)	Percent
In-house	24	27.9
State/local police	20	23.3
Private security firm/consultant	14	16.3
Fire department	7	8.1
Homeland Security	5	5.8
FEMA (self-study)	3	3.5
FBI/JTTF training	2	2.3
ATF	2	2.3
VHS tape/PSTN video	2	2.3
U.S. Border Patrol	1	1.2
Federal agency (not specified)	1	1.2
Department of Safety (County)	1	1.2
Department of Public Safety (State)	1	1.2
Emergency management	1	1.2
Mall owner	1	1.2
Federal Prosecutor's Office	1	1.2

Table 3. Details relating to Question 2: Changes in background checks on new employees since 9/11

Changes in background checks on new employees	Responses (n=11)	Percent
Drug test added	6	54.5
More in-depth background checks	3	27.2
Live/real-time background checks	2	27.2

Table 4. Where have the additional funds been spent?

Expenditure of funds	Responses (n=120)	Percent
Increased security staff ¹	14	11.7
Overtime	11	9.2
Risk assessment	9	7.5
Developing emergency response plans	13	10.8
Improving communication ability	16	13.3
New security equipment/target hardening ²	16	13.3
Securing physical plant ³	7	5.8
Other ⁴	4	3.3

¹ See Table 4a

² See Table 4b

³ See Table 4c

⁴ See Table 4d

Table 4a. Number of additional full-time employees

	Mean (n=10)	Median *
Additional full-time employees	3.7	4.0

Table 4b. New security equipment/target hardening

Expenditure of funds	Responses (n=29)	Percent
Surveillance cameras	7	24.1
Radios	6	20.7
Communication/radio training	2	6.9
Locks/rooftop hatches	2	6.9
Additional security staff	2	6.9
First aid/emergency response kit	2	6.9
Defibrillator	1	3.5
AED	1	3.5
Vehicle	1	3.5
Patrol tracking devices	1	3.5
Barricades	1	3.5
Media staging area	1	3.5
Training	1	3.5
Police coverage	1	3.5

Table 4c. Securing physical plant

Expenditure of funds	Responses (n=9)	Percentage
Physical assessment of property	1	11.1
Locks replaced on all doors	1	11.1
Hired off-duty police officer	1	11.1
New doors installed	1	11.1
Limited access to roof	1	11.1
Identification for service vendors	1	11.1
Fire alarm upgraded	1	11.1
Perimeter security enhanced	1	11.1
Staffing of entrances	1	11.1

Table 4d. Other areas of spending

Expenditure of funds	Responses (n=5)	Percentage
Planted areas at entrance to reduce access	1	20.0
Access alarm installed	1	20.0
Night patrol monitoring (increased diligence)	1	20.0
Mobile patrol of parking lot and surrounding areas	1	20.0
Hired police officer (for peak hours)	1	20.0

Table 5. What will BZPP funds be used for?

Expenditure of funds	Responses (n=16)	Percentage
Upgrade camera system	5	31.3
Barriers	5	31.3
Training	2	12.5
Radios	1	6.3
General safety	1	6.3
Police	1	6.3
Not sure	1	6.3

APPENDIX B

Catalog of Regulations by State

Table 1. Hiring requirements

Background checks	Education standards
Alaska	California
Arizona	Hawaii
Arkansas	Michigan
California	
Connecticut	
Delaware	
Florida	
Georgia	
Hawaii	
Illinois	
Iowa	
Louisiana	
Maine	
Maryland	
Michigan	
Minnesota	
Missouri	
Montana	
Nevada	
New Jersey	
New York	
North Carolina	
Ohio	
Oklahoma	
Oregon	
South Carolina	
Tennessee	
Texas	
Utah	
Vermont	
Virginia	
Washington	
Wisconsin	

Table 2. Training requirements

Training required	Monitor quality	Monitor content
Alaska	Arizona	Alaska
Arizona	Arkansas	Arizona
Arkansas	California	Arkansas
California	Florida	California
Florida	Georgia	Florida
Georgia	Illinois	Georgia
Illinois	Louisiana	Illinois
Louisiana	Minnesota	Louisiana
Minnesota	New Jersey	Minnesota
Montana	New York	New Jersey
New Jersey	Ohio	New York
New York	Oklahoma	Ohio
North Dakota	Virginia	Oklahoma
Ohio		Oregon
Oklahoma		South Carolina
Oregon		Tennessee
South Carolina		Texas
Tennessee		Utah
Texas		Vermont
Utah		Virginia
Vermont		Washington
Washington		

Table 3. Statutory power to detain, search, and install surveillance technology in mass private spaces

Power to detain	Power to search	Install surveillance technology
California	California	
Hawaii		Alabama
South Carolina		California
		Delaware
		Hawaii
		Kansas
		Maine
		Massachusetts
		New Hampshire
		New Mexico
		New York
		South Carolina
		South Dakota
		Utah