# Annex C. Template Contract with a Private Security Provider

*This template is designed for a company seeking to hire an external private security provider. The parts in blue italics should be completed by the company, based on the particular context. As with any template, the content should be reviewed and adapted for the specific situation.*

*Company Name* hereinafter referred to as “company” enters into this contract with *Private Security Contractor Name* hereinafter referred to as “contractor” for the provision of services effective as of *Date*.

## A. Conduct

* Contractor and its employees must adhere to the company’s policies for *ethical standards and human rights*.
* Contractor and its employees must maintain confidentiality of sensitive information.
* Contractor and its employees must not use torture, cruelty, or inhumane treatment.
* Contractor and its employees must ensure the health of those in custody and provide medical assistance when needed.
* Contractor and its employees must not engage in corrupt practices.
* Contractor must treat its employees in accordance with national law (and in accordance with Performance Standard 2).

## B. Use of Force

Restraint and caution must be exercised consistent with international guidelines on the use of force; in particular, the Basic Principles on Use of Force and Firearms by Law Enforcement Officials and including the following key elements:

* Use of force should be evaluated *and* *use of weapons carefully controlled*.
* Nonviolent means should be used before resorting to force *and firearms*.
* When force must be used to protect human life, it should be proportionate to the threat and should seek to minimize injury.
* Medical assistance should be provided as soon as safely possible.

## C. Policy

Contractor is required to have or produce key internal policies that commit the organization to proper standards, to ensure that its employees understand and adhere to the standards, and to enforce them. This includes:

* Having written policies on conduct and use of force.
* Having a policy to perform pre-employment screening for all supervisors, guards, consultants, security specialists, and other staff, which identifies any history of abuse or wrongdoing. At a minimum, these checks should include police records and criminal litigation checks, as well as checks with former employers.
* Having a policy on reporting and inquiry into allegations of unlawful or abusive behavior and all use-of-force incidents, followed by appropriate disciplinary action.

[Note: although the contractor should be required to conduct an inquiry when its people are involved, ultimate responsibility remains with the company.]

## D. Training

### 1. Weapons Training

*(This includes firearms, if issued, and any less lethal weapons systems, if used.)*

* Each security guard must be certified as qualified for use of any weapon, *by pass/fail standard,* before being issued a weapon.
* Qualification should recur *every six months*.

### 2. Use-of-Force Training

This should include:

* Force continuum or proper use of force training.
* Materials based on a framework such as the widely accepted force-continuum model.
* Use-of-force technique training and practice through structured, scenario-based, performance-oriented (learning-by-doing) training.
* Where, in what circumstances, and under what conditions it is lawful and in accordance with company policy to use force of any kind.
* The maximum level of force authorized.
* Emphasis that any use of force must be a last resort and proportionate and appropriate to the threat.
* Emphasis that lethal force can only be used if there is an imminent threat to life or of great bodily harm.

### 3. Appropriate Conduct

Training should emphasize avoidance of unlawful or abusive behavior. This training should clearly define abusive behavior in relation to proper behavior and point out sanctions; it should also inform trainees of national laws and international standards on human rights that the company—and they as employees of the contractor—must observe. Two important documents include:

* UN Basic Principles on Use of Force and Firearms by Law Enforcement Officials.
* UN Code of Conduct for Law Enforcement Officials.

### 4. Equipment

Contractor must ensure that all employees are provided with the appropriate equipment to undertake their responsibilities. This equipment includes *a proper uniform with appropriate identification, radio or other communication device, and any other equipment as determined by the Security Risk Assessment or Security Management Plan as being required.*

### 5. Auditing

The company reserves the right to conduct periodic audits of the security provider to:

* Ensure contractor’s background-check process.
* Audit and review contractor employee background checks.
* Review the provider’s personnel records for all of the guards and security staff it provides.
* Audit incident/allegation responses.

The company further reserves the right to conduct both scheduled and unannounced reviews and audits of the training program and observation of training events. This may include:

* Reviewing the provider’s training program to confirm that the training is scheduled and being conducted.
* Reviewing lesson plans to make sure they meet the proper standard.
* Confirming the qualifications of the instructor(s).
* Ensuring that there is a pass/fail performance test to verify that the student mastered the material.
* Reviewing the certification process to guarantee that all the security personnel assigned to the company attended the training and have passed a minimum standard.

### 6. Sanctions

* The company will apply sanctions, including but not limited to withholding payment for services, if the contractor does not meet the performance expectations outlined in this contract.
* The company will terminate the contract where there are multiple failures to meet expectations or there is evidence of unlawful or abusive behavior by the contractor’s employees.

*SIGNATURES OF BOTH PARTIES*

*DATE*