PRIVATE POLICING¾ SOME RECENT MYTHS, DEVELOPMENTS AND TRENDS

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> "What you don't know would make a great book"
> Sydney Smith (1771-1845)

WHEN I WAS INVITED TO COME AND GIVE THIS KEYNOTE ADDRESS, IT CAME as a bit of a shock to me to realise that ten years have passed since I and my colleague, Clifford Shearing, were invited by the Australian Institute of Criminology to address a similar conference on "Policing and Private Security" (Rees 1983). My instructions for this event were to:

> talk about international trends in private policing, giving a philosophical overview. Perhaps you could look at the development of private security, contracting out of police services and contracting in of police services, private security and its growth, pointing out the dangers etc. . . . You could illustrate that privatisation cannot be viewed in isolation, but rather that it all has system effects.

Apart from thinking that this may be a rather tall order for a half hour talk, I was struck by how similar this suggested outline was to what Clifford Shearing and I were asked to come and talk about ten years ago. Looking back at the report of proceedings of that earlier conference, I was reminded that it concluded with a set of recommendations for further action, one of which read that:

> An examination should be urgently made of the relationship and nature of the changing roles of private security and police and their ramifications (Rees 1983, p. 96).

I recall that a major theme of the discussions at that earlier meeting was how little we knew about private policing in Australasia (and elsewhere, for that matter) at that time, and how great a need there was to pay more

attention to this growing phenomenon and to its implications for the public police and for policing and social control more generally.

It seems to me that, unless there is some body of unpublished material that I have not become aware of, that challenge is one which has remained spectacularly unmet during the intervening decade. A review of the *Australian and New Zealand Journal of Criminology* for the years 1982-1992 reveals only one published article on the subject of private policing; it was written by Clifford Shearing and myself in 1984 (Stenning & Shearing 1984), and concerned developments in "corporate justice" in North America! During the same period, the *Australian Police Journal* also published only one article on this subject—an insightful essay by Inspector Owen Dance, entitled "To What Extent Could or Should Policing Be Privatised?" (Dance 1991), which won the Queen's Police Gold Medal Essay Competition in 1989, and was published by the *Australian Police Journal* in 1991. Interesting and provocative as it is, however, Inspector Dance's essay involves a largely theoretical discussion of its subject, and suggests strongly that we know almost nothing more about private policing in Australasia today, at least in any systematic way, than we did ten years ago.

Until very recently, Canada has had a similar record of neglect in this area during the last ten years. Indeed, the fact that I have been invited to give this keynote address despite the fact that I have not been active in undertaking research on what is conventionally regarded as "private security" for at least ten years, is a clear enough indicator of how neglected this field has been during that time in Canada. Literally, with three notable exceptions—to which I shall return later—there has been no significant research in this area in Canada during the last ten years.

In Britain, there appears to have been slightly more attention paid to private policing, at least by academics, in recent years. Nigel South's book, *Policing for Profit* (South 1988)—which provides a fairly comprehensive review of the state of private policing and its control and regulation in Britain—was published in 1988, and has very recently been followed by the publication this year of Les Johnston's excellent and thought-provoking treatment of the subject in his book *The Rebirth of Private Policing* (Johnston 1992).

In his book, Johnston fairly summed up the present state of knowledge in this area, when he wrote that:

> . . . policing consists of a complex of connections between formal and substantive powers, and between private and public activities, which the sociology of policing has, by and large, failed to address (1992, p. 190).

Indeed, it is only in the United States of America, with the publication of the *Hallcrest Reports* in 1985 (Cunningham & Taylor 1985) and 1990 (Cunningham et al. 1990), that even adequate descriptive research has been pursued and kept up to date. Useful as these accounts are, however, they do not take us much further in understanding the social, political and economic significance of the phenomena they describe.

If Sydney Smith was right, therefore, there are still some great books to be written about private policing, both in Australasia and elsewhere; for the sad truth is that the present lack of systematic knowledge about this phenomenon in most parts of the world is prodigious.

This absence of reliable, up-to-date information about the situation has not deterred many of the self-proclaimed "experts" in this field, however, who can now routinely be heard trotting out more recent American research findings (for example the 1990 *"Hallcrest II" Report*) as indicative of the situation elsewhere.

The multinational character of much of the contract security industry, as well as of many of the corporations which have their own in-house security, lends credibility to the claim that the Hallcrest II findings may reflect realities in other "Western" industrialised nations as well as those in America. There are good reasons, however, to treat such a claim with great caution. Not least of these is the likelihood that the nature and role of policing institutions—both public and private—in any given society are significantly shaped by social attitudes towards, cultural traditions about, and public experiences of, such things as privacy, the sense of personal safety and security, and respect for property and authority. While I do not claim to be an expert on any of these matters, both research and artistic literature give us reason to think that other societies may differ quite significantly from that of the United States on some, if not all, of these dimensions. Policing institutions in these societies may well, therefore, be different from theirs in important ways.

Relying on American research as a substitute for systematic information about the situation elsewhere, may simply be replacing knowledge which may be wrong because it is out of date with knowledge which may be wrong because it is out of place.

A remark attributed to the late Professor Kerridge some years ago is pertinent here: "The most dangerous pieces of knowledge are those which are wrong, and anyone who can contribute to our ignorance in this respect has done something very valuable" (Macnaughton-Smith 1970). Perhaps, then, I can set myself the modest objective of contributing a little to our ignorance today.

The danger, of course, in trying talk about "recent developments" in the absence of such up-to-date systematic knowledge is that, especially if one is billed as an "expert", one will simply lend credibility and legitimacy to knowledge that is wrong, entrenching contemporary mythology about the phenomenon.

And in the absence of systematic knowledge, there is certainly no shortage of contemporary mythology about private policing. Let us review some of the highlights of this mythology.

By far the brightest star in this mythological constellation—and the one which is conjured up like a rabbit from a hat whenever the subject of private policing is raised—is the myth that private police outnumber public police by 2, 3 or 4-to-1 (depending on who is making the claim, and whom they are counting as private police). This myth is a particularly embarrassing one for me and my colleagues at the University of Toronto, since there is little doubt

that we (along with the Rand Corporation and the Hallcrest crowd) bear a lot of the responsibility for its propagation.

Like most myths, there is an element of truth to this one. If you define "private police" (or "security") fairly broadly, and "public police" quite narrowly, it is not difficult to develop a reasonably convincing case for the kinds of ratios which are cited. It was not long after we first engaged in this exercise, however, that we began to realise how misleading it is.

In terms of understanding the function of policing in society, it is misleading in two ways. In the first place, it is based on the assumption that peace officer members of regular public police forces are the only "public police", in the sense of the only public officials whose basic occupation is policing. The truth, however, as two American critics of our earlier work have recently pointed out (Nalla & Newman 1991), is that policing functions are performed by a whole host of other publicly employed officials, and if you give a comparably broad meaning to "public police" as is given to "private police" in this prevailing myth, the basis for the cited ratios of one to the other quickly disappears. Similar problems concerning who should legitimately be counted as "police" for the purposes of calculating such a public/private ratio apply to the "public" part of the ratio as to the "private" part of it.

Much more importantly, however, this myth assumes that you can accurately measure the amount of policing in society by counting the number of people doing it, and that public/private comparisons in this regard are meaningful. But this false assumption ignores the much less labour-intensive nature of much private policing. Although there seems to have been virtually no systematic research on the burgeoning security hardware and technology industries in countries like Canada, Britain, Australia and New Zealand, there is good reason to suspect that for at least the last fifteen years (and perhaps longer) this has been by far the fastest-growing element in the private sector. The implications of this for the nature and scope of policing in these societies, and for our cherished notions of privacy and civil rights, have been the subject of little serious thought, let alone systematic study. It is worth noting, however, that several recent court decisions in Canada have held that our *Charter of Rights and Freedoms*, which is supposedly a critical instrument for the protection of these democratic values, does not apply to many of the decisions and actions of private security personnel.

Another myth about private policing which is just as dangerous and misleading, and is just as frequently invoked, is the claim that private policing need not be of great concern to us because private security personnel "have no more powers than the ordinary citizen". Again, there is a grain of truth to this myth (if one is talking only about powers under criminal statutes), but it is dreadfully misleading. A more accurate description of the powers of most private security personnel would be that they have no fewer powers than ordinary property owners, landlords, employers, bankers and other powerful persons and institutions in society whose agents they are. Even a moment's reflection will make it clear that these people and institutions are able to wield power over the lives of ordinary citizens which far exceed those we accord to the public police, let alone ordinary citizens themselves. Thus, with some limited exceptions, we do not allow the public

police to conduct random surveillance and searches, nor to arbitrarily exclude individuals and groups from access to places and services which are important to their livelihoods, quality of life and wellbeing. Public police, for the most part, cannot deny housing, employment or bank loans to ordinary citizens. Yet private security personnel and those for whom they work can routinely do, or threaten to do, all of these things.

A third prevailing myth about private police is that they are not accountable as public police are. This is a particularly troubling myth, because it misleads us about the public police as well as the private police. The public police are not as effectively accountable as this myth would have us believe, and private police are certainly not as unaccountable as the myth suggests. The criminal law is an example. In theory, of course, public and private police are equally subject to (that is, accountable through) the criminal law for their actions. But no objective observer could seriously suggest that this is the case in practice. We do not have to look as far as the recent infamous events in California to realise how difficult it is to achieve convictions of public police officers for excessive violence; there are plenty of recent examples of this in Canada. There are no such difficulties in holding private security personnel accountable under the criminal law.

While it is true that a plethora of mechanisms are in place to achieve public accountability of the public police, and that this objective is probably being realised more effectively now than it was twenty years ago, there is precious little persuasive evidence of the actual effectiveness of these institutions (*see* Goldsmith 1991). By comparison, the private sector is said to be largely unaccountable. But this is only because it is assumed that effective accountability can only be achieved through state regulation and oversight. Past experience, however, provides ample reason for questioning such an assumption (*see* Stenning & Cornish 1975), and what little knowledge we have in this area suggests that mechanisms such as marketplace competition, consumer pressure, the demands of organised labour and potential civil liability may be far more effective in achieving accountability than is currently acknowledged (*see* the Washington-based *Security Law Newsletter*). Indeed, one can only wonder how public police forces, which have until very recently been largely shielded from such forms of scrutiny (and for the most part still are) would fare if exposed to them. For private security, however, these are part of the everyday environment, and have been for some time.

Next is the myth that the ranks of private security personnel are populated exclusively by underpaid, poorly educated, low-skilled, untrained, incompetent, lazy, aging and physically unfit men, many of whom have criminal records and cannot be trusted to guard a box of matches. We know the origin of this myth—it was the *Rand Report* (Kakalik & Wildhorn 1971) in the United States, which was published over twenty years ago. Although this myth, too, contained an element of truth, even back then it was misleading. Rand's profile, which has since been quoted and requoted as if it were the holy writ itself, was of the lowliest operative—the watchman—in the contract security guard industry. Attributing this profile to the entire private security workforce is a bit like judging the entire medical profession by the appearance and skills of a hospital orderly. Of course, there are still low-paid,

poorly trained private security officers. But there are also highly-trained specialists with very sophisticated skills and expertise in a variety of policing areas. Overall, the most recent *Hallcrest Report* (Cunningham et al. 1990) in the United States suggests that in that country the quality and skills of frontline private security workers now compare quite favourably with those of frontline public police officers. This may or may not be true for Australia and New Zealand, but current research in Toronto by Professor Bonnie Ericson is generating similar findings in that jurisdiction. The point, however, is that this myth has too often been used as an excuse to dismiss the entire private policing sector as unsuitable for undertaking "real" police work.

Interestingly, the public—in Canada at least—seem to have a rather different view of private security. A recent survey conducted by the Angus Reid Group there revealed that almost 80 per cent of Canadians routinely encounter private security personnel in their daily lives, two-thirds of them feel that they are somewhat or very effective in carrying out their duties, and two-thirds felt that they make their community a safer place. Perhaps more significantly, however, substantial majorities of the Canadian public indicated that they felt quite comfortable with the idea of private security assuming such "traditional" police functions as parking control, night-time residential security patrols, airport security, crowd control, court security, by-law enforcement, as well as other "traditional" police duties where responding to Criminal Code offences is not typically involved (Angus Reid Group Inc. 1992). The reason most commonly cited by those who supported the assumption of such duties by private security, was that they felt that it would lead to improved service.

Recent research both in the United States (Donovan & Walsh 1986) and in Canada (Ashbury 1990) suggests that private security organisations are capable of providing high quality policing services to residential communities, which include a broad range of "traditional" public police functions, including response to criminal incidents. In at least one important respect—the gender and ethnic composition of their workforces—such private organisations may be even better placed to provide such services in ways which are sensitive to community needs than many public police forces.

These are just some aspects of the contemporary mythology surrounding private policing. There may be many more which need to be looked at if we are to truly understand this phenomenon and what it means for our society. There are many important recent developments and trends in this area of private policing, but this paper will only briefly touch on four of them.

- Privatisation. As mentioned above, there is growing evidence in many countries of the world, that private security not only can satisfactorily assume many policing functions previously thought to be the exclusive preserve of public police forces, but are increasingly doing so, with tacit if not explicit public approval. The economics of the provision of policing services (about which we know far too little), and perhaps also the politics of policing, are inexorably pushing us further in this direction, and this will continue to be an irreversible trend in the foreseeable future. The fact that it has now

become a regular feature of the discourse of official public policing policy in many countries (*see* Normandeau & Leighton 1990, pp. 130-2) provides further evidence that this is a trend which is here to stay.

There are, of course, some real dangers in this trend, as there are in the trend towards privatisation of many other social services. The greatest of these is that public interests in safety and security of persons and property will become subverted by narrower (and contrary) private interests in profit maximisation. A further concern is that privatisation will result in even more unequal access to security and protection than we have experienced under policing by public police forces, with differential quantities and quality of service available to the rich and poor. A third concern is that cherished notions of liberty, privacy and human dignity will be eroded in the process. And a fourth concern is that this will lead us into an intolerably controlled and regulated society (the "net-widening" thesis).

As Les Johnston (1992) has so eloquently argued in his new book on this subject, however, such concerns are neither new nor unique to situations of privatisation, which themselves can assume a variety of different forms with widely differing implications. My own view is that these are concerns which must obviously be kept in mind and addressed, but do not constitute compelling arguments against privatisation as such. To ensure that they are adequately addressed, there needs to be a much higher level of public discussion and oversight of privatisation than there has been before (*not necessarily* more government regulation and control of the "private security industry"). An important starting point here will be for the public police to abandon their all too frequent posture of denial of the reality and significance of the growth of private policing and the potential for effective partnerships between the private and public sectors. The public police have a very simple choice in this regard; they can participate actively, responsibly and responsively in these developments, or be overtaken by them (Stenning 1989; *see also* Shearing 1992).

- Accountability. As already mentioned, private security is already much more accountable than is commonly understood. The trend towards privatisation, however, will lead to increasing demands for more public accountability of their activities and services. This will come in the form of increased regulatory oversight, legislation of standards, and probably an increased willingness of the courts to apply similar constitutional standards to the activities of private security as they have been applying to those of the public police (a trend which is already well underway in the United States).

  To be in the public interest, such increased accountability and oversight will have to have quality of policing service as its principal

objective rather than restriction of competition and protection of public sector monopolies. More importantly, the all too frequent assumption that more direct governmental regulation is always the best way to promote and protect the broader public interest in this area, will have to be abandoned. The history of governmental regulation of private security provides little room for optimism (*see* Stenning & Cornish 1975). Much more encouraging in recent times has been the trend towards the cooperative development of industrial standards, in which all the relevant "stakeholders" play an active part. In North America, we have had some experience of this through the efforts of the Private Security Advisory Council (in the United States), and more recently the Canadian General Standards Board, which leads me to believe that it will produce more beneficial results than traditional forms of governmental regulation are ever likely to.

- Professionalisation. Related to increased calls for accountability and oversight, is a clear trend during the last decade towards so-called "professionalisation" of private security workers. It is a trend which I view with deep suspicion. On the one hand, of course, to the extent that "professionalisation" means no more than improving the skills and manners of private security personnel, it is hard not to be in favour of it.

  In the mouths of private security leaders, and of police spokespersons when referring to private security, however, "professionalisation" most commonly is a code word for making private security personnel more like public police officers, and private policing organisations more like public police forces, especially in their over-reliance on formal criminal justice as a source of solutions to social problems ("professional law enforcement"). This would be a far less obvious benefit, as it ignores the fact that much, if not most, of the work of routine policing does not require high levels of expertise and training or the "professional" status which goes with them. It also ignores the strong tendency which "professionalisation" of the public police has historically had to distance them from the public they serve, and to foster the popular view that policing is an esoteric task which only experts ("professionals") can be trusted to do satisfactorily.

  But preserving order (the "peace") and preventing and responding to breaches of it—the staple fare of routine policing—is not, and should not be regarded as, a particularly esoteric task. Rather, as the current discourse of community-based policing emphasises, it is a task in which every citizen can and should play a role. One of the great strengths of private security has been its imaginativeness in finding ways to do this which are inclusive of the community served rather than exclusive of it. An excessive preoccupation with "professionalisation" may eventually compromise their advantage in this regard.

In saying this, of course, it is not suggested that there is no room for, or a need for, some highly "professional" workers in policing, whether it be publicly or privately provided. Unless "professionalism" means no more than competence, however—in which case it really does not mean much at all—there is not much need for, or benefit in, universal "professionalisation" of policing workers (public or private).

- "Techno-domination". The seduction of technology is nowhere more evident than in policing, and has never been more prevalent than in the last decade or two. This is, of course, too large a topic to go into in any detail here. The principal difference between public and private police in this regard, however, lies in the much greater resources available to private police to acquire intrusive technology, and the much greater incentives and opportunities they have to use it. The dangers of what I call "techno-domination" in policing, in terms of the subversion and erosion of fundamental social values, are obvious, and are every bit as great as the potential benefits. The paucity of systematic knowledge about the burgeoning "hardware sector" of private policing—which is widely acknowledged to have been the fastest growing part of the private security industry in recent years—and about the social implications and impact of these developments (Marx 1988 is a noteworthy exception), is particularly worrying in this respect. In terms of its potential impact on the quality of our lives, this is the most significant trend in private policing at present, and the threat of "techno-domination" is but one more reason why accountability must remain a high priority as far as private (and public) policing is concerned.

Conclusions

This paper has been confined to a discussion of current myths, developments and trends in private policing, and some "philosophical" discussion of these. Obviously, the theme of this conference is at once broader and narrower than the theme of this paper. Broader, because it comprehends the "community" (however that may be defined) and "criminal justice" more generally, which has not been discussed, as well as the private sector; and narrower because it focuses on involvement in the criminal justice system, which has always been but a small element in the ambit of private policing. It is hoped, however, that this paper will have provided some food for thought on these other issues.

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