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Police & Private Security: Possible Directions

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Over the last one and a half centuries the police have played a major role in assisting societies to protect themselves and their resources from harm. However, increased demands for protection and financial constraints of governments have created an environment in which private agencies are taking a larger role in the provision of protection. This Trends and Issues provides a useful summary of the changing status of these two groups, and canvasses some of the problems associated with this complex issue. As we head towards the twenty-first century, it is essential that these important matters are widely debated. This paper is a significant contribution to that discussion.

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The community protects itself from crime and other threats in numerous ways. Individuals defend themselves and their belongings as best they can, and take out insurance when those efforts are insufficient. Large organisations devote a proportion of their budgets to securing their interests at acceptable levels. The variety of serious threats to our public and private assets is extensive and specialist assistance is often required in protecting them. There are, moreover, many assets, such as neighbourhoods and social stability, which confer community rather than private benefits. Governments respond to those needs by establishing protection bodies of various kinds such as fire brigades, traffic departments, rescue services and police forces; financing them out of taxes. Commercial agencies, however, sell protection to those having both a private security need and a capacity to pay.

Well over 120,000 persons are directly and permanently involved in providing protection against crime and physical harm throughout Australasia. Their salaries alone amount to an estimated A\$3.5 billion annually. The greater part of that large and expensive protection community comprises members of police agencies and employees of private organisations offering crime and safety-related protection services. The two groups occupy a largely common functional domain, both are finding it difficult to prepare for the future and a degree of tension exists between them. That tension can be expected to exacerbate in an era in which charging for services hitherto considered public responsibilities finds widespread acceptance.

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Given the importance society places on protection in all its varied forms and the substantial resources it invests therein, it is necessary that we understand the purposes served by the police and private protection communities, how they might interact and how they might develop.

The Nature of Protection

Protection refers here to controlling risks involving those things we value, such as our bodies, our families, public peace, integrity traffic safety and flow, personal belongings, state security and so on. The range of threats to which our assets are subjected (in the security context) is considerable, including violence, dishonesty, accident, fire, negligence, drugs, natural hazards and so on. Measures taken to protect assets are controls and they include prevention, investigation, avoidance, detection, protective security, rescue, firefighting and surveillance. Thus, we have assets, threat and controls, and it is the combination of all three elements which defines the protection domain. Police and private protection agencies are those organisations and individuals committed to controlling the behaviours and circumstances which threaten our security.

Similar Functions, Different Roles

Despite both private protection and police resources being engaged in a broadly similar enterprise, differences of focus and style exist between the two:

- operate non-commercially for the most part, whereas private protection operates commercially;
- private protection is primarily occupied in securing physical and electronic assets from criminal and other threats, while police address a wider range of often intangible assets in addition to

property, such as public peace, the criminal law, and road safety;

- police protection activities are primarily threat (mostly offender) oriented, whereas private protection is primarily asset (mostly property) oriented;
- private protection is mostly accountable to private interests, such as clients, owners, stockholders and industry associations, although clients are sometimes governments agencies; while police are answerable to ministers of the crown and integrity control bodies, such as the Ombudsman, or police complaint authorities;
- police operatives are equipped with coercive powers not normally available to other citizens; private protection practitioners are not so empowered (unless they are moonlighting police officers or special constables).

These brief observations demonstrate the differing orientations, accountabilities, roles and powers which have combined to develop the two communities so distinctively over the years. Few things in life are fixed, however, and the relationships between police and private protection interests are certainly not. Indeed, current developments suggest a shift in the balance of interests, with private interests gaining a greater share of the market.

Public and Private Enterprise

Although the property protection function is less central to police operations today than previously and continues to decline, police agencies remain significant but indirect (though arrest of property offenders and retrieval of stolen property) protectors of both public and private property.

Police activity, being largely publicly funded, has understandably had the broad effect (less so in North America) of inhibiting development of

privately supplied protection. After all, most citizens will not pay for investigations into assaults, robberies, burglaries and thefts committed against them and prosecute perpetrators at their own expense if a free government provided service is available. Many businesses take the same view. It was not until the coincidence of sophisticated alarm technologies, reduction on police preventive activities and a growth in commercial protection demand during the late fifties and early sixties, that private protection began to grow with anything like the vigour we recognise today.

That growth is now bringing into question the notion that protection, like justice, is essentially an institution of government rather than private enterprise. It also raises the prospect of two-tiered protection (in certain respects, such as watching and patrol), with quality private service going to those able to afford it and a lower quality police-provided service to those unable to afford private protection (Johnston 1992; South 1988). A more realistic concern is that of a police provided patrol service supplemented in wealthier neighbourhoods by privately subscribed services. The reality is already emerging in Greater Manchester (Parfitt 1987) and New York City and has been attempted in Sydney.

Being the dominant protective element in Anglophone societies for so many decades led to the police view that protection of persons, property and public order are a police preserve, although firefighting and emergency ambulance services were eventually either taken over by volunteer groups or became the focus of yet other publicly funded protection agencies. That sentiment remains strongly entrenched among police officers. Coupled with that assumption of 'turf', that is, functional domain, is the ethic (outside North America) that public service is morally superior to private service. The view is widely apparent among public sector employees but possesses added

intensity among police officers because of their conviction that law enforcement, a major element in the police protection repertoire, is inconsistent with profit making (Parfitt 1987). Growth of private protection understandably gives cause for considerable anxiety within police ranks and has done so for some time (*NSW Police News* 1957).

Associated with the superiority of public service perspective are the arguments that some protection functions should not be undertaken privately because: equity suffers, sufficient revenue is not always present, and independence and objectivity of implementation are not always possible in the private environment (Hinds 1990). Those objections, regardless of their actual merits, highlight a fundamental difference of perception between the two communities. Private interests, on the one hand, maintain that such objections are baseless, that few if any functions performed by police agencies cannot either be competently performed in a commercial environment or contracted out to private organisations. Police interests, on the other hand, assert their right to provide those services they have traditionally offered, some of which (such as public order control and traffic control) have been monopolies.

The criminal law is often a crude tool with which to address misconduct but risk management based solutions also lead to unsatisfactory outcomes, such as dishonest workers who have been dismissed obtaining similar employment elsewhere and repeating their depredations. That conflict of pragmatism versus principle involves dual justice systems and poses a problem to modern societies. One possible approach to that particular conundrum is to license private protection operatives and place legal terms of obligations upon them in terms of justice as well as client interest.

As risk management, including security risk management, becomes central to the conduct of public and organisational affairs, dysfunctions arising from the selfish exercise of

discretion may well increase. Codes of practice, perhaps legislated, are becoming necessary for the guidance of protection workers dealing with misconduct and criminality. This issue could be usefully be considered by the various law reform commissions.

There is a view that some tasks, such as clearing the streets of intoxicated persons and controlling motor traffic, for example, are not commercially viable because, firstly, there is no client to pay the bill; and, secondly, commercially competitive services would lead to conflict between rival operatives.

The idea that governments can be clients and contract out these services to private interests did not arise in the past (outside North America) and so police forces acquired the responsibilities, often with statutory support.

Greater flexibility in modern times, however, enables the status quo to be challenged, identifying more rational and cost-effective options. Such demands might result, in part at least, to 'turning to the creative talents and ingenuity [of] the private sector to provide, wherever possible and appropriate, better answers to present and future challenges.' (President's Commission on Privatisation 1988). By so saying, it is not suggested that governments will relinquish their policy making and standard regulation roles.

Police objections to the performance of duties such as patrol, traffic control, criminal investigation, vice control, crime prevention, speed detection, and so forth, by non-police officers include the claim they must be performed by monopolies. To have private companies competing to perform such duties would, it is argued, disadvantage the poor, lead to gross inefficiencies and, in some instances, be quite unworkable. When faced with the response of: 'why not private sector monopolies?', police interests respond that the functions listed require trained, experience and accredited staff supported by sophisticated communication, information and

identification infrastructures which cannot be vacated at the end of a contract by outgoing personnel and be taken over by workers employed by a new contractor, as are garbage trucks at the expiration of local government sanitation contracts, for example.

Those objections possess considerable merit but are far from compelling. Traffic control, including speed detection, for example could be quite simply contracted out. In fact, the British Security Industry Association publicly advocates such a policy (Fletcher 1992). The various police agencies currently in place have existed in various forms for many decades and naturally reflect practices and attitudes shaped over time. Difficulties perceived by police employees as flowing from the privatisation of traditional police functions are largely shaped by that experience - together, no doubt, with an understandable amount of self-interest. Many of the difficulties apparent would dissolve were new approaches adopted, providing structures supportive of different priorities and values. And, to be fair, a considerable degree of rethinking has been undertaken in recent years, to good effect. Most police agencies throughout Australasia are either thinking about or have in fact shed certain tasks such as responding to alarms, operating red light cameras, court security and prisoner transportation. For the most part, though, that rethinking has not yet encompassed privatisation of police agency functions or commercialisation of police agencies.

In fact, even under current circumstances, the assertions of police monopoly is something of a myth. Numerous non-police organisations, private as well as public, are involved in crime investigation and criminal intelligence. Others are engaged in crime prevention, executive protection, crime statistics and so on. Some government agencies already contract out protection tasks, such as surveillance, to private companies and a good deal of criminal investigation is undertaken by private sector agents on behalf of private, especially

corporate, clients. Even patrol, the nucleus of police operations, is open to competition. Community patrol represents a growth area for private interests, although more probably as supplements to police-provided patrols than replacements. Local government authority supported patrols are also a future certainty in high crime/nuisance areas.

Commercial patrols and mobile services based on careful market research possess potential and are capable of operating concurrently with government services. New York City's overtaxed police force utilises private security agencies to provide first response to selected calls for service, and some neighbourhood groups in that city collectively retain private agencies to maintain order in their streets (Alderson 1991). The greater flexibility available to private protection interests is well demonstrated by a patrol service commenced in Wellington, New Zealand, during 1991. This service patrols selected streets, cruises bus routes, checks vulnerable parked vehicles and unattended premises, and calls on baby-sitters and elderly people. Variations of such services are bounded only by the needs of clients, including both criminal and non-criminal concerns, and are not well suited to police performance.

Accountability

Protection of assets even in democratic societies, impacts on civil liberties, personal freedoms and privacy, to say nothing of personal safety. In addition, poorly implemented protective functions place assets, especially persons, at risk. Thus, accountabilities placed on protection-providing organisations, individuals and practices are important.

Most jurisdictions have legislation designed to regulate private sector protection companies and personnel in some degree (*see* Table 1). But, apart from imposing controls on licensing and registration of operatives and businesses, certain aspects of

company administration and proscribing harassment of citizens, such legislation does little to control the industry. There are three schools of thought on industry regulation among private protection practitioners. The Adam Smith school argues deregulation, caveat emptor and letting market forces rule. The Fabian school argues comprehensive regulation by governments or government instrumentalities, licensing of practitioners and companies, and product testing. The third school favours a largely deregulated commercial protection environment but with the industry disciplining itself. Opinion varies as to whether industry based regulation should have legal force and, if so, in what form. It has to be added that a large number of practitioners, especially those employed in low skill positions, are entirely unconcerned with such considerations - apart from the existence and size of licensing fees.

Few private protection operatives are sworn as special constables, the great majority possess no powers not possessed by citizens generally. Non of the industry regulation statutes confer special powers. With very few exceptions, such as the statute which underpinned the 1982 Commonwealth Games, do private security operatives exercise public authority. Even private sector passenger screening personnel at airports possess no legislated authority to direct persons to submit themselves and their baggage to scrutiny. However, legislation does permit some control, the degree of which varies between jurisdictions, as to who obtains which licenses to operate. Generally speaking, persons possessing criminal convictions are not licensed to operate in any capacity, although there are some questionable exceptions.

The common law, as it applies to taking statements, stopping and searching persons, and acting in concert with criminals in the course of covert operations and such like, is generally accepted within the private security industry. But constraints on

the exercise of authority by police officers and their application to others, both government and non-government employed, remains an undefined field (although Victorian legislation covers all operatives). Most common law precepts bearing on the exercise of coercive authority developed as a result of incidents involving police actions and so there is a considerable body of common law controlling police employee actions. The status of police officers is also defined in the common law. Courts have upheld since early in the twentieth-century the original power of constables in countries such as Scotland, England and Wales, New Zealand, Canada and Australia. If the common law powers of a constable were abolished, at least one distinction between police and other protection workers would be removed. In some what similar vein, there would be no sound reason why the general powers of arrest provided police officers are not made available to accredited and defined non-police protection workers, or for that matter, all adults. However, associated legislation might be necessary in some jurisdictions with the respect to the carrying of batons by private protection workers and the use of force generally.

A number of bodies exist to represent private protection interests, the most significant being New Zealand Security Industry Association (NZSIA) and Australian Security Industry Association Limited (ASIAL), both being employer organisations. Other bodies include the American Society For Industrial Security (ASIS), which is well represented in Australasia, Institute of Security Executives (ISE) and Security Institute of Victoria (SIV). Similar bodies represent retail security, hotel security, locksmiths, mercantile agents and private detectives in New South Wales, Western Australia, South Australia and Queensland. There is, in addition, the Security Industry Council of New South Wales which is the umbrella body for New South Wales private security interests, although not

Table 1: Private Security Legislation

Jurisdiction	Statute	License	Controlling Body
New South Wales	<i>Commercial Agents and Private Inquiry Agents Act 1963</i>	Commercial Agent Private Inquiry Agent Cognate Business	Police
	<i>Security (Protection) Industry Act 1985</i>	Installer (elec., mech.) Bodyguard Guard Watchman	Police
Victoria	<i>Private Agents Act 1966</i>	Commercial Agent Commercial Sub-Agent Guard Agent Inquiry Agent Process Server Watchman	Police Magistrate
Queensland	<i>Invasion of Privacy Act 1971</i>	Private Inquiry Agent Private Inquiry Sub-Agent Security Agent Security Sub-Agent	Registrar of Commercial Acts
	<i>Auctioneers and Agents Act 1971</i>	Mercantile Agent	
Western Australia	<i>Security Agents Act 1976</i>	Security Agent Guard Cognate Business	Police
	<i>Inquiry Agents Licensing Act 1954</i>	Inquiry Agents	Police
South Australia	<i>Commercial and Private Agents Act 1972</i>	Commercial Agent Commercial Sub-Agent Private Agent Process Server	Department of Public and Consumer Affairs
Tasmania	<i>Commercial and Inquiry Agents Act 1974</i>	Commercial Agent Commercial Sub-Agent Inquiry Agent Security Agent Security Guard Process Server	Department of Justice Magistrate
Northern Territory	<i>Commercial and Private Agents Licensing Act 1979</i>	Commercial Agent Process Server Private Bailiff Inquiry Agent	Police
New Zealand	<i>Private Investigators and Security Guards Act 1974</i>	Private Investigator Security Guard Cognate Business	Police
	<i>Summary Proceedings Act 1957</i>	Process Server	Lower Court Judge

all relevant bodies are affiliated. Some of those organisations possess standards and/or codes of ethics, but which are rarely if ever enforced and, in any case, few have clear protocols for the reception and resolution of client or public complaints in respect of members. Even if erring members were arraigned before the tribunals of the representative associations to which they belong, the most severe sanction possible would be cancellation of membership. No inhibition on further employment in the field would be involved unless there was statutory provision for police to intervene as is the case in some states.

The negligible effect of protection industry ethics is further indicated by the fact that the overwhelming majority of practitioners are not members of industry representative bodies. Larger proprietary companies have their own employee behaviour codes which are enforced with varying degrees of firmness, but the poor performance demonstrated by many small private security operators is almost legendary - an image the commercial sector finds difficult to shed. That lack of credibility limits the rate of expansion of private protection.

Protection businesses, of course, operate in accordance with market forces. If they do not satisfy their clients in sufficient numbers, they generally do not remain in business. Client satisfaction is a powerful influence on work performance, one that would revolutionise the conduct of police agencies had their members to compete for business! It keeps companies lean and highly focused, but competition also keeps margins low. The inevitable consequence of slim margins is low wages and the quality of many private sector operatives reflects that bind - a point police critics are not slow to pick up on. In addition, despite the beneficial effects of competition, some low calibre businesses manage to remain afloat, besmirching the industry's name.

Police agencies in Australasia are regulated by statute, in addition to

which, the various powers to enter premises, arrest, search, question, detain and seize evidence, and so on, are also contained in a variety of laws. In terms of behaviour control and public complaints, most police agencies throughout Australia and New Zealand are now subjected to formal external controls. Those controls are exercised by Ombudsmen, police complaint authorities and, in Queensland, the Criminal Justice Commission. All police agencies are equipped with a disciplinary code and most possess competent internal affairs investigation sections. The aggregate number of workers subjected to internal disciplinary action is substantial.

We have no clear measures of whether police officers perform more effectively or responsibly than their private sector colleagues, but it is clear police officers generally are far more closely regulated, both internally and externally. That difference is seen by some as inappropriate. All workers within a jurisdiction and operating in an environment that inter alia involves stopping, questioning, arresting, charging and/or serving process upon people, to say nothing of searching them and their dwellings, should, it is considered, be treated in similar terms with respect to their conduct. That is to say, if police employees are subject to oversighting by a complaints authority, so should their private sector equivalents, such as patrol-men, guards, 'bouncers', process servers and the like.

Present police external complaints structures could be adjusted to cater for complaints concerning the conduct of private protection operatives and companies (however defined), and other regulators as well. In fact, all persons possessing coercive authority and (potentially) exercising physical force could well be subjected to such control.

differing world views. A factor common to the two communities is that each sees its own field as discrete and unique rather than as a subset of a single, overarching protection domain. As a result, the two sets of practitioners tend to see the differences between themselves rather than the similarities. A notable exception to this broad rule is the former police officer component of the private sector, an element that widely views the industry as an adjunct to the police service. Another contributor to present tensions is the mistaken belief by police officers that they constitute an occupation. Private security workers are widely seen by police as members of a separate and inferior occupation. Thus, acceptance by the police community of common functions, roles and statuses would pose a threat to its own status.

Police affiliation is currently achieved by membership of an organisation labelled 'police'. Members of police agencies perform numerous and often unlike functions, including road safety, traffic regulation, public order control, crime prevention, criminal investigation and policing. The policing function is widely misunderstood due to the misleading and widespread practice of referring to all functions and roles exercised by police officers as policing. The policing function is certainly eclectic, and is defined here as protecting communities through resolving conflict, inhibiting nuisances, consulting, preventing crime, maintaining a deterrent presence through patrol, enforcing laws and so on. Many of those roles could be offered to communities on a commercial basis and all are capable of being contracted out to private interests. Although careful job descriptions and performance standard specifications would be necessary in such contracting, opportunities for innovative measures would surely arise, such as the creation of public safety agencies in small jurisdictions and specialist agencies in large jurisdictions. New forms of partnership between police and private protection interests might be

Uneasy Relations

Tension between police and private security communities flows from

encouraged, for example, with regard to contingency planning and crisis management following terrorist incidents, abductions, product adulterations, and so on (Fletcher 1992).

There is a clear distinction between police organisational membership and the functions police officers fulfil. For most workers their prime affiliation is their vocation, but police agency members identify primarily with their employing organisations. The distinction is strong, even retired police officers are seen as being apart - ex-cops. That attitude is in larked contrast to, say, lawyers. Lawyers identify primarily with their calling. Lawyers are also subject to their own disciplinary bodies which possess authority to deny further employment to errant members. There are academic lawyers, trial lawyers and company lawyers. There are self-employed lawyers, government employed lawyers, even military lawyers and non-practising lawyers, but there are no ex-lawyers - unless they have been disbarred. Even lower status callings which do not possess the paraphernalia of professions are known by their function, for example, carpenter, clerk, gasfitter, and so on.

There are several reasons for this phenomenon. The quasi-military structure of may early police agencies fostered such an approach. The relatively small private protection element until quite recent times meant that there were few peers outside the organisation with whom one could identify. The complex, modern police force is a recent creation. Almost all police officers spend part of their careers policing, usually their earliest years of service. Rotation of members through several different functions in the course of a working life, such as policing, traffic regulation and criminal investigation, has the effect of reducing members' identification with particular functions, thereby heightening their organisational affiliation.

Recent campaigns to professionalise police, that is, to raise the occupational status of police, fail

to realise that there is no police occupation. There is certainly a policing function which possesses clear potential for occupational development but probably fewer than one half of police officers, that is, sworn police agency members, are engaged in policing at any one time. Other functions performed by police officers which possess occupational potential are criminal investigation and traffic control. None of those protection functions are necessarily peculiar to police agency employment or implementation. There are many non-police traffic control agencies around the world, just as there are numerous non-police criminal investigation bodies. Neither are those functions tied to public sector employment. An understanding of such basic facts is fundamental to the development of the protection domain, as well as the functional specialties operating within it. Functions are limited neither to particular organisations nor to specific employment sectors. They are implemented by fellow practitioners in all sorts of organisations, public and private, as well as pursued by both employed and self-employed workers. It follows from those predicates that neither police agencies nor the so-called private security industry provide bases for an occupation, but that they are linked by a large number of common functions, including detection, investigation, intelligence analysis, pollution control, rescue, traffic control, parking control, public order control, hostage negotiation, surveillance, interrogation, protective security, crime prevention and the like.

Those various functions operate across organisational boundaries, such as customs, tax, immigration, telecommunications, police, securities commissions, armed services, serious fraud investigation agencies, insurance companies, banks, stores, proprietary security companies, safe and alarm installers, and so on, regardless of whether they are publicly or privately funded. Protection is the concept which best links the various functions within a

common domain, and there is in fact a common educational field emerging. Parallels in other spheres of endeavour, by way of example, include medicine, engineering, military science, and education

Conclusion

Police and private protection communities lead largely separate existences and a degree of tension exists between them, more so from the former toward the latter. The police are concerned with the gradual growth of private activity into what they believe to be a police preserve. That antagonism is compounded by the fact that police practitioners tend to see private security operatives generally as possessing low status and lacking moral authority. The majority of practitioners in both communities currently see themselves as being more functionally distinct than alike.

Perceived differences between police and private protection communities are misleading because, in fact, they are more functionally alike than unlike, organisational and other cultures notwithstanding. The appearance of distinctiveness stems for differing emphases rather than differences of function. Private security and police, along with others, of the protection domain; a preserve dedicated to controlling criminal and other threats to all the things we value. The fact that police are primarily offender oriented in the pursuit of protection, and private security is mostly asset focused in the pursuit of protection does not alter that reality.

The presently prevailing concept to police agencies is, to say the least, limiting. Agencies will, as understanding of protection options grow, probably be supplemented by multi-faction local public security agencies and larger single function agencies. Such bodies might by public, private or mixed and operated by commonly qualified and accredited practitioners. More than that, we can expect a far greater degree of commercial competition in the

provision of protection services. In those functions which do not lend themselves well to choice of service provider, present trends toward cost-effective performance suggest that contracting out of specific protection services will be attempted.

The principal key to changed attitudes among the two communities will be, through education, the gradual realisation among police officers of the functional basis of occupation, rather than organisational affiliation.

Changing orientations, based on an appreciation of the fundamental nature of protection - the protection of selected assets from threats, and the operational shifts that accompany them over time - hold implications for associated issues. For example, qualified and accredited private sector operatives might not only be equipped with the same coercive powers as members of police agencies but also be subjected to the same conduct controls.

A common educational field, known as protection (or similar label), is in the process of emerging and while there will be closely targeted diploma and certificate courses, such as tactical intelligence, management, protective security management, investigation methods and the like, undergraduate degree structures will inevitably reflect over time the entire protection domain. Students opting to study protection will naturally select those majors best suited for their intended career paths. Such future career paths might well cross a number of what are currently considered fixed employment fields.

Associated with the growth of protection education will be development of accreditation, at least within those jurisdictions deciding to develop accreditation processes. Due to the range of technical competencies involved in protection and the different levels at which responsibility is exercised, accreditation will need to cater for graduates and non-graduates, perhaps with tiered systems as favoured by other professional bodies.

Intriguing implications also exist for industrial coverage and union structures as present arrangements

lose their relevance and/or appeal, or as power is won and lost. The present drive to union amalgamations might well see police unionists swamped within a larger grouping of protection related unionists, with the likely result that police industrial interests will lose control of their memberships to bigger operators.

Appreciation of the commonalities existing between police and private protection communities, and the occupational, organisational, educational, operational and industrial implications which flow from acceptance of the protection concept, will combine to shape the protection enterprise in new, primarily function based forms as it enters the twenty-first century. No polity, organisation, occupation nor, even ideology, will enter the next millennium with any hope of continued existence, let alone success, if it carries within it a twentieth-century baggage train of antiquated attitudes, obsolete practices, irrelevant structures and conceptual confusion. Neither can it hope to survive in any recognisable form without a fierce and deep seated commitment to success among its practitioners. The notion of protection offers (over time) a conceptual and structural basis for a fresh, rational and relevant approach to safeguarding those things in life that we value.

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