

POLICING AND PRIVATE SECURITY

Edited by
A.S. Rees



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FOREWORD

A.S. Rees

Enshrined in the language of referral to private security there exists the statement that the growth of private security represents nothing less than a quiet revolution in policing. (1)

This now internationally accepted description of the phenomenal growth of private security is exactly true for Australia where in the past decade the private security industry has grown amazingly fast. It is this very rate of growth across a continent as large as Australia which has so far defied attempts at measuring it. Additionally the past 15 years has seen a period of erratic economic activity, of boom and bust. In these circumstances it has been very hard to determine the numbers of companies and people involved, when and why they entered the industry and, in certain cases, why they left. The impact of technology on the private security industry is another factor which has relatively recently altered the face of the industry and made the activities of the participants hard to define.

The newspapers of every major Australian city reflect the growth of this industry both in regular advertisements and stories of private security activities, some not complimentary. Occasionally senior police officers have been quoted in these stories voicing disquiet about these activities.

It was the lack of data in respect of the real position of private security which was the major factor in the Australian Institute of Criminology's decision to conduct this seminar. Naturally the most important thought spearheading this decision, given the Institute's *raison d'etre*, which includes a vital concern with policing, was the need to carefully consider the relationship between the police and the private security community.

It would be enough normally to say that these aims were the reason for bringing together such a distinguished group of representatives from the private security industry, police, public service and academia, but fortunately, visiting Australia at the time of the seminar were two internationally respected experts in the field of private security research, Professor C.D. Shearing and Phillip C. Stenning of Canada.

The impact of their work has been considerable and their attendance at the seminar gave the participants the opportunity to accelerate their comprehension of the factors behind many of the aspects discussed. The advantages gained in terms of comparison and in specific subject areas such as the motivations behind relationships

between police and private security and relationship of private security to the law and property were without doubt largely attributable to their attendance.

The gained ability to cut through potentially irrelevant matters thus quickly led the seminar to central issues such as those described above. Vital matters such as relationships between police and private security were joined by essential areas of consideration such as control and regulation of the private security industry.

Reading the summary of the discussion groups it is easy to note that these subjects were considered in some depth and associated issues such as the rights of the individual, the consumer and society at large were kept to the forefront of consideration.

Other matters arose which are having heavy philosophic and social impact on the community, such as an apparent (diminution) of the role of the police due to economic factors as opposed to growth of private security. These matters were considered as well as possible in a limited time frame but were sadly not given the attention they should. It was not the function of the seminar to follow such matters further, but now raised, it is felt that they should be pursued in another forum. Perhaps some of the other suggestions for continuing a review of the subject of private security could include these vital matters.

The list of subjects for further research and other attention resultant from this seminar were considerable but to maintain a sense of reality this crucial aspect was refined to the short list of realistic options under 'Summary of Groups' Major Conclusions and Recommendations'.

The Australian Institute of Criminology can now analyse the results of the seminar carefully, circulate this document widely, receive further input, and decide its best method of further involvement with the private security industry and the police regarding the prosecution of the recommended actions. It can also liaise with appropriate government departments and authorities and other interested bodies in attempting to achieve its aims and can establish a program of research and further inquiry into the private security industry.

The seminar on policing and private security appears to have exceeded the expected results greatly and has provided opportunities for considerable new attention to be given to a number of aspects of private security in Australia.

These proceedings are a poor reflection of the feeling of honest cooperation and critical self-examination which pervaded the seminar and so many important nuances and private discussions cannot be included. Nevertheless it is an important beginning.

(1) Clifford D. Shearing and Phillip C. Stenning, 'Modern Private Security: Its Growth and Implications'. *Crime and Justice: An Annual Review of Research*, 3, 1981, 193.

THE COMING OF AGE OF PRIVATE SECURITY

W. Clifford

The policeman can regard himself as an enforcer of the criminal law or as a keeper of the peace. As a keeper of the peace he will use more discretion, depend more on the community and have less resource to the courts as a solution to his problems. The private security agent has no direct commitment either to law enforcement or public order. He does what he is paid to do, he guards what he is paid to guard, he uses dogs or electronic devices to detect intruders without getting involved in the rights or wrongs of his profession. People get the security they are able to pay for and (in theory at least) a criminal able to pay for someone to keep his loot secure would get the same service from the security agency as a businessman hiring a bodyguard.

This is true - to a point. Private security is a business and like any other business it does not question the motives or the morals of its customers. It supplies a demand and it has a price which is determined by risk and by the market forces. In these early days this makes the business of private security extremely vulnerable. It can be penetrated by the mercenary and unworthy. People with criminal records can get into the business and guards carrying guns may not have the necessary training to use them. In some States a licence for a hand gun can be obtained without having to show that one knows how to use it: and rifles may not be licensed at all. With more private security agents than official police now employed in Australia and large numbers only working part-time, the temptation to make money by going through the routine rather than providing the vigilant service for which the contract was made is very great. Even the promotion of security devices can be legally precarious if the levels of security claimed in the advertising falls below the actual performance. The Trade Practices Act cannot be overlooked in this connection. As far as I know there have been no studies of the misuse of private security information in the commission of crime but the opportunities for house-breakers to work as part-time security agents in order to gather such information are very great - and one can well imagine the consequences of a liaison developing between private security personnel and professional criminals.

So, like any other business, private security has the obligation to be socially responsible. The age of profit for profit's sake has gone and large industrial enterprises regulate themselves on things like misrepresentation, fraud, pollution or the marketing of dangerous products. Where they do not, the governments will often do it for them. The best working relationship occurs where there is an appropriate mixture of private and public regulation to ensure the protection of the

public and a minimal use of the law to ensure compliance. This is what happens with work safety standards, food quality standards and advertising.

However each industry has its problems of scale. Large firms with markets practically guaranteed find little difficulty in carrying the costs of self-regulation, quality control and the necessary auditing of functions. Small enterprises or new entrants to the market are usually operating on the margins where it may be thought necessary to cut corners, take risks or use sharp practices. Again large undertakings may be constrained by the various organisations of their labour to pay at least minimum rates and ensure suitable training and conditions of service. At the margin where the struggle to survive is keenest the temptation to operate below standard will be very real. Moreover in an industry still as privately and publicly unregulated as the security industry the 'fly by night' companies may come and go, making whatever they can as fast as they can and discrediting the reputable firms on the way.

The situation is not new and is fully appreciated by some of the professional security associations. The professional image has to be developed, standards have to be set and the quality of service controlled - first by the industry but ultimately by a statute which will benefit the genuine firms as much as it will dismay the questionable ones. Unfortunately too many professional security personnel have divided loyalties. They regard themselves as in security as a profession but because the demarcation lines are still not properly drawn they also belong to the management organisations or administrative bodies which serve the other employees of the large corporations or departments for whom they provide security. Maybe promotion lies within the protected company rather than in a higher security post elsewhere.

So they have to keep a foot in both camps (or maybe more than two) and they will continue to do this as long as the security industry remains largely undefined and itself rather insecure for young people seeking a career. Recruits to security services are often ex-policemen or ex-military personnel who are looking for a secure future for themselves: but the ladder to the top is not as clear as in the jobs they left. A security man's life can be lonely in a large firm where his department is small (perhaps a one-man organisation) or where he may be regarded with suspicion by employees and given less respect by the management than if he were an ordinary servant of the company. (Nor is the position eased by the official attitudes to private security). Policemen generally do not have a high opinion of their less well-trained private colleagues and may be rather patronising to the security industry until they begin to think of retirement and go looking for new fields to conquer. With the advent of hijacking and terrorism the situation has become worse because there is now a demand for 'elite' units able to counter the threat of kidnapping, extortion and assassination. A number of glamour security firms with international connections have obtained lucrative contracts for the services of highly-trained operators who would feel insulted to be associated with private security in the usual sense of the term.

Therefore, for those who would like to see the private security industry properly established, with recognised standards, levels of training and forms of registration which would not only win more public and official acceptance but would also generate more confidence, there are serious problems. At the lower margins are the risks of the get-rich-quick enterprises which could wreck the industry if they become too numerous: at the upper levels are the new slick undercover units which prefer to be a law to themselves in their war against terrorism and organised crime.

All these things have happened very fast. Only five years ago the scene was less confused than it is today. Perhaps, to give the public the benefits of an established private security industry without the risks which are now growing, the industry itself should seek official negotiations for statutory recognition and levels of qualification which need to be considered now if they are going to apply in the next decade. The alternative is not difficult to envisage: it must mean the extension of official services to regulate the abuses by reducing the scope for private initiative.

THE PRIVATE SECURITY INDUSTRY

J.F. Ashby

In our discussion on the subject of Policing and the Private Security Industry, I have been asked to talk to you on the private industry and help to give you a better idea of just what comprises this industry, its capabilities, its potential, its problems and the role that it plays in policing in a modern society.

In using those words 'policing in a modern society', I realise that some feeling can be engendered that the private industry sees itself in a police role. This is not true.

There is no doubt that there is in our society today, more than ever before, a growing movement away from law and order. At times there is what appears to be a condonation of mass disobedience of the law. In this company I do not have to talk in detail of the escalation in the incidence of crime of every kind. Also we are all well aware of the fact that the newer element of drug trafficking, with its horrific consequences, is rife and in some ways is undermining our very way of life which is dependent on the concepts of law and order. The need of supporting these concepts has never been greater.

In this environment the role of the police becomes more complex and difficult and unfortunately less understandable and acceptable to many members of our society. The expansion of the police role into the control of traffic and the control of the private vehicle and its driver and his habits has brought with it a greater degree of resentment towards the police.

This is evident here in Australia, but, as an example of what happens elsewhere, the existing government in the U.K., instead of taking credit for its election promise to restore law and order, finds itself presiding over a profound debate about the police. It is commonly accepted in that country that public confidence 'in the best Police Force in the world' has already begun to crumble. This situation appears critical - let us hope we in Australia do not reach this same critical point.

All this gives weight to the fact that in the interests of our society there is a very urgent need to strengthen the relationship of citizens with their police. For this to be achieved a dramatic change in community attitude is essential. There must be a marked improvement in communication, liaison and cooperation with the police at all levels of society.

Again all this is only background to my subject, but it does highlight the fact that the Private Security Industry is a part of our society. By nature its role appears something akin to the Public Police Sector. By nature it has a responsibility to support the Public Police and in my opinion set an example in the areas of communication, understanding, liaison and cooperation.

The growth in the Private Industry Sector has brought with it similar problems, but of far less degree, than now confronts our police. The community often seems to have difficulty in recognising the essentially private nature of the Industry.

This is not helped by the fact that often someone or some section of the media gives emphasis to the growth of the Industry and does so with a vague background inference that with this growth there is developing some kind of sinister body of people that in a never clearly defined future will become either all powerful or at least powerful enough to exert an undemocratic and unwanted political influence and convert our way of life to something akin to that experienced under Hitler or some other dictatorial leader.

To those of us who have spent many years working in the Industry this line of thinking is at once absurd, but it does still cause concern among people at all levels throughout the Industry.

Just what is the security industry?

In the main it is nothing more than a number of reputable businesses providing various kinds of services to meet the needs of other businesses and organisations.

These services have a common denominator in so much as they are all based on the concept of providing added security to property of all kinds from premises to any items of value that are attractive to others.

This then opens up a whole market for a range of services such as: safes, a multitude of alarms systems designed to guard against fire, burglary, theft, damage, vandalism and what have you; physical guarding either by static guards or by patrolling; cash protection of all kinds including cash-in-transit by means of armoured cars and escort services; the provision of locking systems and keys; specialised fencing, specialised lighting systems, people protection and control systems, specialised searching equipment - one could go on and on here as each day brings a new need as our world becomes more complex and the escalation in crime in all areas becomes evident world-wide.

In fact none of this concept is new - many hundreds of years ago there was a need to protect property - armed guards and escorts are common in early history - so too was the watchman, the fire fighter and the policeman - none of this has changed - the requirement has always been there.

All that has changed is our way of life and with this change have come far greater requirements and a greater range of more sophisticated protective systems and devices.

Businessmen long ago recognised that this demand presented opportunities and so they established organisations to provide services to meet these obvious needs.

One vital factor was recognised even in those early establishment days and that was that governments alone had the right to have and control police forces to perform a lawful and most necessary role. Business opportunities existed only in roles or areas that could not or would not ever be provided by the Public Police for a variety of reasons.

Today these factors are still recognised and reputable security companies perform these roles or operations in the areas outside that of the police function.

Our modern densely populated cities, the mobility provided by planes and cars, the common mass migration of people, all the facets of life today have, world wide, made problems in policing and it is common in most democratic countries to find that police forces are of inadequate numerical strength, have inadequate facilities and funds to allow them to fulfil their role of law enforcement and crime prevention. Affluence in our society has not helped in this situation.

A further point about the police role is that in view of these inadequacies it would be impossible for the Government bodies to provide all the services that are offered by private industry. If all these services were provided by the police or a government agency there would undoubtedly be far greater costs and these would have to be met by the whole community and not only by the willing user.

And so there is a broadening and rapid development and expansion of the Security Industry to 'take up the slack' in the fringe areas of protection and crime prevention.

Today in Australia the industry follows a pattern common in many countries - there are a number of major companies specialising in certain aspects of security - familiar names and products will spring to mind, such as, Chubb and their safes, Wormalds and their fire and property protection services, Mayne Nickless and their Armoured Cars, Metropolitan Security Services and their guards and patrolmen. All told these companies in total employ some 16,000 people, and all of them operate a nation-wide service organisation.

There are many companies of lesser size providing similar services and also a healthy degree of competition within the industry. Then, and particularly in the nightwatch area, there are hundreds of smaller businesses - in Victoria alone some 74 concerns offer night-watch or patrol services - this is explained in the main by the fact that little or no capital is required to establish a small local business of this nature, many of which are small family involvement arrangements.

If we deduct the number of people involved in the fire fighting equipment area - that is the installation during construction and later servicing of sprinkler systems, etc., the remainder can be divided into fairly well recognised segments.

In the physical guarding and patrolling area some 12,000 people are accounted for.

In the alarm system area it would be a problem to be accurate but there could be at least 3,000 employed therein.

In the armoured car field some 3,700 people are employed.

In the remaining areas of safe manufacture, locksmiths, etc., there would be at least a further 3,000 people engaged.

So in total it is possible some 21,700 people are employed.

The cash sales or gross revenue generated by the industry is more difficult to estimate, but a total figure would be as high as \$300 million per annum.

In the armoured car field all car crew carry firearms, and in the night patrol and guard areas a big percentage of the employees are or can be armed.

Let it be clearly stated here that while the security industry uses and relies on some weapons, it is not anxious to increase either its utilisation or reliance on weapons. In fact leaders in the industry are increasingly seeking alternatives to firearms as a means of defending the community's assets.

The right to carry arms is not lightly earned or given.

In each State there is a rigid control on licensing to carry firearms, and in fact, in all States, a licence to work as a guard, a night patrol officer or an armoured car crew member means an application to the Court by the individual wishing to be employed, a stay of 28 days while a police check is made re background etc., and finally an appearance before a magistrate before a licence is granted - after all this, plus an in-depth check by the intending employer as to past job history, character and health references, etc., the person is accepted in the industry for training prior to his allocation to duty.

Some years back the industry did not enjoy the reputation that it has today.

Growth has brought with it standards of ethical behaviour and a need for a high standard of service.

The major companies involved recognised this some years ago and formed the Australian Security Industry Association Ltd. - an association incorporated in New South Wales, whose objective was to improve the ethics and standards of the industry, and to provide it with a

voice that could be influential not only in the industry but with which to liaise with government, industry and the general public. The Association also has the objective of upgrading the status of the people working within it and is about to establish diploma courses for those wishing to ensure their future as members of the industry.

The Association has done much to achieve its objectives.

Also now in most states there have been formed State Security Institutes. The Victorian Institute has a membership in excess of 140 including representatives of business organisations, statutory bodies, individuals, and some senior police. The New South Wales Institute is of similar size and representation. The South Australian Institute is exceptionally well run and active, though it is naturally smaller in membership numbers.

All of this has improved the status of the industry and the standards of service that it provides.

In the last year or two the industry like most others has had new restrictions placed upon it which again assist in an upgrading of ethics and standards.

If there is one area that is more likely than any other to meet with criticism it is the night patrol operations.

However, if one bears in mind that throughout Australia some 100,000 patrol calls and inspections are made each night, then we must accept that some problems will arise. In fact over a period of many years, incidents that could cause public concern have been very few and this section of the industry can be proud of its record.

The armoured car section of the industry will always feature by reason of the very nature of its operations. This is in the public mind a glamour area and one that is attractive to thieves by reason of the commodity it handles.

In this area there will always be a risk of the use of firearms - the thieves use their guns indiscriminately and always have on their side the element of surprise - no doubt the time will come when the decent fellow doing his job as a crew member uses his gun and kills a felon and then there will be a great hue and cry.

In our society today there is a tendency to over-protect the criminal - when that word is used it is meant in this context to describe the hard-nosed exponent of violent crime such as armed robbery. Misguided do-gooders, social workers, and academics loudly protest at bail provisions, harshness of sentences, gaol conditions, etc. The legal fraternity at times seems to bend over backwards to see that gunmen and would-be killers are given 'Powder Puff Penalties' and often this is done with a complete lack of thought as to later consequences with the people concerned and no regard to any example being set to others who may be thinking of perpetrating crimes of violence.

It is realised that there is a great deal of room for improvement in all the areas of social welfare, prison conditions, rehabilitation and general welfare of the minor offender and the security industry is willing to play its part in any way that it can to effect such improvement, but it will always emphasise the fact that there is a real need for a conscious division between the people who plan and commit violent crimes and the other minor areas of non-acceptable and punishable social behaviour.

The major companies have a policy that they do not offer services that can lead to unwanted involvement in political or industrial disputes and industrial espionage, and divorce investigations are also areas of non-involvement.

The industry fully realises its responsibilities. It is very conscious that future growth will add to these responsibilities, that it must maintain respectability in the eyes of the community, and that it is not and never can be a private police force nor a private army and that the future will demand higher standards of both ethical behaviour and service.

The industry in Australia is groomed and geared to meet the challenge of the future, and is more than willing to play its part alongside the public police forces in ensuring the peace of mind of our society.

DISCUSSION OF PAPER

The discussion which followed Mr Ashby's paper was shortened due to time contingencies; however, the variety of subjects he raised impacted in an interesting way.

A policeman asked if there had been any diminution in cooperation between police and private security in latter years. Mr Ashby responded by strongly insisting that in fact the cooperation between the two areas was stronger than ever.

A senior industry executive questioned the numbers of employees Mr Ashby said were employed in the industry and this created the climate for a discussion involving a number of participants. Another senior industry executive suggested that there could be as many as 50,000 employees in the industry in Australia.

The matter of the carriage of weapons by private security personnel was raised by an academic who suggested that the proliferation of weapons needed to be controlled and observed. Mr Ashby replied, describing the extensive system of checks and controls now employed and the dangers of not carrying weapons. He indicated that few 'incidents' involving armed personnel had arisen.

At this point the Chairman closed the session.

THE PROBLEMS OF RESEARCH INTO PRIVATE SECURITY IN AUSTRALIA

A.S. Rees

I have been asked to talk about the problems of research into private security in Australia because for the past 12 months I have been working on a book on the subject, financed by a grant from this Institute.

I can relate only my own experience and I must stress that I am unaware of the problems faced by other researchers in this field in Australia.

By necessity I must make my comments brief and I certainly will be able to touch only lightly upon certain important points and unfortunately leave many others untouched.

It has been said overseas that private security has developed so rapidly and unobtrusively that it represents nothing less than a quiet revolution in policing. This is probably so here, although the growth rate is not as dramatic according to the statistics I have accumulated.

We are all aware of the obvious manifestations of private security at occasions such as sports games and music concerts, where private security guards can be seen on duty.

Recently in Melbourne, I purchased a Persian rug at a carpet store sale, and on leaving the building was screened by a private security guard who had obviously been hired by the store to ensure that only paid-for goods left the building.

This function probably was never the role of the public police, but some of the others might have been and it could possibly indicate an example of intrusion into our privacy.

The right of the security guard to demand that a private citizen open a bag, unfurl a carpet, queue in line, proceed in a certain way through a certain portal, is a matter for research and discussion in its own right, and although I cannot pursue it now I hope Dr Shearing will later.

When this seminar was first mooted the term 'private police' was mentioned as a possible term to describe 'private security'. It seems a good thing that 'private police' as a term was not accepted, for in Australia the term is sometimes used by those who are concerned to awaken the public to a potential threat to freedom and privacy. In Australia the private security industry, as far as I am aware, does not use the term 'private police' and I think that is wise because in the first analysis private security personnel generally appear to have

no more power than you or I, the ordinary citizen.

The powers some private security personnel perceive themselves to have could be another matter, and this has been a major matter of concern for me in my research and could lead into a discussion about the whole ethos of private security. The uniforms, the training, the carrying of weapons all assist to create the impression of authority which is seen by some in the private security industry as essential while downplayed by others.

While I indicated earlier that private security personnel have in the first analysis no greater powers than the ordinary citizen, I think that the application of those citizens' rights could be a little different in some circumstances. This matter of the authority and power of private security personnel provides interesting food for thought and bears relation to the laws regarding property. This aspect could take us into an area of discussion which Dr Shearing may, I hope, cover later.

I should now like to describe some of the problems I have encountered in researching private security in Australia.

In this country there is very little published about the history of private security apart from some in-house histories of the larger private security companies, and it is frustrating to read overseas histories of the development of private security and not be able to compare them with the Australian history.

There are opportunities to gain oral history from people like Jack Ashby, and I for one intend to tap that source.

The terms of reference of my own research are as follows:

The aim of the proposed research is to examine the private security sector, including guarding companies, watching companies, cash carrying companies, consultants, equipment manufacturers etc., and examine the history of private security in Australia; to identify the breadth of the industry in Australia currently, then to identify accurately what is modern private security, consider the role of private security in crime prevention and also its role in areas where special problems exist (for example, airports, educational institutions, hotels).

The objectives are to assess the data gained with a view to ascertaining how effective the private security contribution is in the prevention of crime against property and individuals, to assess how much coordination exists between private and public policing areas, to examine the effectiveness of resources and equipment used, and finally to suggest methods of increasing the crime prevention benefits of the private security sector both to its clients and to the public.

The task has been daunting and in fact as there was so little general work published on private security in Australia I might have had greater difficulties had it not been for important documents already published on private security in the United States, United Kingdom and Canada.

The overseas works document the rapid growth of private security in the concerned countries and amongst many other things generally argued that the numbers of private security personnel would exceed or soon exceed the number of public policemen. Further, some of these works indicated that private security personnel influence the lives of many citizens in one way or another, and they raised questions about the adequacy of legal and administrative controls on the security industry. Those themes have been central to my research and on those issues it should be very valuable to make comparisons with Australia.

The first problem I encountered was in planning the strategy of my research and more importantly defining the industry I was looking at.

You will recall that the aims and objectives were wide and included virtually all the elements of the private security industry. There are, of course, the alarms and guards companies, the cash carriers, consultants, and couriers, but in addition there are the 'in-house' private security operations (such as security guards at any very large firm you can name). And of course there are the suppliers of security equipment.

The terrible lack of empirical information about private security in Australia magnified the problems I encountered and I was forced to enter unknown territory, as it were. After establishing that the private security industry has many segments, the whole being too large for me to approach in a meaningful way, I decided to limit my research to essentially what is known overseas as the 'contract security' industry. This part of the industry is that which sells services such as guards and alarms to clients, be they private or Government.

I excluded the 'in-house' elements of the industry and, while very interested in them, have also largely excluded reference to suppliers and manufacturers.

While I had chosen to research 'contract security' in Australia I should not give the impression that these firms are limited to only the provision of guards and alarms services. Certainly not! There are services for the carrying of enormous amounts of cash (armoured transport), identification systems, and private investigators, amongst others.

The common element shared by all these differing types of services is the nature of their function - that is, protection or prevention of loss. That point is a fundamental one when examining the relationship between public police and private security.

I should like to discuss the matter of relationships between public police and private security further, but as my aim here today is not to discuss the results of my research but rather the problems, I can only hope it emerges as a subject later.

To conduct my research in the fairest way possible to survey the widest spectrum of the industry, I decided to create two levels of questionnaire and to obtain enough information to construct a statistical base. One form was designed to obtain data from employees of private security firms, the other to obtain data from firms' management.

I was guided in the construction of these questionnaires by Dr Shearing's and Phillip Stenning's work on contract security in Ontario and while torn between obtaining fairly extensive data, or limited data, I eventually chose the former.

The simple reason for my concern was that I did not know if the lower levels of security firms' employees could cope with a lengthy, probing questionnaire. Oddly, I need not have been concerned as I found that those who did complete the questionnaires did so conscientiously. I believe that those who did not, would have had the same attitude even if a limited questionnaire had been provided.

In all, I sent 1,148 letters to private security firms all over Australia. The envelopes contained one questionnaire for management and two employee survey questionnaires. That is, I sent 1,148 individual management survey forms to that many firms and 2,296 individual employee survey forms. In each envelope sent to a firm I enclosed a comprehensive memo explaining my aims and objectives, the need for questionnaires and the availability of further employee questionnaires on request. Over the past nine months, I have received a 13 per cent response from the firms contacted, with requests to send another 37 questionnaires to various firms. The individual responses of employees varied but over all about 11 per cent of the questionnaires were completed and returned. They are still coming in, slowly. I wrote to some security industry organisations and received no response. I wrote to the Federal Police and all State police forces and received a gratifying response.

I did not approach the largest Australian private security firms until some two months ago, as I had anticipated a poor response from the smaller firms but felt a special approach to the bigger firms in the light of that response would assist my chances with them. One of the two largest firms has promised the blanket coverage of its employees using the survey questionnaire. This should place my response figures in a better light. At this point in time the response of the other large firms is not as clear.

The business of following up leads and interviewing correspondents goes on seemingly endlessly and I separate the hearsay from possible fact nearly every day.

Those, then, were some of the problems of research into private security in Australia.

I have been very fortunate to have been released from my permanent duties with the Commonwealth for a 12 month secondment with a private security firm. This time spent 'within', as it were, is proving to be invaluable in terms of obtaining research material and I am able to interview a greater number of people in the private security industry from a vastly different vantage point. The problem now lies in analysing the results of the research. Nevertheless, being in the happy position of a researcher as the recipient of a considerable amount of raw data could place me in a position to come to initial conclusions.

I intend to resist the temptation to make public these conclusions until I have completely analysed the data. However, I should like to make some general observations. I am not at all sure that in considering the adequacy of legal administrative controls of the private security industry it is entirely wise to have the thought of government regulations and acts foremost in one's mind as a panacea. I say this because I am not convinced that anywhere in Australia such regulations are totally satisfactory, nor am I convinced that overseas models provide any real cause for optimism in that regard. Governments seem to be excellent at providing in principle but not in practice in regard to the private security industry.

Presently most of the existing security industry representative organisations seem neither representative nor as effective as they might. They may have the potential for development and might be the right channels for industry monitoring in the right circumstances.

Earlier in this paper I touched upon a number of issues which are, I think, worthy of further examination in relation to private security. Some of these - the growth of the industry, powers of private security personnel, civil liberties - are vitally important in any such examination and should be considered carefully.

I believe that this seminar may reveal the need for greater investigative research into private security and the need to examine more closely its nature, extent, powers and control in Australia. I hope that the Institute of Criminology will then establish a policy for a long-term research program into private security which will concentrate on elements of the industry in specific locations raising questions in regard to the functions and significance of private security in this country.

DISCUSSION OF PAPER

Once again this session was cut short by time limitations and issues raised could be only lightly touched upon. The nature of discussion during this session related to the paucity of Australian data available.

A senior public servant suggested that the questionnaire response was about average for survey responses and asked if it was intended to 'follow-up' any of the non-replying canvassed firms.

Mr Rees responded affirmatively adding that he anticipated a gain of up to a real 20 per cent response in this way, particularly with the promised assistance of a particular large private security company.

A policeman asked what the real alternatives to government monitoring of the private security industry were. Mr Rees said that the current system was not adequate either in the government sense or in the private 'self-monitoring' sense, and he suggested that a realistic 'beefing-up' of either or both systems may be the answer.

At this point the Chairman closed the session.

PRIVATE SECURITY AND ITS IMPLICATIONS: A NORTH AMERICAN PERSPECTIVE

Clifford D. Shearing and Philip C. Stenning

INTRODUCTION

It is a pleasure for us to be here today and to be able to share with you our thoughts and findings⁽¹⁾ on private security.

What we would like to do is to spend this afternoon describing this phenomenon and then go on tomorrow to consider its implications for policy. Before we begin though, we must stress that we are newcomers to Australia who have been in the country for about a fortnight and who know very little indeed about private security in this country. We will, as a result, limit ourselves to a consideration of the North American - and in particular the Canadian situation - and rely on your comments to help us to relate our experience to the Australian situation.

Our research on private security has involved us in a series of surprises which has forced us to reconsider many of the preconceived notions which we entertained about private security. What we would like to do is to share with you some of these surprises and the manner in which our response to them has shaped our thinking about private security.

SIZE AND GROWTH

The first surprise we faced came about when we began to examine the growth and size of private security. In looking at this issue our attention was first directed to manned private security, that is, to security occupations. Here we identified two major types of security forces: in-house security and contract security. We discovered that in Canada by 1975 these two categories of security together slightly outnumbered the public police. When we compared our figures with those of researchers in Britain and the United States, we found that much the same situation existed there.

In exploring this issue further, we discovered that over the past two decades in Canada there had been a phenomenal growth in the size of private security and that this growth had not only outstripped the population growth rate but had also outstripped the growth of the public police at a time when they themselves were experiencing remarkable growth. This increase was, we found, particularly marked for contract security forces which, between 1967 and 1975 in the province of Ontario, grew at twice the rate of the public police and three times the rate of the population.

As we studied manned private security, however, we soon began to realise that there was much more to private security than this. In addition to this manned component, there was a huge and burgeoning industry manufacturing and maintaining security equipment with the greatest area of growth being in the area of electronic surveillance. While we do not as yet have data on this industry, our impression is that it has grown and continues to grow at least as quickly as manned private security.

When we consider manned private security together with security equipment (much of which is designed to replace and/or augment manned security) it soon becomes apparent that we are most certainly in the midst of massive changes in the nature of our policing and security structure. Specifically, it becomes apparent that:

- (i) the amount of formal policing has dramatically increased - the policing pie is getting a lot bigger - and
- (ii) with the growth of private security there has been a shift in the location of policing from the public to the private sector in the sense that, while governments may hitherto have exercised a virtual monopoly over policing, this is no longer the case - the slice of the policing pie controlled by governments is getting much smaller relative to the total amount of policing that is taking place.

What both these implications indicate is that private security is precipitating a revolution in policing as significant as the developments in the earlier nineteenth century that saw the establishment of the modern public police.

At this point, a brief aside on terminology is in order. You will note that while we have used the term 'private security' to refer to the phenomenon we are addressing, we have used the term 'policing' as a verb form to refer to the security functions that both they and the public police perform. Some generic term is required to refer to these functions and this seems the most appropriate. The use of this term is not, however, meant to suggest that the public police are not, in many ways, very different from private security.

Now let us return to our argument. While the development of private security constitutes a revolution in policing as far-reaching as the early period of police reform, it differs from it in at least two important respects. First, while the nineteenth century revolution shifted the organisational locus of policing from private to public initiatives, the development of modern private security is reversing the direction of this shift. This reversal throws new light on the development of the public police. While traditional histories of policing frequently suggest that the public police represent the final point in a gradual uni-directional movement from private to public initiatives in policing, the development of modern private security suggests that public policing, as we know it, may prove, in retrospect, to be a relatively unusual historical episode. In other words, it may well be that private rather than public initiatives are the norm and

that public policing may prove to be a transitional development between two different private modes of police organisation - a historical hiccough, so to speak.

The second difference between the two revolutions in policing is that while the eighteenth and nineteenth century developments culminating in the emergence of the modern public police were the subject of an enormous amount of public debate and discussion, such discussion and debate have been notably absent in the modern shift to private security. Indeed, in drawing attention to this we have elsewhere referred to this contemporary shift as a 'quiet revolution'. This critical difference arises from the fact that the development of the public police required enabling legislation while the development of private security has not, as the emergence of modern private security legally involves no more than the activation of the ancient right of self-help.

THE NATURE OF THE PHENOMENON

As we have already indicated, as we studied the growth of private security we began to change our views about just what the phenomenon of private security comprised. We began, as we have already noted, with the view that private security, like the public police, should be conceived of as a specialised set of occupations. As we thought more about it we began to realise that one could not consider private security without including security equipment which is often used to perform functions that, say, a security guard might perform.

As our knowledge of private security grew, however, we began to regard even this broader definition as too narrow. Let me refer to an example which will illustrate why we found it necessary to expand our view of private security even further.

In the course of our research, we approached a large retail nationwide clothing-chain in Canada to discuss their security organisation. They informed us that security was indeed of great concern to them as they operated in a highly competitive market with very narrow profit margins which meant that an effective security program which would allow them to reduce losses was a critical element in their being able to reduce prices to a point where they could effectively compete. As a result of this concern, they indicated that they were prepared to devote considerable resources to their security program. Given this background, you can then well imagine our surprise when we were informed that their security organisation for the province of Ontario was made up of just one person. Our surprise was even greater when we learned that this person's primary responsibility was training. If there was no security department, we reasoned, there would surely be no-one to train?

This conundrum proved, of course, to be the product of our inadequate occupationally-based definition of private security. For a proper understanding, the phenomenon must be viewed in functional and not occupational terms. It was explained to us that within this company every employee was conceived of as performing a security function.

Security, thus, was not organised as a separate occupational role but was organised as a component of other roles. Security rather than being separated out as a specialised occupational role was, as it were, embedded in other roles.

This embedded character proved, in some cases, to be more complete than our account to this point may indicate, as security was not always conceived of as a separate role component but rather as being one with, or integrated with, other components. Again, an example is useful in explicating what we mean. In describing how employees were involved in security, we were told that sales was a security function as well as a selling function because an employee who was attentive to customers was engaging in activities that were, at one and the same time, good for sales and good for security.

With this more general functional view of private security in mind, the puzzle with which we began is resolved. This firm did indeed take security very seriously and, in considering the allocation of its budget in functional terms, could be seen as spending a considerable amount on security. The firm, however, only had one specialised security person. This person's function was to be responsible for overseeing the security work of other employees, encouraging employees to take their security responsibilities seriously and informing them of how best to exercise these responsibilities.

This example is by no means an isolated one. We have since come across many companies who view security in a similar light. One of these companies presented this functional view of security in a manner which contrasts with the retail-clothing company but which serves to emphasise our point. This company (a public transit organisation), when asked how many security employees they had, responded with the size of their total work force arguing that every employee should be considered a security officer because every employee had security responsibilities.

What this discussion indicates is that the shift from public to private policing represents not simply a shift in the location of the policing function but a change in the way in which this function is organised and structured. Specifically, the development of modern security has precipitated a shift from a highly specialised to an increasingly non-specialised security function. This is, with privatisation, policing is becoming increasingly embedded in other functions as opposed to being separated out from them.

This view raises questions as to how the specialised manned aspect of private security fits into this more general picture of the nature of the phenomenon. Again, it is easiest to begin our analysis with an example which illustrates our findings. In many companies, private security guards are employed to patrol the premises during the quiet hours, that is, outside of normal business hours. One of the tasks typically assigned to these guards is to look for breaches in the company's security regulations - for example, confidential papers left unprotected, filing cabinets left unlocked, doors left unlocked and so on. Where such a situation is identified, the security officer leaves

a note for the employee concerned indicating that they have breached security procedures. Similar notes are typically sent to the employee's supervisor and a record is kept of the security breach within the security department.

This example illustrates two critical features of modern private security, as well as the role of specialised security occupations within it. The first is that specialised private security persons operate largely in a supervisory capacity. This is, they function to supervise and report on the extent to which other employees are properly exercising their security responsibilities. This is something that we have in our own research found to be true, not only for security guards, but also for private investigators whose investigations are typically directed at identifying the security breach, or weakness in security procedures, that permitted a particular loss to occur.

This feature of manned private security has, it should be noted in passing, obvious implications for any comparison of the strength of private security with the strength of the public police. As specialised private security tends to be a supervisory component of an essentially non-specialised embedded function, it cannot simply be compared with the public police which is a specialised force made up of both supervisory and non-supervisory roles. To do so is to compare the supervisory capacity of one organisation with a much more general organisation. At best we should perhaps view manned private security as a rough equivalent of the supervisory positions within the police. If this rough equivalence is accepted - and admittedly this paralles is not without problems - then it becomes clear that the relative size of private security to the public police is much greater than our earlier analysis suggests.

The second feature of private security which the above illustration draws attention to is a shift in the focus of specialised security from persons who commit 'crimes' (let us for the moment place inverted commas around this term for reasons that will become apparent shortly) to persons who breach security regulations. Associated with this is a parallel shift from a concern with traditional offences to breaches of security procedures. While these shifts may appear relatively insignificant, it is worth pausing to think about them for a moment because they have quite profound implications. What they indicate is that the development of private security has had the effect of expanding the category of offenders from those who commit traditional breaches to those who breach security regulations. Implicit in this is, of course, the expansion of the traditional category of offence from 'crimes' to a category that also includes breaches of security. Private security has thus operated to effectively create new categories of offenders and offences. This shift in the security focus has the effect of shifting the locus of the surveillance that is so essential to this form of policing, from the traditional offenders (them) to a more general population (us).

THE DISTRIBUTION OF PRIVATE SECURITY

After considering the growth and nature of private security, the question that now arises is its distribution. This issue can be conveniently dealt with as two sub-questions:

- (i) at what populations are the activities of private security directed?; and
- (ii) who controls them?

Let us begin with the second of these. What our research as well as the research of others indicates is that private security is above all a corporate phenomenon. What this means is that the shift from public to private policing initiatives represents a shift from governmental control to corporate control of policing. Private security is corporate policing.

Not only is private security under corporate control but it is, in the main, dominated by multinational corporations. This multinational control applies both to contract and in-house security. In Canada, as most multinational companies are controlled by foreign interests, in particularly by American-owned companies, the shift from public to private policing raises the possibility of a shift in the control of policing from Canadian to American hands. As a consequence, this feature of private security raises fundamental questions about the nature of Canadian sovereignty, as control of order maintenance is inevitably central to the issue of sovereignty.

In our research on contract security agencies, this issue was raised most frequently by these agencies in the context of discussions about the flow of information between Canada and the United States. In particular, a number of contract security companies expressed concern about the transmission of confidential information from Canada to the United States.

We turn now to the second of the two sub-questions we raised, namely, the focus of private security's activities. Corporate policing, as one would expect, is directed at the protection of corporate interests. More specifically, it is concerned with what happens on, and in relation to, corporate property. As a result, the nature of private security operations is structured by the character of modern corporate property. In both Canada and the United States a critical feature of such property is that it takes the form of what we have termed elsewhere 'mass private property'. We refer here to the enormous recreational, commercial, industrial, financial and residential complexes that have developed in North America on privately owned property. These complexes can be conceived of as private towns often with many miles of private streets and other public areas to which members of the public are routinely invited. In downtown Toronto, for example, where a series of these private commercial towns have developed, there are probably more miles of private streets, although we have not taken the time to count them, than there are public streets; and probably a greater number of shops facing onto these private streets than there are shops facing onto

public streets. In one such private town in Toronto there are some 600 retail outlets.

It is these private towns which, because they exist on private property and are consequently generally regarded as not on the regular public police beat, are the principal domain of private security. Put differently, it is the corporate communities, that come to be associated with these new and developing corporate estates, that are the locus of private security.

Having briefly outlined the nature and social context of modern private security we turn now to a consideration of the nature and source of their power and authority.

POWERS OF PRIVATE SECURITY PERSONNEL

The powers of private security personnel probably have given rise to more misleading and inaccurate characterisations than any other single aspect of the phenomenon. Indeed, in our early researches on this subject, we quickly fell victim to serious misconceptions. For when we asked what were the powers of private security personnel we were told from all quarters - police, lawyers, and private security persons themselves - that they had no more powers than those possessed by ordinary citizens. From the very beginning, however, we were suspicious of the deceptive simplicity of this assertion. Obviously, at one level it contains a substantial element of truth. As we later discovered, however, this simplistic characterisation of private security powers obscures a good deal more than it reveals.

In the first place it may be observed that ordinary private citizens are not typically employed full-time to perform security and policing functions as many specialised private security personnel are. Nor, it should be added, do ordinary private citizens typically walk around dressed in police-like uniforms, as many private security personnel do. Thirdly, and perhaps most importantly, ordinary private citizens, when they exercise citizen powers, typically do so on their own account; most private security personnel, by comparison, perform their security and policing functions as the legal agents of the corporate owners and controllers of large areas of private property (what we have called mass private property) in urban and industrial areas, which typically are centres of public life frequented by hundreds or thousands of ordinary private citizens in their capacity as customers, tenants or employees. A very different context for the exercise of powers, in fact, from that of the private domain of the ordinary private citizen.

What really tipped us off to the inadequacy of the characterisation of private security powers as being no greater than those of ordinary private citizens, however, was our observation of the powers which private security personnel were actually exercising in their day-to-day work. We witnessed such personnel randomly searching the belongings (and sometimes the persons) of employees at factories and of customers in retail stores, libraries, sports facilities etc. Such

searches did not appear to be premised on any reasonable or probable grounds to believe that any particular person who was subjected to them had been guilty of an offence. Indeed, their random character seemed by definition to preclude any such presumption. Further, we were shown elaborate systems of surveillance, whereby police and private areas alike (and the activities of all who frequented them) were constantly monitored. We saw employees being required to answer the questions of security personnel about alleged wrongdoings by them, on pain of being disciplined (or even losing their jobs altogether) if they did not answer. We saw, in sum, private security personnel routinely exercising power which, if the public police were to attempt to exercise it in the areas which they police, would provoke public outcry and controversy. Anyone who doubts this need only consider the controversy which is now raging over the decision to give the Queensland police additional powers during the Commonwealth Games in Brisbane next August. Yet the exercise of such powers by private security personnel seems to generate no such adverse reactions.

We were faced, then, with a conundrum to which our earlier analysis of private security powers did not seem to provide an adequate solution. If private security personnel truly have 'no more powers than ordinary private citizens', how is it that they are able routinely to exercise powers in practice which our public police would never be allowed to exercise (or at least, only in very exceptional circumstances)? To answer this puzzle required us to completely shift our gaze; for we gradually began to realise that the reason we had been so completely misled about private security powers was that we had been looking for them in the wrong places.

Because our interest in private security had grown out of our interest in the public police, we had assumed (as most people who talk about private security powers do) that private security's most important powers would be just like the law enforcement powers which are the most important powers of the public police. Accordingly, when we had examined the kinds of places in which one typically finds public police law enforcement powers (Criminal Codes, Crimes Acts, Summary Conviction Acts, Highway Traffic Acts, Liquor Control Acts, etc. etc.) we found exactly what our advisers had originally told us: private security personnel had no more law enforcement powers than those of ordinary citizens. Indeed, with the exception of a few so-called shoplifting detention statutes in the United States (which did give them more powers), private security personnel as such were never even specifically mentioned in such legislation. Based as it was on a simple distinction between police officers (or peace officers) on the one hand, and private citizens on the other, it seemed to have been drafted in complete ignorance of the existence of the huge army of specialised private security officers whose numbers and growth we had documented. This of course, was because these laws (and the common law on which they are typically based) were devised long before the phenomenon of private security as we know it today came into existence.

What surprised us even more when we began to examine the use which private security personnel made of such law enforcement powers, however, was that we found that typically they were unwilling to use even the

modest citizens' powers (of arrest, detention, search, seizure etc.) which they did have. Many private security companies and clients, we found, even went so far as to specifically instruct their security officers not to exercise such criminal law powers. When we asked them why, they told us that it was too risky to have largely unskilled security guards exercising such powers, they were too likely to make mistakes, and mistakes too often led to costly damages claims. Furthermore, the security function could usually be accomplished quite effectively without resort to such powers, which in any event usually involved the unwanted involvement of the public police (citizens who make arrests are usually required to hand the suspect over to the police) and the criminal justice system.

If criminal procedure codes and similar statutes were not the source of the powers which we had seen private security personnel exercising, we asked ourselves, where did they come from? The answer to this riddle turned out to be so simple when we finally stumbled upon it, that we couldn't believe it had eluded us for so long. It involves an understanding of the significance of the relationship between private security personnel and the private property where they typically do their work. For the source of their most significant authority derives from the fact that they act as the legal agents of those who own and control this private property.

The best way to appreciate this aspect of the matter is to start by comparing the public police with private security as far as their relationship to private property is concerned. One of the principal rationales for the development of the concept of private property was to secure the privacy of individuals from the state and from each other. Concepts of privacy and private property are thus fundamentally linked with each other - a connection which is perhaps best expressed by the old saying that 'a man's home is his castle'. The significance of this slogan was that it was intended to convey the notion that when a person was on his private property (his own private place), he was entitled not to have his privacy invaded by the state or by anyone else. His private property was thus the protection for his privacy, and was only subject to being intruded upon without his consent under very exceptional circumstances (for example, in pursuit of a fleeing felon or to put an end to an affray there). This ideological protection of privacy through the medium of private property placed (and today still places) substantial constraints on the powers of the public police to enter upon private property. Specifically, except under the kinds of exceptional circumstances which we have just mentioned, the public police are generally not permitted to enter private property except with the consent, or at the request, of the person or persons who own or are in legal possession of it. Since, as we know, most crime occurs on private property, this restriction creates substantial problems for the police in fulfilling their responsibilities to prevent and suppress crime. Specifically, it has meant that they generally have to rely on the public (who own and occupy private property) to tell them when crimes occur, and to call them in to come and deal with them. For this reason, public policing as we know it today tends to be reactive rather than proactive, and when the public police try to adopt a proactive posture, or to mount preventative programs, they often run into difficulties and opposition.

Now let us contrast the position of the public police in this regard, with that of private security. Their situation is very different. Far from being routinely excluded from private property, their work almost always takes place on private property. Furthermore, their status when they are on such private property is not that of an invitee, as is so often the case with the public police; rather, they act as the legal agents of those who own and control the property. As such, they are able to exercise the very same authority with respect to that property (and with respect to any who may come onto it) as can the owner himself. It is these extensive powers of property owners which provide the core of the substantial powers of private security personnel. They are much wider than the law enforcement powers which we were considering a moment ago. For instance, with a few exceptions (for example, arising out of anti-discrimination legislation) a property owner has power to exclude virtually anyone from his land, or to impose almost any conditions (for example, submission to a random search procedure) of entry to, or exit from, his property. The breadth of the common law powers of private property owners in this regard is well captured in the recent observations of Mr Justice Aickin, of the High Court of Australia, when he said that the powers of a landowner include 'the power to refuse admission to the land to such persons as [he] may choose, and to remove persons therefrom who have no interest in the land, notwithstanding that they may be there pursuant to permission granted under a binding contract' (in *Forbes v N.S.W. Trotting Club Ltd* (1979) 25 A.L.R. 1 at 31). As Mr Justice Aickin's statement makes clear, furthermore, all of those powers of property owners are arbitrary, in the sense that the reasons for their exercise normally do not have to be explained or justified to anyone in order for it to be legally valid. In this respect they differ greatly from the kinds of criminal law enforcement powers we were discussing earlier which, in theory at least, can only be exercised on 'reasonable and probable grounds' etc., and are hedged about with all kinds of 'due process' safeguards.

It is this authority of property owners to control access to their property and, having granted access, to control the conduct and movements of those who are on their property, which provides the bedrock of private security powers, and most private security systems and procedures ultimately rely on it for their legal validity. In addition, however, two other important areas of the law contribute significantly to the accumulation of private security authority. These are the areas of industrial relations law and contract law. Their relevance in this regard can best be illustrated by examples.

Industrial relations are conducted somewhat differently in North America from those in Australia. In Canada, for example, in unionised situations the normal way of reaching industrial harmony is through the process of collective bargaining between a local of the union and the plant management, as a result of which a collective agreement is concluded. Such agreements include provisions governing conditions in the workplace, and one such condition which is not uncommonly the subject of such collective bargaining is the system of security which is to be employed. Thus, in Canada, it is quite normal to find provisions in collective agreements which spell out (sometimes in great detail) such matters as when and under what circumstances workers are liable to

have their belongings, their lockers, their private automobiles, and even their persons inspected or searched by company security officers, what kinds of surveillance equipment may be deployed in the workplace, and how and by whom it shall be monitored etc. In addition, through the devices of internal discipline and grievance procedures, such agreements commonly delineate the procedures which are to be followed in the event that an employee is alleged by security officers to have committed some offence (for example, theft). When it is not subject to such specific provisions, security in the workplace is typically regarded as part of 'management rights', and the definition of these in terms of specific security procedures is commonly achieved through the accumulation of arbitration awards dealing with particular grievances over the years. This 'arbitral jurisprudence' thus becomes a potent source of formal legitimacy for industrial security systems and procedures.

In addition to collective agreements, ordinary contracts for services are frequently the source of private security powers. Loan agreements, for instance, not uncommonly include provisions guaranteeing the creditor the right of access to property or documents, and the right to take steps to secure such property against loss or damage. Airline, train and bus tickets commonly include a term in the contract whereby the company can impose security measures on passengers in the interests of protecting them and its property against loss, injury or damage, etc. Many other examples of private security powers which are derived from contractual agreements could be given.

The powers which private security personnel derive from these various sources (as the agents of property owners, industrial and business management, and contracting parties) represent essential tools of the trade of private security, and are of far greater importance to security work than the criminal law enforcement powers which we considered earlier. They can perhaps best be described as quasi-legal powers in the sense that they are all premised, in legal theory at least, on the consent of the persons with respect to whom they are exercised. Thus the person who does not want to submit to the security procedures of a particular property owner can either negotiate to modify them or simply decline to enter the property. The employee who doesn't like the security procedures employed in his place of work, it is said, can simply decline employment with that company. This, at least, is the theory. The practical, and even the legal, realities, however, are usually somewhat different. In the first place, through the use of various legal fictions the existence of such consent is often implied from conduct, or simply 'deemed' to exist, in circumstances in which its actual existence may be somewhat debatable. Two examples will serve to illustrate how such legal fictions operate:

Example 1:

A person walks into a department store past a sign at the entrance which clearly advises him that all patrons of the store are liable to have their shopping bags, handbags, etc. searched by security personnel on leaving the store. If he

passes on into the store having read and understood this sign, the law will conclude that he has consented to such a search. But suppose, after being in the store for a while, he reflects further and decides that this is an unreasonable condition of being on the premises, and that he would prefer not to remain on the premises under such a condition. Do store security personnel have the legal right to search his shopping bag before permitting him to leave the store, even against his will? And if they do so, is such a search to be regarded as a search on consent, or as the exercise of a legal right which does not require his consent? Clearly, to call such a search a search on consent, when the man is loudly protesting that he does not consent, is to employ a legal fiction. Yet although the matter is not free from doubt, this is probably the conclusion which the law would reach.

Example 2 :

A cashier in the same department store is leaving the store at closing time and is required by a store security guard at the door to open his lunch box for inspection. In doing so, the guard is following company rules, which are sanctioned by the collective agreement between the company and its employees, and which require employees to submit to such searches. The cashier voted against the collective agreement in the ratification vote, because he disagreed with this term of it. Is the search of his lunch box to be regarded as a search on consent, or as the exercise of a legal right which does not require his consent? Again, to call such a search a search on consent, when the cashier is loudly protesting that he does not consent, is to employ a legal fiction (in this case, that the consent of the majority of employees, expressed through the ratification vote, is deemed to be the consent of each employee). Yet again this is probably the conclusion which the law would reach.

The law governing both of these situations is actually quite unclear, and it is perhaps worth speculating for a moment as to why this is so. We suggest that there are two basic reasons. In the first place, this is an area usually governed by the common law, and therefore dependent on judicial decisions for clarification. Such judicial decisions, of course, can only be made in cases in which people have taken legal action against the exercise of security powers, and in practice such actions have been very uncommon. The reason for this, we suspect (although we are still in the process of undertaking public perceptions research in this area), is that typically citizens do not know their rights in such situations, or do not have the inclination or the resources to enforce them through legal action. In addition, as many of our research subjects have told us, private security organisations frequently go to considerable lengths to 'settle' such disputes so that they do not result in definitive judicial clarifications of the law. In this respect, the fuzziness of much of the law in this area is perceived as being of benefit to private security.

There is, however, a more fundamental reason, we believe, why such private security powers are so rarely challenged in practice, namely, that they derive their legitimacy from the ideologically potent notions of private property and freedom of contract. For reasons which we have discussed earlier, these are treated as being almost sacrosanct in common law jurisdictions, since they are thought to uphold the fundamental values of privacy and individual freedom. In modern capitalist economies, however, there are, perhaps more than ever before, reasons to question the continued validity of such assumptions upon which our laws in general, and private security authority in particular, are based. While we do not have the time to explore this aspect of the matter with the kind of thoroughness which it deserves, we can at least begin to trace out its significance by considering what is happening to private property itself in such economies. This involves a consideration of the importance, for private security, of the development of what we have called 'mass private property'.

Our laws of private property and privacy were developed during an historical period when economic realities were quite different from what they are today. Specifically, they were developed on the assumption that private property normally consisted of private places. Indeed the very conception of private property was to define a private place, and hence to protect privacy. Thus, the reason a man's home was treated as his castle was so that he should be able to have some private place in which he would be free from intrusions by the sovereign or by others. Under such circumstances it made sense to invest private property owners with wide powers with which to protect their property, and hence their privacy.

The modern development of 'mass private property' however, involves something very different. By 'mass private property' we refer to the huge property developments which are becoming an increasingly familiar part of the modern urban environment - shopping centres and malls, recreational complexes, university campuses, industrial complexes, high-rise residential and office blocks, condominium (or 'strata-title') estates, etc.

While there is no doubt in our minds that this kind of urban development is not at such an advanced stage in Australia as it is, for instance, in North America, we have already seen plenty of examples of such mass private property in Australia's major cities. Furthermore, the Canadian experience with such developments, which we have witnessed in our own city of Toronto, amply demonstrates the speed with which such transformations in the urban environment can occur. We see no reason to think that such transformations will not occur at an increasing rate in Australia during the next decade or so.

It is these areas of mass private property where private security has most greatly proliferated, not only because they are private property, and therefore frequently regarded as not a part of the traditional public police beat, but also because their corporate owners have both the resources and the incentive to assume the responsibility for policing them. Their significance for the purposes of a discussion of private security powers, however, lies in the fact that although

they are private property, they are increasingly not private places. On the contrary, most of such places depend for their economic viability on being able to persuade members of the general public to frequent them (as customers, spectators, workers, consumers etc.). The traditional congruence between private property and 'private places' - upon which all the powers of private property owners (and therefore of private security) have been premised - is thus being increasingly eroded by the development of 'mass private property'. More and more public life is now taking place in public places which are not on public property policed by the public police, but in public places which are on private property policed by private security.

Despite these fundamental changes in the nature of private property, and in its relationship to individual privacy, the powers of private property owners (which, as we have seen, are far more extensive than those of the public police) have remained unchanged. As we have pointed out elsewhere, there is a profound irony in this; that is, that the powers of property owners, which were originally designed as a means whereby individuals protect themselves against intrusions on their privacy in private places, are the very powers which now enable private security (as the agents of property owners) systematically to intrude upon the privacy and individual freedom of individuals who frequent the areas of mass private property which they protect. Furthermore, the individual, when he is in such places, has none of the due process protections and safeguards with respect to the exercise of such powers by private security as he has when he is the object of the exercise of police powers by the public police on public property. Most of these areas of private property in which he encounters private security, however, are in reality (and in law) no less public places than the public streets in which he encounters the public police.

The examples of such private security powers which we have given so far involve relatively minor interferences with liberty and intrusions on personal privacy. It is important to note, however, that the same legal regime can be invoked to authorise major and continuous interferences with liberty and intrusions on individual privacy. The rapidly expanding technology of intrusion, furthermore, ensures that such interferences with the liberty and privacy of citizens can be accomplished with ever increasing efficiency, sophistication and subtlety. Thus citizens may now be subjected to personal searches through the use of electronic and radiological devices without them even being aware that this is taking place. Similarly, through the largely fictional consent which is secured through the modern employment contract, employees may be effectively required to submit to mechanical (for example, lie detectors) and psychological testing which probes far more deeply into the privacy of their personal lives than any physical search can do. Surveillance devices in the workplace and elsewhere, as North American experience has shown, have similar capabilities for systematically undermining personal privacy.

Our point here is not that any of these security practices is necessarily wrong or undesirable - although some of them may be - but rather that the tendency is simply to assume that because they are within the law they must be acceptable. In our view, rather than simply

making such an assumption, what is needed at this point is a fundamental reconsideration of the law which permits these practices, in the light of the modern realities of corporate concentration, mass private property and private security. Specifically, in the context of private security powers, this means reconsidering whether the powers of private property owners should be the same regardless of the nature of the property concerned (that is, whether it is a private place or a public place), and reconsidering the appropriateness of the various devices and fictions whereby individual 'consent' to the exercise of authority is implied or imputed by the law.

To take the latter point first, we may simply observe, without reaching any firm conclusions on the matter, that the law's current approach to defining consent tends to be based on the assumption that, in their dealings with large corporate institutions, individuals have an equally unconstrained degree of choice as they have in their dealings with other individuals. The current economic realities of monopolisation, high unemployment, inflation, housing shortages and the like, however, render such an assumption increasingly questionable. In such conditions, it could be argued that the law should be rather more cautious about implying or imputing consent to the exercise of powers (which are often backed by the threat of powerful economic sanctions) than it currently seems to be. One of the more significant realities, we believe, in this connection, is the fact that many private security personnel dress in uniforms which may well be misconstrued by the general public as implying that they have even greater authority and powers than the law actually allows to them.

With regard to the scope of the powers of private property owners (and therefore of private security personnel), it is perhaps worth noting that there are many other areas of the law (of which family law, landlord and tenant law, and anti-discrimination laws provide some well-known examples), in which the hitherto unchallenged supremacy of property rights and freedom of contract has in recent years and to a greater or lesser extent, been tempered by modern legislation designed to inject considerations of the public interest into private law in order to reflect the realities of modern economic and social conditions. Often such reforms have been motivated by a desire to protect disadvantaged groups in society in the face of inequalities of opportunity and economic power. In other cases, however, it has been motivated by a desire to ensure the continuation of values (such as privacy and individual freedom) which are considered to be fundamental to our way of life.

In our view, we should be asking ourselves at this point whether the modern realities of mass private property and of the growth of private security do not call for similar considerations in shaping the laws (for example, of property, industrial relations and contract) from which private security personnel currently derive their most significant powers. Thus, for example, just as we no longer tolerate racial discrimination and the exploitation of children in the name of freedom to contract for labour, it may be that we should also re-consider the extent of the current resort to search, surveillance and lie-detection powers and devices (to name but a few of the modern powers of private

security) which our law currently allows in the name of property rights, management rights and freedom of contract.

In conclusion on the subject of private security powers, we should point out that in recent years there have been some interesting signs, in Canada and in Australia, that the need for some reconsideration of our laws in this regard is beginning to be appreciated at the highest levels of the judiciary. In Canada, in a recent case in which the powers of property owners in relation to trespassers were under consideration, the Chief Justice of the Supreme Court of Canada, in delivering a minority opinion, remarked that the case, in his view, involved 'a search for an appropriate legal framework for new social facts which show up the inaptness of an old doctrine developed upon a completely different social foundation' (in *Harrison v Carswell* (1976) 25 C.C.C. (2d) 186, at 194). For anyone interested in these matters, this case is well worth studying.

Even more recently, the question of the scope of the authority and powers of private property owners has come up for reconsideration by the High Court of Australia. The case of *Forbes v N.S.W. Trotting Club Ltd.* ((1979) 25 A.L.J. 1) involved the actions of the defendant in banning the plaintiff from various racetracks in the State without giving him any substantial warning or explanation of its action in doing so. The plaintiff argued that such property owners should not be permitted to take such drastic action against individuals without at least observing minimum standards of natural justice. Although the case was decided (in his favour) on narrower and somewhat technical grounds, a minority of the members of the court addressed themselves directly to the broader issue. Mr Justice Gibbs, for instance, observed at one point in his judgment that:

An owner who uses his land to conduct public race meetings owes a moral duty to the public from whose attendance he benefits; if he invites the public to attend for such a purpose, he should not defeat the reasonable expectation of an individual who wishes to accept the invitation by excluding him quite arbitrarily and capriciously (at p. 24).

Mr Justice Murphy, however, went even further, asserting that this was not just a moral duty but a legal obligation on property owners whose property involves public places. On this point he commented that:

When rights are so aggregated that their exercise affects members of the public to a significant degree, they may often be described as public rights and their exercise as that of public power. Such public power must be exercised bona fide, for the purposes for which it is conferred and with due regard to the persons affected by its exercise. This generally requires that where such power is exercised against an individual, due process or natural justice must be observed... When one departs from the purely domestic area of householder and from contracts affecting only individuals, into the sphere where there is an accumulation of rights the exercise of which

affects the public to a significant degree, then increasingly, requirements of due process are imposed and arbitrary and unreasonable conduct is not permitted...

The question is where the line is to be drawn between public power which requires observance of due process and private power which does not. The development of civil rights and liberties is evolutionary... The stage has been reached where the exercise of power to exclude a person indefinitely from a public race-course should be treated as public power subject to due process (at pp. 29-30).

In neither of the two top courts did this kind of innovative approach to reconsidering the scope of the authority of property owners command majority support. Such however, is often the nature of legal change through judicial creativity; what is the minority view today may well become the majority view in a subsequent case. For this reason the two cases deserve study in that they possibly give us a glimpse of the direction in which the law on this subject may be moving in the future.

In conclusion, while it may perhaps be fair (and in some senses even true) to say that private security personnel have no more powers than ordinary citizens, it is probably more important to recognise that they have no less powers than the ordinary private property owner. As we have illustrated, these powers can be awesome, especially when backed by the kind of economic sanctions which we shall be discussing later in our presentation. The challenge today and in the future is how to reconcile such powers with our cherished notions of privacy, civil liberties and individual freedom.

OBJECTIVES OF PRIVATE SECURITY

We have to this point in our remarks to this Seminar considered the nature and scope of private security as well as the nature of their powers. In the course of this discussion we have inevitably hinted at their objectives. It is now time to confront this issue directly. That is, we must now consider the use that is made of private security.

The first feature of private security's objectives which we wish to draw attention to is one that has already been obliquely referred to, and as a result all that is required now is for us to make these references explicit and to elaborate upon them. As corporate policing, private security, as we have already noted, seeks to promote corporate interests. As one of the primary, if not the only, objective of any business is the maximisation of profits, it is not surprising that we have found that, typically, private security's most fundamental concern is profit maximisation. Indeed, so central is this objective to the endeavours of private security that it is possible to characterise private security as policing for profit.

This profit orientation is critical because it influences the manner in which private security conceives of policing. Unlike the public police who are concerned with crime, private security's concern is not crime but loss. This shift in conceptual orientation is so fundamental that, in our own research, we found the term 'crime' was seldom used by private security persons.

Words like 'critical' and 'fundamental' suggest there is far more to this concern with 'loss' as opposed to 'crime' than simply a terminological change, for underlying this change is a change in the approach adopted to policing. The nature and implications of this change can be highlighted by noting two of its consequences. The first has to do with the expansion of the category of 'offence' which we referred to earlier. The use of the concept of loss expands the traditional notion of offence because it not only captures such traditional criminal offences as theft and vandalism but includes such additional problems as fire hazards. Indeed, what the use of the term 'loss' in preference to 'crime' does is to define as a security matter anything that erodes corporate profits. This means that not only do natural hazards come to fall within the security domain, but other areas far outside the traditional policing net, such as absenteeism, are drawn within the security ambit.

The second implication of the change in conceptual framework is a parallel shift from a moral to an instrumental context. The concept 'crime' has associated with it moral notions of wrongdoing and the necessity of extracting retribution which are absent from the 'loss' category. The 'loss' notion thus serves to carry us away from a moral framework of justice, to a more purely instrumental framework of profit.

This elaboration of the first of the objectives we wish to highlight - that is, policing for profit - provides a convenient avenue through which to introduce the second. A profit-oriented instrumental policing system tends not to be primarily concerned with the identification and blaming of wrongdoers. Rather, its primary concern is preventing loss. That is, private security is concerned above all with loss prevention. In consequence, their approach to security problems tends to be rather different from that of the public police, whose primary concerns have traditionally been apprehension and prosecution, with prevention regarded as a secondary objective to be followed only so long as it is consistent with the principal objectives. In contrast, for private security the primary, and often the only, concern is prevention. This means, as we have already hinted, that where a loss has occurred, private security will generally be much more concerned with preventing future losses than with identifying the offender(s). Moreover, where there is an attempt to identify an offender, the motivation is much more likely to be with finding out how an offence was committed so that the security loophole that allowed the loss to occur can be closed, than with punishment. Expressed differently, private security tends to be much more concerned with eliminating opportunities for loss than it is with responding to the offender.

This preventative orientation and its difference from the prosecutorial orientation of the public police can perhaps best be illustrated by yet another example. A large primary industry operating

near Toronto found itself faced with a sizeable tool loss problem: portable power tools were disappearing from the plant's workshops at an alarming rate and replacing them was becoming very expensive. Something had to be done. One of the possible courses of action reviewed was to call upon the public police and have them investigate the thefts. This would likely have involved a process of detection in which an attempt would have been made to identify the culprits and bring them before a court. In examining this option, the company concluded that this would be an expensive response. Not only would their security staff and shop managers have had to spend time assisting the police with the investigation and appearing as witnesses in court but they would very likely lose employees in whom much had been invested, and would have to go through a costly hiring and training process to replace these employees. Furthermore, after this protracted process had been completed they were unlikely to have solved their problem. Indeed, they would have incurred considerable expense and yet the thefts would, after perhaps a short lull, probably continue. Given this analysis, the company not surprisingly looked for another response which would be a genuine solution. What they opted for was a 'tool library' which would allow employees to take tools home after work and on the weekends. The tool theft problem was solved.

In reflecting on this illustration and the preventative orientation which it exemplifies, it is useful to think once more about the 'loss' concept and what it implies. A critical feature of conceiving of security in terms of loss - or, as it is sometimes put, as a 'total loss concept' - is that it encourages one not to separate the crime from the anti-crime process, in the way the criminal justice system does, but to consider them as a unity. This has the effect of requiring one to view the cost of responding to a loss as adding to the original loss. In other words, attention is directed not just to dealing with the original loss but keeping the total loss-plus-response sum as low as possible. Thus, to go back to the tool loss example, a prosecutorial response would have added to the total loss thus compounding the harm to the company. By comparison, the tool library response served to reduce the total loss and was thus a more cost-effective and a more profitable procedure. Justice in the sense of just deserts may not have been served, but profit was.

Finally, by way of summary, what the two objectives we have highlighted serve to indicate is that private security is, in the final analysis, a victim-oriented policing system which responds to the concerns of a particular class of victims, namely, corporations. Private security is policing for and by corporate victims.

We have now completed our discussion of the nature of private security and are ready to turn to a discussion of its control and accountability. Before we do so, however, we would like to review the ground we have covered thus far as this discussion forms the backdrop against which the issues of control and accountability should be seen. We have argued that we are in the midst of a major revolution in policing which can be characterised in terms of a series of interrelated shifts.

- The first of these is a shift in the locus and control of policing from the governments to corporations; that is, a shift from public to private policing.
- In this context we noted a second shift from national to international policing as the locus of policing shifts from governments located within the nation state to multinational corporations.
- Besides these shifts in the locus in the control of policing, we also identified a shift in the structure of the policing function, namely, a shift from specialised occupationally-based policing to non-specialised policing based on an integration of security function with other organisational functions.
- We also identified a shift in the orientation of policing away from the traditional categories of offenders as trouble-makers and offences as wrong-doing to new broader categories of offence and offenders which are serving to broaden the ambit of policing.
- In addition to examining the focus of attention of private security, we also identified a shift in the conception of policing from a moral to an instrumental mode. This change, we argued, was expressed in a shift in concepts from 'crime' to 'loss' as well as an associated shift in emphasis from apprehension to prevention.
- On the legal side, we noted a shift in the source of authority from state to corporate authority. This shift, we argued, was associated with a shift in the principal source of policing powers from the criminal law to property, contract and labour law. In this regard, we drew attention to a profound irony arising from the fact that property law rather than being a bulwark of individual liberty has been turned on its head with the result that it has become the principal source of private security's intrusions into privacy.

Given this identification of major shifts in the control and nature of policing brought about by the growth of private security, the question that arises is where is this all likely to lead? It is obviously still too early to answer this question definitively. We can, however, begin to speculate on an answer on the basis of the trends we have identified and the established knowledge about the historical development of policing.

First, the development of mass private property is providing the geographic basis for corporate communities, not unlike feudal communities, in which citizens live increasingly large parts of their lives. As policing in these communities is largely in private hands, this suggests that policing at the individual level will fall increasingly to private security, with the public police being responsible for individual

policing which falls outside these communities. That is, the public police will increasingly be left to police those outlaws who fall outside of the ambit of corporate law.

While private security might provide for individual policing, their corporate basis makes them an inappropriate vehicle for policing inter-corporate relations and we can thus expect the public police to direct more and more of their resources into this realm as their individual policing responsibilities are lessened. The fact that the public police are creatures of the nation state, however, suggests that tensions are likely to develop as they seek to police the relationships between multi-national corporations whose activities are trans-national. These tensions are likely to point to the necessity of relating inter-corporate policing to some supra-corporate authority that transcends the nation state. In other words, inter-corporate policing is likely to call into question the appropriateness of the state as the vehicle and authority for public policing.

As we have already noted, the scenario we are suggesting is reminiscent of a feudal structure with fiefdoms being replaced by multi-national corporations. In view of this, it is perhaps possible to describe what we may be moving towards as a new or corporate feudalism. In using these terms we do not mean to suggest a return to an earlier form but simply to point to some structural similarities between pre-industrial and what might be described as a post-industrial era.

CONTROL AND ACCOUNTABILITY OF PRIVATE SECURITY

To a large extent private security have successfully resisted moves towards making them more publicly accountable (for example, through licensing and other regulatory schemes) by stressing their privateness. Thus, although licensing statutes relating to private security have been enacted in many Canadian and United States jurisdictions, as well as in Australia and New Zealand, their scope and impact seem to have been quite limited. While they each vary somewhat in matters of detail, they all share common features. Typically, they apply only to the contract guard and investigation industries, thus leaving untouched the huge in-house and hardware sectors of private security. In many jurisdictions there has been a discernible trend in government proposals to expand the scope of such schemes to include other contract security businesses, such as alarm manufacturers and installers, locksmiths, armoured car companies, couriers, security consultants and suppliers and handlers of guard dogs. In addition, in some North American jurisdictions, suggestions have been made (but not implemented) to include some in-house security personnel under such licensing schemes. In South Australia, in-house 'store security officers' have been included under the licensing statute since 1978.

Existing licensing statutes typically require employees as well as businesses to be registered, certified or licensed. Criteria for licence eligibility almost always include the absence of any (or specified) convictions for criminal offences and of any substantial evidence

indicating an applicant's bad moral character or unfitness to be licensed. Citizenship and/or residence in the jurisdiction concerned, is a common prerequisite for a business licence. In addition, businesses are commonly required to be bonded or to hold liability insurance or both, and in many jurisdictions employees are also required to be bonded. Licensing authorities frequently have considerable powers of inspection of company books and other records, as well as powers to insist on minimum training standards, powers to approve company advertising materials, uniforms to be worn, and so forth, and to insist on the carrying and presentation of identification cards on demand by employees. Many can also determine whether employees will be permitted to carry firearms or other weapons, and under what circumstances.

Some, but by no means all, of the current statutes include explicit provisions for the receipt and disposition by the licensing authority of public complaints against licensees. Almost all licensing authorities have the power to suspend or revoke a licence for cause, in some cases only after a hearing, and many of the statutes now contain provisions allowing appeals to the courts from decisions of the licensing authority.

Authority to license private security personnel is commonly given to the public police, although in many jurisdictions it is given to a government department (for example, an Attorney-General's department) or to a specially created licensing board or commission. In some Australian jurisdictions, licences are issued by magistrates in petty sessions. Whichever body has this ultimate authority, however, practical realities almost always dictate that the necessary background investigations of licence applicants are in fact undertaken by the public police. This practice, which is quite understandable in many ways, nevertheless raises some questions about possible conflicts of interest for the police. As has been mentioned already in this seminar, not only are the police sometimes the clients of private security organisations, but there is a significant interchange of personnel between the public police and private security (especially in the direction of ex-police officers becoming private security officers). In addition, of course, the public police are sometimes involved in dealing with matters which have been brought to their attention by private security personnel. Given this substantial degree of mutual dependence between the public police and private security, it may be appropriate to question whether the public police are the most suitable group to be given responsibility for licensing and regulating private security.

In general, licensing statutes do not in themselves confer any additional powers on private security personnel, although of course the fact of being licensed may in practice enhance the credibility and authority of a private security employee. While some licensing statutes contain provisions specifically prohibiting licencees from holding special constable appointments, in most jurisdictions this is permitted, and in some it is actively encouraged.

Despite the apparently expansive scope of these regulatory schemes (with respect at least to those sectors of private security which are affected by them), research in the United States and Canada into their adequacy and effectiveness in accomplishing their ostensible objectives

has not produced encouraging results. We are not aware of any similar research having been undertaken here in Australia. The North American research, however, suggests three main reasons why such regulatory schemes seem to have so little significant impact on private security.

In the first place, regulatory agencies are typically not provided with the resources or manpower necessary to fulfill their legislated mandate. A survey of such regulatory agencies in the United States, conducted in 1971, revealed that half of the responding agencies indicated that they did not have sufficient personnel to perform assigned functions adequately (Kakalik and Wildhorn, 1971, 3:54). Our own research into the regulation of private security in Canada has resulted in similar conclusions (Stenning and Cornish, 1975, ch. 6). We found that regulatory agencies were typically understaffed and under-budgeted, with the result that they could rarely perform more than the most minimum of licensing functions. Administration of such regulatory functions as inspections, competency tests, hearing and disposition of public complaints, and setting of standards for advertising, uniforms, and equipment was typically minimal or non-existent.

Our findings in this regard have recently been echoed, with respect to Ontario, by the findings of a Royal Commission which was established to look into alleged breaches of confidential government records by private security investigators. Referring to the Registration Branch of the Ontario Provincial Police Force, which has statutory authority to license the private security firms and employees involved in the violations, Mr Justice Krever, the Commissioner, concluded that:

... the Registration Branch seems to have viewed its function primarily as an automatic licensing bureau. It did not, it appears, consider itself a regulatory agency concerned with policing breaches, not only of the law relating to confidentiality, but of all the laws affecting the entire range of an investigator's activities.

(Ontario, Royal Commission of Inquiry, 1980, vol. 2: 103).

Another reason, we suspect, why high standards of effectiveness cannot be expected from such regulatory agencies lies in the fact that, in North America at least, formal evaluations of their effectiveness are virtually unheard of in most jurisdictions. As a result, the gap between their mandate and their performance goes largely unnoticed and rarely causes serious problems for the agencies themselves, which often make suitable accommodations with the industries they are established to regulate. As administrative lawyers and political scientists will know, these are problems which commonly arise with respect to regulatory agencies, and are not limited to those established to regulate private security.

Shortages of manpower and resources, and the lack of formal performance evaluations, however, are not the only (or even the principal) reasons why such regulatory agencies usually achieve unimpressive results.

For, in truth, the real problems associated with private security can rarely be economically or effectively controlled through such schemes. One of the most important of these problems is the fact that much contract private security work is low status, largely unskilled, tedious and unrewarding work which pays minimum wages and attracts a highly transient labour force. Attempts to impose sophisticated regulatory controls over industries with such a high turnover of personnel have a long history of failure.

We have been speaking so far about government regulation through licensing legislation, and its failings. It would be a mistake, however, to assume (as many critics of private security seem to) that such formal regulation is the only form of accountability to which private security is subject. We wish to turn our attention now, therefore, to some non-governmental forms of accountability.

In some jurisdictions, governments have specifically rejected formal regulatory schemes as a means of bringing private security to public account. Most notable among these is the United Kingdom, and the Home Office Discussion Paper on this subject, which was published in 1979, is well worth reading. In this jurisdiction the security industry has largely been left to regulate itself, the only regulatory legislation being the Guard Dogs Act of 1975, which prohibits the use of unaccompanied guard dogs for security purposes. Self-regulation of private security in Britain is accomplished largely through the influence of the British Security Industry Association and the National Supervisory Council for Intruder Alarms. Although agency membership of the B.S.I.A. is numerically small, it has been estimated that its members represent 'at least 80 per cent of the total number employed by security firms outside of manufacturing, and perhaps account for some 90 per cent of the business (measured by turnover)' (Great Britain, Home Office 1979, p. 4). In addition, many in-house security personnel belong to the International Professional Security Association. Each of these organisations attempts to establish and maintain minimum standards for its members with respect to recruitment, training, and employment of personnel and to the quality, advertising, and selling of security products and services. Membership in such organisations, however, is of course voluntary, and a large number of the smaller contract security businesses therefore fall outside the scope of this kind of industry self-regulation. A further important consideration here is the fact that none of these organisations has an extensive enforcement capability equal to the standards it promotes. Because of these and other weaknesses in the comprehensiveness of self-regulation in the United Kingdom, calls for the introduction of formal government regulation of private security have persisted there.

Apart from such self-regulation, however, there are other groups in society which can contribute towards the accountability of private security. In particular, three non-government groups deserve consideration in this connection because of the potential they have for exerting considerable influence over the standards and quality of private security activities and services. The first of these are the clients of private security services. Since they pay directly for the security services they receive, they have the potential power to shape the future

development of private security. This may be accomplished directly in the case of contract security services through the terms of the contract for security services (backed by the threat of moving to another contract or to an in-house system), and even more directly in the case of in-house security services. In practice, however, the competitive nature of most businesses has inhibited the cooperative effort required among clients to achieve minimum standards within private security, and self-interest has tended to prevail over the public interest. One category of clients who have especial potential for influencing standards within private security, however, is that of governments themselves, who are major clients of many contract security businesses. Some quite successful attempts at imposing minimum standards (for example, of training, supervision, equipment, etc.) on contract security through the inclusion of such standards as conditions for obtaining government contracts have been made by the United States and Canadian governments and their various agencies (for example, atomic energy authorities).

Another group which has great potential for influencing the nature and extent of security services provided by private security is the unions. As we mentioned earlier in our presentation, there is increasing evidence that unions in North America are beginning to realise, and to exercise, their power to insist that security procedures and standards be included as items subject to collective bargaining. A particular advantage which some of the larger unions have in this regard is the fact that, like many of the businesses and security companies with whom they are negotiating, they are international in character. While this may strengthen their hand in negotiations, however, it has obvious implications which may frustrate the achievement of standards of conduct and accountability on the part of private security which are consistent with a particular national way of life.

Finally, it must not be overlooked that the customers of the businesses for whom private security provide services have the potential to exert direct and indirect influence over the nature and quality of those services. To cite an obvious example, a retail company which wants to attract customers from its competitors cannot afford to adopt security procedures which are not acceptable to such customers (for example, surveillance in private changing rooms, in the case of a company selling clothing). Customer reactions are thus an important determinant of any security system in an organisation which must regularly deal with members of the public. Such reaction is routinely used to determine such matters as the most appropriate dress and demeanour for security personnel, the kinds of security techniques which will be used, what policies will be adopted with respect to the handling of the different kinds of incidents, etc.

In addition to the formal systems of government regulation and the formal or informal accountability which is achieved through the exercise of influence by clients, employee organisations and various customers and interested publics, which we have discussed above, there is also the question of the current legal accountability of private security, and its efficacy. Essentially, the legal accountability of private security may be accomplished in three major ways. For illegal conduct, private security personnel and their principals may be liable

to criminal prosecution, to civil suits for damages or, if they are licensed, to administrative sanctions by the regulatory agency (up to, and including, withdrawal of the licence).

Criminal prosecutions of private security personnel and firms for illegal conduct have been rare, although by no means unheard of. The low visibility of much private security work, together with their significant role in controlling information, as well as their mutually dependent relationships with the public police may well be thought to contribute towards an explanation of the rarity of prosecutions in this regard. For the same reasons, as well as because of the frequently prohibitive costs involved, successful civil suits against private security do not seem to have been particularly common. In addition, as we noted earlier, there is some evidence to suggest that private security often go to considerable lengths in dealing with members of the public to protect themselves against the possibility of civil liability. While this might suggest that the threat of civil liability acts in practice as an effective medium of accountability of private security, such a conclusion should, in our view, be treated with some caution, since it is based on the dubious assumption that most citizens who come into contact with private security know what their legal rights are and what remedies are available against their abuse.

The experience of regulatory agencies in receiving and handling complaints against private security licencees strengthens our scepticism in this regard. For the (admittedly inadequate) evidence available so far on the effectiveness of such regulatory complaint procedures is not encouraging, and suggests that one of the reasons why such mechanisms achieve such unimpressive results is that members of the public are generally not aware of their rights in dealing with private security, and are not aware that such complaint procedures are available to them. In addition, regulatory agencies typically do not go to any lengths to advertise the existence of such procedures, and are typically inadequately staffed and budgetted to police their licensees effectively themselves (Stenning and Cornish, 1975: 138-143). We are currently conducting a small study of public perceptions of private security in Canada which will, we hope, provide better information than is currently available about the extent of public knowledge of the possible avenues for redress against wrongdoing by private security personnel.

A particular problem with respect to the civil liability of private security arises from the presently uncertain state of the law relating to vicarious liability (that is, the liability of employers and other 'masters' for the wrongful acts of their employees or 'servants'). This branch of the law, which has been developed almost exclusively by the judges as part of their general elaboration of the common law, is presently such that it is increasingly difficult to access with certainty who is legally liable for private security wrongdoing. The tremendous susceptibility of this question to manipulation through contractual arrangements whereby the buck is passed from private security contractors to clients to insurance companies and back has, we have argued (see for example, Freedman and Stenning, 1977: Ch. 4; and Stenning, 1981: Ch. 4), questionable consequences in terms of the public interest in ensuring that those who suffer harm or injury at the hands of private security have available to them adequate means of redress.

In sum, accountability of private security appears from the available evidence to be ad hoc, sporadic and uneven, although at present the available evidence is inadequate as a foundation for anything other than tentative conclusions in this regard. A major issue which arises in this connection, however, is that of the continued legitimacy of the major claim made by private security in favour of its immunity from more systematic and effective mechanisms of public accountability - namely, that private security is essentially private in nature and therefore does not give rise to substantial concerns related to the public interest. Assuming for a moment that such a claim may once have been justified, the question which arises now is whether its continued validity has been undermined by the ever-growing capacity of private security, combined with the modern realities of mass private property, which we discussed earlier.

Assuming that private security must be subject to some public accountability in the public interest, a further question which arises relates to the adequacy of existing mechanisms of accountability to meet such public interest concerns. In this connection, the fact that most of the more effective forms of accountability of private security are informal, negotiated and private in nature, as well as local in character, is of particular relevance. Any inclination blindly to advocate increased government regulation as a solution to problems of accountability, however, must candidly recognise the inherent limitations of such schemes which derive from the nature of private security itself. Our own view on this matter, which must by now be becoming clear, is that the most effective means of achieving public accountability of private security will be through a judicious blend of increased public awareness of the significance of private security, of its implications for personal privacy and freedoms, and of the means of redress available to vindicate such rights, on the one hand, and innovative reform of the general laws (of property, industrial relations, contract, etc.) which are so critical to private security operations, on the other. In any such endeavour to achieve an acceptable level of accountability, however, legitimate needs for security and policing must be taken into consideration. Mechanisms of accountability which result in an inability to provide such services effectively will in the end not serve the public interest well. A balanced approach is needed, and in this respect it is perhaps worth pointing out that the kind of balances which is required (between effective security on the one hand, and genuine due process and civil liberties on the other) is not so different from the kind of balances we have to achieve in determining levels and mechanisms of accountability for the public police.

As with the public police, it is perhaps too often assumed that such balances cannot be satisfactorily accomplished, and that the interests of private security will always be opposed to the interests of those who want to protect individual rights and freedoms. Our own research in this area leaves us less pessimistic than others in this regard, however, and it is perhaps worth noting some signs which, we think, are encouraging.

At the beginning of the 1970s, the Rand Corporation undertook a study of private security in the United States. They found that 40 per cent of security guards in that country routinely carried firearms on the job. From what we have been hearing and reading about the situation in that country now, ten years later, we would venture a guess that if one were to replicate that study today, the percentage of security guards who are regularly armed would be found to have dropped dramatically, perhaps to as low as 20 per cent or 25 per cent. For the word in the United States at the moment is that there is a strong movement to disarm private security - at least, as far as the carrying of firearms is concerned. This change in attitude and practice has not occurred as a result of any systematic controls applied through licensing schemes or gun control legislation (which is notoriously difficult to enact in the United States), but as a result of some huge damages awards which have been made against private security firms and their clients for deaths and injuries caused by the abuse of firearms by their security personnel. In deciding these cases, the courts have begun to develop standards of competence and training which are now expected of armed security personnel if they are to avoid such civil liability in the future. As a result, private security organisations, their clients and their insurance companies are now pushing to eliminate the use of firearms by security guards except where it can be demonstrated that they are absolutely necessary. What was once a matter of custom and habit has now become a practice which is embarked upon with reluctance and caution. We have no doubt that private security personnel themselves, as well as the public with whom they come into contact, are better off as a result of this change. What it illustrates is that controls and improvements in private security practices which are difficult or impossible to accomplish through formal regulatory schemes, can sometimes be achieved in other ways. We have no doubt that with vision and imagination improvements and greater accountability could be achieved in other important aspects of private security activities in a similar way; organisational change can rarely be accomplished more effectively than when the organisation itself can see that such change is in its own interests as well as in the interests of others.

One final matter on the subject of control and accountability of private security needs to be mentioned in conclusion. We have noted earlier that both the contract and the in-house sectors of private security are dominated by large multi-national corporations. This poses some formidable problems in achieving greater accountability in this area - problems of which our own jurisdiction in Canada has had some recent experience. Two years ago, the Ontario Government established a Royal Commission of Inquiry to investigate allegations that the confidentiality of government health records had been illegally breached both by the public police and by private security companies. The Commission had some trouble in getting the public police to cooperate in its investigations, because they successfully claimed the right not to divulge the sources of their information. The Commission, however, was at least able to question the appropriate senior police officers on other relevant matters. When it came to the private security firms, however, the Commission was effectively prevented from adequately pursuing its investigation into the policies and practices of one of these firms because the firm was foreign-owned, and the responsible

corporate officers declined to respond to the Commission's request that they cooperate in its inquiry. Since they were beyond the Commission's legal jurisdiction, there was nothing the Commission could do about it.

As this rather deplorable incident illustrates, the international character of private security raises serious questions about the capacity of nation states to insist on their accountability and control their activities where such control may be thought to be needed. One of the largest contract security firms in Australia is a multi-national corporation which has offices in over 30 countries of the world, spanning all five continents. In its advertising it uses a simple slogan: 'Always one move ahead'. Perhaps we should start to reflect on just whom it and other private security organisations are one move ahead of.

(1) The material presented in these talks has been drawn largely from our research on private security. A review of this research and that of others working in this field can be found in: Shearing, C.D. and P.C. Stenning, 'Modern Private Security: Its Growth and Implications', in M. Tonry and N. Morris (eds.), *Crime and Justice: An Annual Review of Research*. Chicago: The University of Chicago Press, 1982.

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DISCUSSION OF PAPER: Dr Shearing

The discussion which followed Dr Shearing's paper covered a wide range of issues centred around the control and pervasiveness of private security, largely in the Canadian context.

The first comment came from a senior industry executive, who discussed his experiences in Canada as a foreign purchaser of a Canadian security firm. He stated that the purchase was heavily influenced by the Canadian Government policy on overseas ownership.

Dr Shearing responded by saying that there is considerable tension in Canada in regard to dealing with multinationals.

Another senior industry executive related a similar experience in the United States which served to indicate even stronger resolve in the United States regarding multinationals.

Dr Shearing commented that the United States is in a naturally strong position in that regard, being the home of multinationals.

A member of the staff of the Australian Institute of Criminology asked Dr Shearing if he meant in his explanation of concepts of private security that responsibility for murder, rape and other major crimes would rest with private security in those circumstances.

Dr Shearing replied in the negative and explained that he had said that control of the initial conclusions and choices regarding handling and treatment of crimes rested with private security. The private security operators put another, discretionary, barrier before the police. For example, he said in the mall situation exemplified in the earlier talk the private security operators respond to drunkenness, vandalism and theft. Very often they resolve these incidents without calling the police. They may take the offender's picture and then indeed exclude him from the mall. This action may not be in the interests of the community but is certainly in the interests of the mall management.

The limits of private security were emphasised by Dr Shearing who said they must be understood in terms of the sanctions available to them.

He explained that if you are an employee of a corporation that organisation has considerable power over you of an economic sort. When private security operators in Canada call on the police they seek further coercion of the individual.

A public servant participant voiced considerable concern about an incident he had experienced at a University club one evening during which a brawl occurred and where the police were sent away by the management. The public servant wrote to the University Administration to complain, only to receive a reply that suggested that the presence of police would have exacerbated the situation.

Dr Shearing responded that the example illustrated his earlier point. It indicated, he said, that discretion is in the hands of private individuals. It could be said that this was an awful thing, but if you seek to change it, firstly you must understand it. He added that often the police were called only when a strong arm was needed or protection against false arrest was required.

The same public servant asked Dr Shearing if the Canadian universities had the same reluctance to have police on campus, as do Australian universities. Dr Shearing replied affirmatively.

A factor which made students suspicious in Canada, he said, was the fact that the Canadian Security Service is part of the police force.

A policeman asked if there did not exist in Canada the requirement under common law to report a felony to police. The policeman said that it is law in Australia and that not reporting a felony is considered to be compounding a felony. Dr Shearing replied that there have been very few people convicted for this in Canada during the past 10 years.

Another policeman referred to Lord Denning's example, but Dr Shearing suggested that it was not enforceable.

A public servant participant posed a hypothetical situation in which in the United States on a private estate, as described in Dr Shearing's paper, people were using marijuana in defiance of the law. He asked to what extent could the police be excluded by the management of the estate.

Dr Shearing suggested that exclusion could occur by not informing the police. Of course, he said, the police could come in but where could they obtain evidence in such circumstances?

Proceeding, Dr Shearing mentioned that this is all based on the institution of private property, which is held as sacred, fundamental to our society and on law which keeps police off private property.

This response was followed with interest by the participants and a policeman asked to what extent can a 'private army' protect property.

Dr Shearing explained that to his knowledge it varied from country to country. In South Africa the Oppenheimer Security Group in fact protects the Oppenheimer Group against the police.

The subject of police exclusion from private estates and police involvement was brought up by two participants who rather confirmed Dr Shearing's earlier comments. Dr Shearing commented further, saying that we have a victim-oriented police system and crime - those values may not coincide with corporate values. He added that when a situation is handed over to the police the corporate management can lose control of that situation and in terms of the corporate interest that may not be a rational thing to do.

This view was not considered satisfactory by one senior industry executive who indicated his belief that corporations in Australia report to the police in every instance.

Dr Shearing doubted this and suggested that our historical understanding of policing leads us to believe that policing is totally in the public sector and all our scrutiny is towards the public police. This is, he said, ironic as, from the point of view of control, the police are no longer as important as once they were.

Dr Shearing went on to suggest that many citizens' experience of policing may be related more to private security than police. He said that on a day-to-day basis he came into contact with private security operators more often than police whom he met mostly in traffic situations.

After a question regarding accountability by a public servant, Dr Shearing indicated that a close look at this matter was in order.

Private security, he suggested, achieves many of the ideals and aims of public justice. Since the very beginning, the police have been hampered by lack of access to private property, and private security with their ready access, achieve the original goals of Peel far more than the police. Widening this concept Dr Shearing indicated that the fundamentals of the victim-oriented legal system were being reconsidered in Canada.

A Federal Government security official asked what might happen in the corporate-run town/estate described earlier when a death occurs.

Dr Shearing replied, mentioning that the subject, death at the workplace, had been mentioned at a recent ANZAAS conference and also mentioned a new book on North Sea oil rig deaths in which it was suggested that certain oil firms had frustrated police investigations.

A police participant mentioned that there was a similarity to this in deaths in mines in Australia. Dr Shearing commented that when the police are not the first on the scene the chances of charges being laid become slim. The police have always had a policy of responding but in situations such as those described they are being excluded.

A policeman made the point that in Australia the role of the coroner, who has considerable power, must be taken into consideration.

A staff member of the Australian Institute of Criminology challenged what he said was Dr Shearing's use of the terms 'public police' and 'private police'. Dr Shearing explained that he used the terms only as verbs and that he was not implying the qualities, character etc., of each were the same, but only the job being done in certain circumstances.

A policeman mentioned that after the bombing of Australian Woolworths stores private security personnel actually took over certain functions for a short period undertaking what are normally seen as police roles.

Dr Shearing then gave a more extreme Canadian example of a mining company deployment of security staff after a major accident. Indeed, in the particular town, he said, the private security personnel outnumbered the police considerably.

Finally, due to time constraints, the Chairman was forced to declare this segment closed.

DISCUSSION OF PAPER: Mr Stenning

The discussion relating to the paper presented by Mr Stenning revolved largely around regulation of private security, weapons control, training and the role of police.

A senior industry executive observed that regulations of the self-regulatory kind now exist in the United Kingdom, and that in Australia the Australian Security Industry Association Limited (ASIAL) has made some attempt at self-regulation.

Mr Stenning observed that in the United Kingdom, while the self-regulating system had merits, it was a problem to get firms to join the industry organisation and to make it representative.

A security official from a Government agency asked if licensing in Canada was a national matter. He was told by Mr Stenning that it is a provincial matter.

The ineffectiveness of the regulatory system in the United States was mentioned by an academic participant, which was responded to by Mr Stenning posing the question, 'How do you measure effectiveness and does it provide a better security industry?'

An Australian Institute of Criminology staff member relayed that no private security personnel were shot in the United Kingdom last year, yet a number were shot in the United States and wondered if this had any bearing on the effectiveness of regulations.

Mr Stenning explained that in Canada hardly any security companies allow staff to carry weapons and that there seemed to be a general disarming of private security. Possibly, he said, this was because of the possibility of massive damages awards for malpractice.

A general discussion followed at this stage regarding the extent of armed security personnel in Australia. The consensus appeared to be that the incidence of armed guards was decreasing.

A policeman raised the issue of attempts to regulate installation of security equipments. Mr Stenning indicated that there had been some such attempts in Canada. The Insurance Underwriters Laboratories set standards for equipment but by and large Governments have not got into this area. He mentioned that some regulations included installers but admitted that these were not effective.

An industry executive expressed his view that the industry is its own best regulatory agent.

It was stated by an academic member that the Swedish Government has established a system of approval but that it is not so easy to cope with or regulate equipment.

The matter of police forces' ever increasing requirements for weapons was brought up by a public servant who suggested that, in regard to the earlier comments about reduction of arms in private security, the police had something to learn from private security.

The same public servant continued but on a different tack. This time he referred to the fact that the Australian Federal Police Act does not refer to force. His assessment was that this is a cosmetic omission.

Mr Stenning acknowledged this and suggested, without comment on the A.F.P. Act, that there is a general police change of philosophy from police force to police service. There is now, he claimed, greater emphasis on prevention, community policing and juvenile work.

Returning to the matter of weapons, another public servant expressed concern over the movement away from weapons in both police and private security, saying that perhaps a show of arms is a good deterrent. Mr Stenning agreed, but made the point that, for instance, banks have moved away from arms to design techniques to prevent robberies.

A public servant participant suggested that a factor to be considered in that regard was that computer crime is more profitable than overt violent physical bank robbery.

Commenting on the preventive design work in banks, an academic participant stated that in his view a major tool used in bank security - the anti-hold-up screen - was not appropriate as the hostage situation negates its use.

A policeman asked to what extent was the growth of private security in Canada attributable to R.C.M.P. involvement. The argument Mr Stenning used in response was that changes in the urban environment are the major factor and that the police had neither the ability, interest or expertise to undertake many of the activities of private security. Indeed, he added in North America the police must go to private security for training in technology in some instances.

A security official of a public instrumentality raised the issue of police charging directly for their services. He sought to ascertain what could be the ramifications of this happening.

The response by Mr Stenning took the form of provision of an actual example. He said that police charging for services has already occurred in North America, at Berkeley, where the use of police to be hired out as security guards is being considered.

It was said by a police participant that it would seem to be too expensive to hire police.

Another policeman made the point that police are trained in powers of arrest and that guards do not need that training.

In addition, another policeman said that police are trained for interchangeability, not for specific jobs. It was not appropriate, he felt, to use police as guards.

Mr Stenning claimed that the Los Angeles police are now considering training men for specific jobs.

Unfortunately at this point, due to restrictions of time, this segment was closed by the Chairman.

CRIME, POLICING AND DETERRENCE

Stephen Brody

Without, probably, an awareness of any noteworthy transformation, most people have gradually become as used to routine security checks at their work and at a variety of public places, and to all the paraphernalia of private security, as they have been for much longer to the presence and operations of the regular police. Few of us, though, realise the extent to which private security services have burgeoned over the last couple of decades, or the range of the provisions which these services now supply. Leaving aside the private investigator - a character for some time indispensable to literary and screen entertainment - a substantial and fairly sudden increase in the numbers of people employed in security services and an enormous increase in the amounts of money invested in these services has been documented in the United States, Canada and the United Kingdom⁽¹⁾, and these estimates by now being somewhat out of date, it can be expected that the current figures are very high indeed; high enough, in fact, to mean that in terms of numbers and expenditure, the resources of the private security industry far outnumber those of the ordinary police. Nor does there seem any reason why the disparity should not continue to widen. This apparently mundane observation on modern life is, I think, of more interest to the criminologist than he might imagine (I speak here as someone whose interest is predominantly academic).

One group of individuals by whom the change has not gone unnoticed is, of course, the regular police themselves. Not only have they been acutely aware of it, but they have sometimes been suspicious and occasionally antagonistic. Other objections have come from other quarters. The arguments against private policing are to some extent fairly obvious, concerning the potential invasion of privacy and misuse of information, the dangers of exploitation for political ends, questions of limitations of powers and accountability, the possibility of infiltration by persons with criminal experience and intent, and so on. These objections are serious and important ones, but they have been well set out elsewhere⁽²⁾, and what I am more interested in here is the context in which they are raised and in which private security arrangements are, nonetheless, flourishing. For it can hardly go unremarked that over the same time we have seen a steady and apparently remorseless increase in the levels of recorded crime, a corresponding rise in public consternation and alarm about the crime figures and the threats to individual welfare and safety it is alleged they represent; and also, for various reasons, a declining confidence in the police, a greater readiness to criticise and question their usefulness and integrity, and thus a lowering of morale within the ranks of the police service itself.

I doubt very much that these simultaneous changes and developments are merely coincidental. Rather should they be seen as joint and significant indications of what might turn out to be a major process of social and cultural evolution; indications, that is, of our having entered a period of turbulent transition in which forces of necessity are impelling revisions of our ideas about how our lives should be managed and ordered within the dictates of social affairs and political administrations, and for which we have then to improvise newly appropriate codes of manners and values of propriety and expectations of benefit. There is becoming available to criminologists a fascinating supply of historical material which generally confirms that it is social changes of this sort that the criminal statistics really measure, rather than any deterioration in human nature or greater readiness to indulge instincts of acquisitiveness or aggression. It would be difficult, admittedly, to argue that there is really no more 'crime' about now than there was 20 or 30 years ago, but if there is, I believe that it might be because ideas about what is wrong or 'criminal' are not what they were, because of the vastly greater opportunities that modern life affords for greed and unscrupulous dealings, and because expressions of criminality are taking new forms, to which tolerance is extended no more than it ever was. I shall refrain from elaborating too much on this rather controversial viewpoint, in order to evade a line of argument which tends towards disagreements as to correct interpretation of the criminal statistics, a matter which is far too complicated to go into here. Nor, for the present purpose, does it matter too much: what affects things much more directly is the belief that crime is rising, and about that there seems to be little doubt.

One important reaction to this belief is expressed in complaints about the apparent failure of the existing resources to combat crime, and in demands that more effective measures be taken. The level of these complaints and demands has, needless to say, important political implications and consequences. They are most obviously manifested around a somewhat ill-defined rallying point, specified for convenience as 'deterrence', a flag which unfortunately tends to attract some adherents who favour not so much a reduction in crime as stricter punishments for rule breakers. That is not to say that a more rational model for deterrent policies should therefore be discarded; its principles have, after all, a long and fairly honourable intellectual if not necessarily practical tradition. It is also a theme which can be said to be of considerable importance in tracing and understanding successive fluctuations in recorded crime over time. But more of that later: more bluntly and powerfully, questions of deterrence have largely been behind the sorts of enquiries that have so upset some of the assumptions relating to policing which for a long time were taken for granted.

Curiously enough, in none of the books - now appearing in greater and greater numbers - describing the results of researches into policing has there been more than the most cursory reference to deterrence. Of course, the police perform a wide variety of tasks, of which it is only those strictly concerned with preventing crime and maintaining order to which deterrents are properly applicable. Even so, it is these functions, even if less resources are devoted to them than is popularly supposed,

that are still held out as constituting the main justification for the existence of the police at all. What are these assumptions about deterrence? One has to guess a little, but it seems that failing omnipresence - which obviously would be the ideal means of crime prevention - the police try to suggest a more pervasive presence than their numbers actually permit them to maintain: that is, by having a few officers patrolling a relatively large area, instead of many officers being stationed all over it, the idea being that not only will this procedure increase the chances of a criminal being caught red-handed, but that frequent sight of an agent of the law will discourage potential offenders by implying a high risk of apprehension. Some people might add that the regular sight of a policeman injects a extra measure of reservation into consciences which might otherwise be tempted to succumb.

Whatever its details, it is this sort of reasoning which ensures that at times when crime is believed to be getting out of control it is demands for more police and more police surveillance that become predominant. As James Wilson says, it seems reasonable to suppose that if the police prevent some crime, then more police must prevent more crime.⁽³⁾

Now, it is just this supposition that recent researches have most forcefully undermined. That is not to say that they have proved that the police have no deterrent value; there is enough evidence from what happens during police strikes, even if it is somewhat inconsistent, to suggest what it would be like if there were no police on the streets at all.⁽⁴⁾ In fact, the mechanisms of deterrence are still mysterious and unpredictable. Where researches have been valuable is in simply describing what policemen do with their time, descriptions which emphasise the complexity of the processes of deterrence and which should rid us of simplistic notions about how far we can make practical use of them - and in that way helping us to distinguish 'rational' policies of deterrence from the more emotional and sinister motives which tend to be concealed behind urgings for 'tougher' measures against crime. It is these researches that I want to briefly recount first of all.

POLICE EFFECTIVENESS

Anyone joining the police in search of the exciting adventures enjoyed by television heroes, or hoping to spend his time ingeniously searching for clues and tracking down desperate and dangerous criminals in the tradition of Sherlock Holmes, would certainly be sadly disillusioned. The day-to-day duties of the ordinary policeman are far more hum-drum than popular imagination would have them to be. The majority of crimes come to police notice because they are reported by some member of the public, as victim or witness, and most of them are of such a nature that either a culprit is easily and rapidly apprehended or else could be found only by an expenditure of effort impossibly out of proportion to the seriousness of the offence. Those rare crimes which are serious enough to justify prolonged detective work involve the average police officer only peripherally, and then usually in no more than fruitless routine checks and monotonous clerical work.

Except when engaged in traffic or court duties, or dealing with complaints or enquiries from members of the public, or immersed in clerical work, the greater part of a policeman's time is taken up simply in walking or driving around the streets. These patrols rarely offer much in the way of a challenge. The chances of coming across someone actually engaged in an unambiguously criminal offence are very low. On the other hand, and possibly sometimes to relieve their boredom and frustration, the police are able to exercise considerable discretion in stopping and interrogating anyone whose appearance or manner they judge to be suspicious. They can, for example, conduct random tests on drivers, or question 'loiterers', or move on drunken or rowdy revellers. And should they wish, they can usually find evidence of 'criminality' sufficient to warrant their charging the miscreant with some identifiable offence. All the same, arrests are only relatively infrequently made, for any sort of offence.⁽⁵⁾

The observations and analyses which have been made of police activity also indirectly remind us about the nature of much 'crime' itself - or rather, about 'crime' as it is recorded in the statistics compiled by the police, and which remain our only source of knowledge about it. For it is quite clear that as far as conventional property crimes are concerned - robbery, burglary, theft, and so on - the police are at a disadvantage: their information about the extent of these crimes comes almost exclusively from the victims of them, but of all those which come to their attention, they are able to solve sometimes no more than 20 per cent. Given the circumstances of most of these incidents, and the limitations on police resources and patience, even this figure might represent a commendable achievement, though it can hardly by any other criteria be passed off as an adequate success rate. But the more revealing figures are for those offences more properly described as disorderliness - involving public unseemliness, 'offences against morals' and other victimless crimes - in which, obviously, high clear-up rates are attained only because these offences would be rarely recorded did not the police choose to notice and prosecute them, meaning that they are recorded and 'solved', as it were, in the one action.⁽⁶⁾ The incidents that are noticed will, needless to say, form only the tiniest tip of a vast iceberg of similar actions which escape police scrutiny. The more police there are to look out for these sorts of misdemeanours, or the more assiduous their search, the more, of course, will be uncovered.⁽⁷⁾ It is not difficult for the police to improve their overall clear-up rates; the trouble is that they can only do so at the cost of discovering more 'crime', and that may defeat their own interests in the long run.

However, the real test of effective policing should lie in indications of fewer crimes, not in evidence of increased arrests. And the experiments that have been designed to test police effectiveness in this sense have unanimously produced results that must be reckoned to discourage merely increasing routine police activity. No earlier study contradicted the findings of the most elaborate and famous of them - undertaken in Kansas City⁽⁸⁾ - which could find no evidence for any decline in serious crime in line with increased police manpower, while more recent experiments have indeed suggested that the more likely result of extra police presence will be only to swell the numbers of recorded incidents of 'street' offences and disorderly behaviour.⁽⁹⁾

These results were received with resentment by the police, and with something like exhilaration by their severer critics. Both responses, I think, accept far too naive an interpretation of the results and seriously exaggerate them. It seems to me that they do little more than confirm the obvious. Since, if he has any sense at all, any conventional criminal will naturally be as anxious as possible to avoid attention and to carry out his offences only when he believes himself to be invisible, and since we know that the police only infrequently catch criminals red-handed, the discovery that increases in police manpower or activity have no very promising benefits means very little at all. In none of these experiments did the extra staff or extra facilities exceed two or three individuals or another patrol car or two. No matter how evergetic or watchful he might be, one - or one more - policeman driving in a car can hardly expect to create much impression on potential offenders who normally operate in places or under conditions which are invisible to police patrols or who, were they sufficiently alert even to notice the frequency of a patrol, could still find ample opportunities to act during the intervals between. On the other hand, apparent reductions in certain types of crimes - like street robberies - have been observed following changes in police deployment or policing tactics: when, for example, police presence is heavily concentrated in certain high risk areas, or when special attention is concentrated onto particular individuals who are known to the police or who look as though they might be up to no good.⁽¹⁰⁾ In other words, if anything is 'effective', it is probably changes in quality rather than in quantity of policing; these desirable effects, however, being subject to qualification in other respects.

If there is any single message at all from the many researches into the efficacy of deterrent measures, it is that they will work only to the extent that the person to be deterred is persuaded to believe that his chances of getting away with an offence are sufficiently low to warrant caution. His estimate of the risk will, of course, vary according to the nature of his previous experience, his personality, and what he has to lose, and so a good many from amongst the criminal population can be expected to be unresponsive to most of the deterrent devices that can be mounted against them.⁽¹¹⁾ The more certain strategy is physical prevention, into which a deterrent effect may shade to a greater or less extent; by which I mean, for example, that if a burglar sees that he will have to spend a long time breaking a lock, the realisation of the greater chance of his being caught while he is doing so may be enough to discourage him from starting, if not the knowledge that the attempt would be futile anyway. To take a more dramatic illustration, the incidence of 'sky-jacking' was unaffected by threats of increasingly severe penalties, but dropped suddenly when metal screening instruments were installed at airports.⁽¹²⁾ Unfortunately, such changes on a general scale are not easily brought about. One expects that the police could only hope to increase their crime-reducing effectiveness to the extent that they are able to operate as more obvious physical barriers, or to affect beliefs and illusions as to the pervasiveness of their presence; but the latter they cannot do without much greater additions to their resources and powers than would be practicable or indeed acceptable. It has been noted that the existence of a highly disciplined police force with considerable freedom of interrogation and

intrusion probably contributes to the relatively low crime rate in Japan,⁽¹³⁾ though to most westerners such arrangements would represent excessive and intolerable State interference. In other words, while there is no reason, in theory, to believe that crime as we know it could not be decreased by more intensive or active policing, forces would have to be increased by perhaps several times their present numbers, and there would have to be adopted a much more aggressive and even militaristic police stance, the costs of which, in my opinion, would certainly not be worth the benefits. As far as crime prevention goes, I believe the regular police have reached more or less the limits of their capabilities.

So far I have referred to deterrence only as a rather mechanical business which it is not, I think, to do it proper justice. To discuss the subject more fully, I have to turn to a quite different aspect of policing.

HISTORY OF POLICING

I hardly need to describe them to say that enormous social and cultural changes took place during the later years of the eighteenth century and the early ones of the nineteenth (I am referring to conditions in England, since it was there that the model for later policing systems was developed, including of course the Australian one). Demographically, the industrial revolution was shifting the distribution of the population from an old rural way of life to an altogether different sort of urban existence. The cities were expanding rapidly, and as they did so, a pronounced division began to appear between an increasingly prosperous and numerous middle class and an even more numerous but impoverished working class. Politically, the balance of power began to swing decidedly in favour of the former, away from a traditionally more aristocratic source. Culturally, an exciting new spirit of rationality and 'enlightenment' was in the air, but so - partly perhaps by way of reaction - was a more aggressive and emotional religious fervour. These general changes were paralleled by others, more ominous in their direct repercussions: in particular, from about 1750 onwards, rumours and reports of a worsening state of crime and lawlessness and concerning the emergence of a more resourceful criminal class; a growing concern in some quarters about declining standards of morality; a hitherto unfamiliar element of fear in the public's appreciation of the threats and dangers represented by crime and other social ills; and above all, the gradual acceptance of a belief in the necessity for some sort of bureaucratic intervention in these matters, as the ineffectiveness of the existing arrangements for preserving the peace became more and more evident. For urban crime control was still, at this time, in the hands of a sort of eighteenth century equivalent of our present security services. A loosely organised system of watchmen and constables patrolled the streets, but as the cities became crowded with a new type of urban dweller, and as the incitements and opportunities for criminal endeavour multiplied accordingly, it became all too apparent that these individuals were for the most part too old, too infirm, too negligent or too inclined to side with the criminals and therefore - especially since the latter seemed to be growing bolder and bolder - that their deterrent effectiveness was minimal or non-existent. It was these

anxieties to which the famous London magistrate, Henry Fielding, gave expression, when he introduced various novel preventive schemes - the 'Bow Street Runners' amongst them - which he believed would discourage some of the more blatant amongst the offenders. (14)

There were some readily discernible similarities between this period and our own, which tempt one to try fuller comparisons. One of the remarkable things about the second half of the eighteenth century was that the suggestions that were made from time to time over many years - Fielding's amongst them - for an extensive system of paid uniformed official police officers were resisted with great vigour, in spite of what would now seem to be the obvious desirability of such a scheme, under the circumstances of the time; and moreover, the reasons given for this resistance were rather like those which we now hear in opposition to the spread of private security arrangements. A state police force, it was claimed, would be an unwarrantable intrusion into citizens' private lives; the whole idea smacked too strongly of spies, anonymous denunciations, torture, state intelligence, covert political manipulation and other gallic evils inimical to traditional British liberties and principles of fair play. And it was put about that one of the tasks of a police force would be the suppression by force of popular riots, as a first step towards the suppression of other forms of expression or protest. This would have been understandable from that section of the population inclined to riotous behaviour, but opposition was no less vociferous from other classes whose members would, presumably, have stood most to gain from protection. (15)

Why did this resistance, resolutely sustained for 60 or 70 years, collapse so suddenly? And is there anything to learn from the reasons for this reversal of attitude which can be applied to our current concerns?

The incidents which preceded the sudden turn of the tide which then swept away all opposition were so absurdly irrelevant in themselves that they cannot be regarded as anything other than symbolic of a long series of social developments which had finally gathered enough momentum to impel the mood of public affairs into a new sequence. Although no-one would pretend it was the only precipitating event, the succession of violent and apparently inexplicable murders which took place in the Ratcliffe Highway in Wapping in 1811 are given prominence by historians. (16) Violent death was nothing new in London, but these killings aroused an unusual degree of loathing and terror, sufficient to persuade many respectable citizens that they were no longer safe in their beds and that things had reached such a pass that some form of extra vigilance and supervision was therefore finally necessary in the interests of public safety. This extraordinary reaction would now be pointed to as a prime example of what sociologists have come to describe as a 'moral panic': the far-reaching emotional reverberations set off by incidents in themselves straightforward or even trivial, but on which all sorts of other inarticulated and barely conscious anxieties are conveniently focussed. The escapades of unruly teenagers or the legends surrounding the urban 'mugger' have served much the same function in recent times. (17) In fact, the horror generated by the Ratcliffe murders is only explicable in a social climate in which the spectre of

the 'dangerous classes' had for some time loomed large. The imaginative feats by which a substantial part of the population was imbued with presumed intentions of political insubservience, personal immorality and social vengefulness and in consequence branded as 'criminal' and judged to be in need of constant attention and punitive correction should be a subject of obligatory study for anyone interested in criminology. For in them can be seen all the psychological techniques of resentment, intolerance and self-justification which in the long run, I believe, both create the 'crime problem' and ensure that it remains an insoluble one. It was another London magistrate, Patrick Colquhoun, some 50 years or so after Fielding, who seems to have been largely responsible, if anyone was, for instilling the idea of the menacing masses into the consciousness of that other section of the population which professed to be concerned with the moral healthiness or otherwise of the social body. In an immensely popular book, in which he showed something of a mania for social organisation and tidiness, Colquhoun had only to refer simultaneously to the abundance of wealth and material possessions collected together in the capital and to the existence of a vast under-class of less well-off individuals to whom this tempting display might well prove irresistible. These observations in themselves were probably indisputable, but Colquhoun went further, in two ways: he mentioned not so much motives of material need, or just greed, which would have been natural enough, even if not necessarily as common as he assumed, but he chose to comment instead on the profligacy, sensuality and immoderation of the poor, emphasising that lacking restraint in their personal habits there was no other wickedness that was not beyond them; and he was thus able to include amongst the dangerous classes anyone else whose standards of conduct or deportment did not conform to prevailing standards of propriety. (18)

Although, demographically speaking at least, an association between insurrection and criminality has now been seriously questioned, (19) some of the fears according to which ideas about the dangerous classes took effect were not entirely unreasonable, given the volatile state of politics, when revolution was in the air and had already, of course, taken terrifying form across the Channel. However, it still seems unlikely that Colquhoun's insinuations would have been so captivating was not a crude but appealing moralistic revivalism - soon to become oppressively manifest in a Victorian mélange of prudery, missionary zeal and hypocrisy - already in some mysterious way gaining general acceptability. And it was with the need to consolidate and maintain this edifice of morality that the police came to be seen as a social necessity; they were the proper and fitting guardians of the moral order to which the nineteenth century gave form and according to which it flourished.

What had happened, really, was that economic and other expedencies had facilitated significant adaptations throughout the whole social apparatus. Ideas about what was wrong and 'criminal' had been transformed as subtly as other cultural appurtenances had been, and codes of social values and modes of perception and evaluation were revised accordingly. The great value of recent 'marxist' interpretations of crime is that they have so powerfully illuminated the social context which made plausible the nineteenth century's concepts of lawfulness and unlawfulness (thus raising doubts about the immutability and rightfulness of

our own) and their extension to include a range of activities the 'harmfulness' of which subsequent generations are ready to question.⁽²⁰⁾ To enforce the nineteenth century's 'legal over-reach' demanded a new instrument of surveillance and control. The policeman took over, at an official level, the duties of supervision and censorship which self-appointed bodies had been appropriating for themselves for some time before; indeed, the misplaced zeal and dangerous enthusiasms of organisations intent on 'reforming manners' and 'suppressing vice' were very direct incitements to the introduction of a centrally regulated system.⁽²¹⁾ From the start, and increasingly so thereafter, the police owed their credibility to their efficiency in this respect. By enforcing new regulations against disorder - rowdiness, rough games, prostitution, unsuitable entertainments, public inebriety, Sunday trading and the like - their effectiveness in preventing crime - when any distinction between the two sorts of misbehaviour was becoming increasingly invisible - demanded no extra justification or proof. It was as busybodies, spoilsports and snoopers, certainly, that the lower classes, against whose activities and pleasures the eyes of the police were mostly turned, denigrated the 'blue locusts' when they first appeared on the streets,⁽²²⁾ but as they too absorbed the ideals of decency and resignation to authority their opposition declined until the 'respectable' amongst them had become, in fact, the strongest supporters of their own supervisors. The police, in short, had with rapidity and ease integrated themselves as a perfectly apt and fitting embodiment of the era.

Should any further enhancement to their reputation then be needed, it began to be remarked that crime was decreasing in volume and intensity. Towards the end of the century, opinion was unanimous that the streets of London had never before been so safe and secure.⁽²³⁾ Of this happy state of affairs, the blue uniforms of the agents of law and order were a reassuring reminder. Was there a genuine connection or not?

I think it would be foolish to deny that the new police, initially at least, were partly the cause of a certain change in criminal activity. The very novelty of possible arrest must have come as a considerable shock to anyone previously accustomed to having to contend with nothing but physical resistance. But it was a success which was only effective in a climate increasingly inimical in other ways to criminal ingenuity. For a start, all sorts of other urban improvements were simultaneously in progress, the indirectly discouraging consequences of which can only be guessed at. To take two examples: the slums and 'rookeries' which for generations had harboured fleet-footed thieves and concealed them from outside investigation were pulled down; and then the newly accessible streets were illuminated with bright gas lights. Then there was a greatly extended detective efficiency brought about by centralised organisation and communication, and by advances in scientific and forensic areas. The criminal was temporarily at a disadvantage. But most important of all was the preoccupation of the era with a sort of syndrome in which outward conformity, fear of social shame, the trappings of material advancement and ideals of hierarchy and domination were some of the more prominent features and which - depending on how one looked at it - could mean either that internal, psychological, barriers against law breaking and impropriety had actually become strengthened, or that,

more people having attained prosperity and social security, the general need or urge to commit crime was diminished (both explanations could, of course, have been operating at once). The puzzle, then, is to decide whether crime really dropped or whether social relations being more harmonious, alarm about crime, and thus an exaggerated readiness to notice or complain about it, had diminished. A precise answer is, of course, impossible; nor do the exact reasons matter very much. What we should speculate about instead, I think, is this: can not the apparent increase in recorded crime over the last 50 years mirror an inverse picture of the period covering the 80 odd years before that, which in turn reflects the same contrast to the preceding years, and so on, presumably back through time, even though the compilation of statistics of crime is a comparatively very recent obsession? Accepting this account of successive waves of crime does not mean that we belittle them, but nor that we exaggerate their significance or fear that unprecedented threats and dangers accompany them. They portray only in steady and regular invasions the continuing reactions and counter reactions, the successive satisfactions and dissatisfactions, which are the elements of history. At any stage, we may be sure that the explanation and cures put forward to account for and to deal with crime are perfectly appropriate to - indeed, necessary for - this continuing sequence. It is in this way, I believe, that we ought to approach questions of current developments in crime prevention and control.

NEW STRATEGIES

Whatever is the exact nature and full meaning of the cultural transition we are experiencing, one of its manifestations is fairly clearly a tendency towards rejection of centralised or established sources of authority and of the moral order that they enforce, and thus a renewed inclination on the part of communities claiming similar characteristics or circumstances to look after their own interests in ways which they believe are most conducive to their aspirations and contentment. To be a little more speculative - though not, I think, too fanciful - what we may be seeing, on a broader scale, is a gradual rejection of the principle that improvements in human affairs are to be realised through social regulation and social engineering: a rejection, in other words, of one of the most elementary principles underlying that ethos which we now delineate as 'Victorian' (an ethos which persisted for a good while after the death of the monarch whose name it took).

What I have been suggesting, as far as the subject we are considering here goes, is that the conviction is gaining ground that it might be more realistic to attempt in practice to reduce what crime is amenable to preventive or restrictive devices, rather than to strive eventually to eliminate it could only certain grandiose but indefinite theoretical schemes be given substance in increased resources or stricter punishments or enhanced 'respect' or any other similar out-dated catch phrases. I believe this is the significance of the upsurge in the private security business, which would, of course, be a development entirely in accordance with the wider social shift I have been trying to outline. It would also be entirely in accordance with various other

developments in criminology and, to a lesser extent, within the criminal justice system itself. Let me mention a few of these briefly, by way of making plainer the sorts of adjustments that are perhaps imminent.

Academic criminology, first of all, has quite recently undergone a remarkable transformation. From about the 1860s (no incidental date, I am sure), when Lombroso's theories of criminogenic biology enjoyed widespread admiration, criminologists were almost exclusively concerned with a search for the causes of crime; a search which, had it been successful, would have revealed how to eradicate it. Although an astonishing diversity of 'causes' were in rapid succession discovered and then abandoned - the explanations moving from the biological to the psychological to the sociological, roughly in that order - the 'scientific' status of criminology was never questioned. Nor need it ever have been, were it not for discoveries of a rather different sort, which, gradually accumulating, at last made it impossible to maintain that 'criminality' was an identifiable condition, akin to a pathology, which could be said to distinguish some individuals from others. Series of surveys conducted with samples of people of all types and from all sorts of backgrounds showed that almost all of them had committed some sort of crime at some time; observations of criminal careers have shown a rapid and general decline in delinquent behaviour with maturity; other very extensive and detailed surveys of victims of crime have shown that many more criminal incidents take place than are ever brought to official attention; and literally hundreds of experiments designed to test the relative efficacy of a variety of punishments and treatments for convicted criminals have failed convincingly to demonstrate that any amount of rehabilitative energy makes a difference to an offender's subsequent activities. With these researches, which have taken place comparatively if not very recently, no-one can now seriously maintain that criminality is an abnormal or specifiable condition, especially since any such condition has always resisted psychiatric or other analysis. The criminologist has, therefore, been obliged to turn his mind to a consideration of the very nature of crime itself and its social and moral connotations. In so doing, a minor intellectual revolution has, I think, taken place. If the 'new criminology' provides no new solutions to crime, it does make us wonder what the 'problem' is. (24)

Secondly, and as a practical adjunct to these conceptual revisions, prevention as a doctrine has come largely to replace to a degree those of correction, rehabilitation or cure. A new interest in deterrence is one aspect of this change, but the more immediately promising work - for reasons I mentioned earlier - is that which is directed simply to the elimination of opportunities for crime: towards improving techniques for 'target-hardening'; towards improvisation in environmental design; towards publicity intended to encourage people to protect their own property more efficiently; and so on. (25)

A third aspect of change can be witnessed in a phenomenon so far largely confined to North America. In most of the larger cities there, and apparently as a reaction against what is seen as official inertia and ineffectiveness, a strong and influential movement towards community self-help is encouraging local people to band together in various ways, for their own protection and security. Residents of

apartment blocks form crime prevention committees; other citizens organise 'block watch' clubs and take it in turns to patrol their own streets or neighbourhoods; 'youth squads' operate in certain high risk districts or on public transport; and so on.⁽²⁶⁾ These activities are intended to extend the sort of additional surveillance that the private security industry provides commercially into a domestic sphere, as it were: to promote at a local level a greater awareness of the techniques of practical crime prevention, to establish closer and friendlier contacts with the community police schemes which are part of the same trend, and to reduce the degree of misguided emotionalism with which the whole subject of crime has come to be associated. There are advantages and disadvantages to these schemes which I have not space to go into here - nor into the related matter of community policing: all I want to do is to point to the significance of such developments within the general climate I am describing.

Finally, a brief mention of the shift in moral perceptions and balances underlying all these more specific developments: notwithstanding changes over time from accusations of sinfulness to imputations of 'pathology' or 'deviancy', it was the offender himself who occupied the centre of the stage; even if he was not to be blamed for his infractions, questions of responsibility floated around his shoulders. Whereas the tendency now is to free the offender from any of these moral liabilities. He is, as it were, a passive agent in a scenario which can be arranged with varying degrees of care or foresight to minimise the opportunities for expression of dishonest or destructive or other anti-social feelings. The onus of criminal responsibility, according to this view of criminal behaviour, falls on the potential victims: it is their own fault, we are inclined to say, of people who come to grief because they venture into places where robbers or muggers feel comfortable, or of property owners whose losses could have been prevented by sensible caution. Behind these moral transformations might be detected an unspoken inference, that the restraining inhibitions of personal conscience are no longer sufficient; though I would prefer to believe, if this is true, that it is symptomatic not necessarily of any moral decline so much as a perfectly natural response to changing social conditions, for which traditional moral codes are simply no longer relevant. In the same way as it took some generations before the morality appropriate for an era of capitalist expansiveness - and which, as I have said, ensured the credibility of an official police force - was completely absorbed into the public or cultural consciousness and established as 'right', so we can expect that whatever exigencies mould the rules and regulations best suited to the latter part of the twentieth century will not immediately be impressed into what we believe is our innate sense of rights and wrong.

SUMMARY

The real nature and meaning of 'crime' - something which can never be overlooked in any discussion which touches on what to do about it - cannot be understood through less than an exposition which always inspires elaboration. But following that, and for purposes of the issues presently under consideration, some concluding remarks can be made very briefly.

No matter to what extent it be manufactured, there is no doubt that we are riding near the crest of a crime wave which - if history is to be repeated - will have to be negotiated by transforming many of the ideas about crime which have given it its momentum. In other words, consternation aroused by the assumed implications of statistics or rumours about crime has to be soothed by re-interpreting the material in ways which 'correct' these assumptions. This process of correction is, I think, one that happens naturally albeit mysteriously: one of the curious things about criminological research is how it always manages to discover new 'facts' just when they are most needed. Paradoxically, all the indications are that the necessary perceptual transformation will be brought about through an emphasis on the enormous extent of dishonest activity, the almost universal potential for it, on the opportunistic origins of much crime and indeed on its inevitability as a regrettable fact of life - though therefore and at the same time on the largely trivial and relatively inconsequential nature of most of it. Visualised in this way, it could be expected that 'crime' would lose many of the fearful, sinful or subversive associations which have so powerfully contributed to its significance as a 'social issue' over the past 150 or 200 years; a significance which, of course, rendered the idea of an officially-regulated force of police officers first plausible and then necessary. It follows, as a reverse transformation occurs, that revised schemes of appropriate reactions will in apparently effortless ways be matched to it. It is no accident that words like 'deterrence', 'prevention' and 'incapacitation' - with their connotations of simplicity, mechanisation and practicality - are replacing others - like 'rehabilitation', 'treatment' and 'correction' - suggestive of scientific complexities, individual pathologies and social organisation. But it would be naive to expect that the moralistic overtones of the latter, now blatantly obvious to us, will thus disappear; the shift in that direction is just less easy to predict.

I have suggested that the burden of shame, which the nineteenth century so effectively deposited onto the shoulders of social non-conformists and so neatly exploited in the 'fight against crime' might be reverting to the victim himself - the foolish, socially-irresponsible individual who fails to take the necessary precautions against the light fingers or agile imaginations of his unscrupulous fellows; but it is certain to involve more complicated and subtle moral manoeuvres as well.

Insofar as the emergence of the private security industry is an extraordinarily apt illustration of the principle of the adaptation of invention to necessity, I think we might as well worry less about the inadequacies of the system it shows signs of replacing than how to turn what is happening to our best advantage. In this matter I am not, of course, at all well qualified to speak, so I shall offer just one or two un-professional opinions about some potential benefits of private security services.

It seems to me that one of the most fortunate consequences should lie in the sharper isolation of the security and crime preventive aspects of policing from those which have more properly to do with the regulation of disorder or impropriety. Although some apprehensiveness about

the possible misuse of private police forces in this respect has been voiced, the fact that such a danger is recognised is, I should have thought, almost proof against it, in this case anyway; the ordinary police themselves, until quite recently, encountered very little criticism of this sort, though they were in a far better position to combine and confuse the two functions, and indeed one might say that it was one of their main purposes to do just that. Obligated to concentrate increasingly on the preservation of order, the activities of the police should become more visible to scrutiny, more definite in their object and more available to evaluation - permitting, incidentally, a reconsideration of the sorts of misbehaviour amenable to and needful of such supervision. It is no coincidence, I think, that moves to 'decriminalise' such erstwhile offences as expressions of sexual irregularity, prostitution or use of narcotics or stimulants have paralleled a questioning of police effectiveness and usefulness.

This is one side of the coin: the other shows a more positive aspect. A division of labour would also leave the regular police more free to perform tasks which they often complain now their numbers prevent, like better criminal investigation; and also, more importantly perhaps, to foster better community relations, offering reassurance, participating in crime prevention and self-help programs - to provide, in short, a better social service, though with none of the derogatory connotations which that expression has gathered to itself. Should this prospect appear to those used to a more powerful imagery to be a demeaning one, it might be worth emphasising that they would also be spared many of the criticisms they now have to suffer for failure in areas where they should never, fairly, have been expected to succeed. However, the choice barely exists in practice, as I have said, since even the police themselves, presumably, would never insist that their numbers should be increased to the proportions necessary to satisfy the requirements that the private firms are meeting.

Finally, there are surely considerable advantages simply of convenience and efficiency in investing more of the routine business of crime prevention in the hands of commerce rather than of the state: those who wish to make use of the service can then do so as the need arises, with a flexibility of means, with the benefit of technological expertise which is linked with provisions against a variety of associated hazards, and with no reason to complain to anyone but the suppliers of the services should they be unsatisfactory. If, as the indications suggest, crime might soon come to be regarded as a sort of industry, we might as well approach it in a business-like manner.

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- (1) Kalikak and Wildhorn, (1971), Farnell and Shearing, (1977) and Pleece, (1972) respectively.
 - (2) See, for instance, Draper, (1978).
 - (3) Wilson, (1975), p. 82.
 - (4) Fattah, (1977), p. 66.
 - (5) Morris and Heal, (1981), chapter 3.
 - (6) See, for example: Victoria Police, *Statistical Review of Crime*, (Published annually).

- (7) Carr-Hill and Stern, (1979), chapter 8.
- (8) Kelling, (1974).
- (9) Brown, Ball and McNeil, (1980).
- (10) Wilson and Boland, (1978).
- (11) Brody, (1979).
- (12) Chauncey, (1975).
- (13) Bayley, (1976).
- (14) Fielding, (1751).
- (15) Radzinowicz, (1956).
- (16) Radzinowicz, *op. cit.*, chapter 11.
- (17) Cohen, (1972), Hall, *et al.*, (1978).
- (18) Colquhoun, (1797).
- (19) Rudé, (1964); Tombs, (1980).
- (20) Quinney, (1970).
- (21) Radzinowicz, *op. cit.*, chapters 6-8.
- (22) Storch, (1976).
- (23) Tobias, (1967).
- (24) Taylor, Walton and Young, (1973).
- (25) Clarke and Mayhew, (1980).
- (26) Washnis, (1976).

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DISCUSSION OF PAPER

The discussion issuing from the paper presented by Mr Brody indicated a concern about the relative value of the private security sector *vis a vis* the public police.

The first question, from a policeman, asked if the community acceptance of private security indicated a declining appreciation of the public police.

Mr Brody replied that it seemed so but given that only a very small percentage of the community actually use the private security services, it was hard to define community attitudes accurately.

Another policeman suggested that experiments with mounted police in Melbourne indicated a reduction in crime in parts of that city.

This suggestion led to a general discussion on the value of the visible presence of police, but Mr Brody responded that in other, overseas experiments this approach has not worked.

Mr Brody continued saying that the preventive solution tends to move crime from one area to another.

A policeman raised the question of fear as a deterrent to crime. He expressed his dismay at the lack of respect of police by criminals, observing that in the past there was a stigma in being labelled a

criminal, a fear of being caught. He said that the law and the media had shifted the emphasis and that now the police were made to look like villains. He felt that villains should fear the police.

The policeman added that solicitors in Australia tended to blame the loss of cases on the police, and that private security operators have not had to prove their success in court.

Mr Brody agreed that, while he was not familiar with the situation in Australia, criminals should be deterred by the fear of being caught.

Another member of a State police force expressed concern over the erosion he claimed had taken place in regard to statutory powers over the years, particularly the powers of arrest.

Mr Brody replied that he agreed that if this was so it would affect the chance of a criminal being caught.

At this stage the time for discussion elapsed and this segment was closed by the Chairman.

PRIVATE POLICE - THE VIEWS OF A STATE POLICE OFFICER

Superintendent A. Tickell

It is the duty of every citizen to help maintain the peace and good order of his community. However, in our highly complex and socially regulated society we find that more and more people are, if not abrogating this responsibility, increasingly tending to rely on a group of individuals whose primary occupation is the maintenance of order and the security of persons and property.

This group is comprised of three tiers: the police, quasi-police and private police.

A major distinguishing factor between police and other paid security workers is that every police officer has the powers of a Constable. All citizens (including police) are conferred with certain powers to arrest law breakers. For Constables, however, these and other powers are generally extended. In Victoria, the police are governed by the Police Regulation Act which, by virtue of Section 11, recognises the principle of the Constable's original authority. It states:

Every constable shall have such powers and privileges and be liable to all such duties as any constable duly appointed now has or hereafter may have either by the common law or by virtue of any Act of Parliament now or hereafter to be in force in Victoria, and any member of the police force of higher rank than a constable shall have all the powers and privileges of a constable whether conferred by this Act or otherwise.

The quasi-police are those security workers employed in the public sector whose role is similar to that of a police officer but is limited to a specific area or function or by specific legislation. At the State level quasi-police are to be found in numerous government departments. For instance the Health, Education and Consumer Affairs departments all employ personnel to carry out security, investigatory and law enforcement functions. These functions are, however, very much limited by the scope of the Department and to those areas of responsibility defined in the Act of Parliament and Regulations from which the Department derives its existence. Consumer Affairs investigators are limited to enforcement of the Consumer Affairs Act and do not pursue investigations of activities which are better categorised as 'criminally fraudulent' rather than 'suspect business transactions'. The most obvious example of quasi-police at the local government level are the Parking or Traffic Officers. Again, their function is limited by definition to the enforcement of particular sections of the Road Traffic Laws and

local by-laws. Not only is the role of quasi-police (albeit limited) similar to the police role, but in some cases, their mode of dress makes them barely distinguishable from the uniformed police officer. The uniform of Vic-Rail Investigators is one such example - a situation that worries some police and some citizens.

Private police are comprised of an assortment of privately employed individuals who are contracted to perform for their employers a wide range of security related tasks, from crime investigation, through crime prevention to the serving of legal process. Many of these individuals are licensed to carry out these activities. The Private Agents Act 1966 (Victoria) provides licences for Inquiry Agents, Guard Agents, Watchmen, Commercial Agents and Sub-Agents and Process Servers. This Act does not provide, however, any body or regulatory mechanisms to oversee the activities of licence holders. Exempted by the Act is a significant number of private police who perform in-house security work for one employer only. In this category are included store-security officers and gate guards.

The police, quasi-police and private police share the common goals of preventing, deterring and discovering crime but they differ fundamentally in the degree to which they are accountable in their law enforcement activities.

All security workers are subject to a measure of control. Police, quasi-police and private police perform a variety of security tasks and are responsible to an authority (be it government-based or a private enterprise) which has set these tasks and entrusted them to people for their performance. However, the control able to be exercised over the police and quasi-police is distinguished by their public accountability: that is there exists formal procedures whereby members of these groups - as departmental entities or at an individual level - can be called upon to publicly report on and justify their performance and be penalised or rewarded accordingly. Police accountability is ensured through an effective command and supervisory structure (at the apex of which is the Minister for Police) and a readily accessible public complaint mechanism (oversighted by the Ombudsman). Quasi-police organisations are all presided over and ultimately accountable to a government minister. Private police are not so accountable. Section 7 of the Private Agents Act allows for the appointment of a Registrar but his powers and duties fall well short of holding licence holders accountable.

Should private police then be permitted to involve themselves in law enforcement activities? As a police officer I am unable to give a categorical 'Yes' or 'No' to this question. To my mind there are two major considerations.

Firstly, the area of discretion. While police have been tasked to, 'uphold the law without fear or favour... and to ensure the law is evenly maintained and enforced', the community agrees to - and even encourages - police to exercise discretion in the area of law enforcement in the interest of the public good. The lengthy training and rigorous selection procedures that police undergo exist to ensure that police act with propriety and in harmony with prevailing norms and

values. Their accountability, of course, acts as a safeguard. It is unavoidable that law enforcement involves the exercise of discretion. Whether or not a motorist apprehended for speeding is issued with a Traffic Infringement Notice is dependent upon the decision by the police officer attending. Leaving aside the possibility of specific orders from a superior, his decision will be based upon a multiplicity of factors associated with the act (for example, traffic conditions, road conditions etc.) but primarily by consideration of whether his brief to prevent vehicular accidents can be better accomplished through a warning or punitive action.

The scope for exercising discretion for quasi-police is far more limited due to the reactive nature of their law enforcement activities, and the specificity of the legislation they enforce. The ambit of the powers enforced by private police is potentially much broader and while concentrating on the protection of property from theft or injury also includes the enforcement of public order laws (for example, security guards at rock concerts, pub-bouncers) and local regulations (for example, checking bags being brought into football matches for alcohol). I pose the question: Without any form of accountability upon what is the exercise of discretion by private police predicated - the public good or the interests of his employer?

To be economically successful private police enterprises must transfer their loyalty and allegiance to their employers: consequently one cannot be surprised when one course of action, seen to be in the interests of the community as a whole is over-ridden by an alternative realised through the potent consideration of cost-benefit economics.

If then, private police are to be involved in law enforcement they should be accountable to the community in such a way as to ensure that discretion is not used as a vehicle to sacrifice the interests of the public for those of the private organisation.

Although there is a tendency for police officers to argue that private police should not involve themselves in law enforcement, the argument cannot be sustained when analysed in terms of the obligation each citizen has in the maintenance of law and order. The official objectives of the Victorian Police Force state, in part, that:

... the... Force is an organisation whose members are part of the community employed to give full-time attention to duties borne by every citizen.... Each member of the Force, and the Force as a whole, has the objectives of protecting life and property, preventing crime, discovering crime, detecting perpetrators of offences and preserving the peace. Those objectives are accomplished by gaining the active involvement, support and confidence of the people.

Private police do assist, both directly and indirectly in the attainment of police objectives. The passing of information to police which leads to the apprehension of a law breaker is the most obvious way in which private police directly assist police. However, the

involvement of private police in certain areas of law enforcement can also be of indirect benefit to the police. An enforcer of the law is but one of the roles played by a police officer: he is also a social worker, arbiter, confidant and adviser. To be successful in these multiple roles he must gain and retain the support and confidence of the people. The police and the community must be one. By relieving police of the responsibility to enforce many of the bureaucratically inspired and regulatory type laws and transferring this function to existing or newly created quasi-police structures, the image of a policeman as a friend and helper of the community, rather than a foe, can be projected. For example, few police officers would express a desire to enforce Inland Angling Legislation, parking regulations or commercial vehicle regulations which are policed by Fisheries and Wildlife Inspectors, Municipal By-Laws Officers and Transport Regulation Board Officers, respectively. Private police have also eased the unwelcome burden of unpalatable tasks police have been required to perform. For example, the serving of non-police summonses, execution of civil distress warrants, security of cash-in-transit and assisting police in crowd control at some public functions such as rock concerts and football matches readily spring to mind.

However, the police do not merely desire to transfer those types of tasks just because they are boring, unrewarding and confrontationist. A powerful reason for ridding the police of many of those types of tasks is because it is more cost-effective to have them performed by quasi or private police.

As the demands on police are continually increasing, the easing of the law enforcement burden carried by police is a sensible and economical way of optimising limited police resources.

If private police are to play a greater role in law enforcement in the future there is a need to:

- (a) set standards for private police;
- (b) introduce a higher degree of accountability into the industry;
and
- (c) provide training appropriate to the type of duties to be undertaken.

These needs have been acknowledged not only by police but by members of the private security industry itself. Although in its early stages, a working party of police, law and private police representatives have raised these and other important issues.

The proper administration of justice and enforcement of the law is a fundamental pre-requisite for a secure and democratic society. We as citizens should all be moved to ensure that those employed in this area do so in a manner to best serve our common interests!

DISCUSSION OF PAPER

The discussion which followed this paper largely centred around the responsibility of private security operators towards the police and the community, and began an examination of the relationship between the police and private security.

A senior representative of a large private security company drew the attention of the participants to a point in the paper which seemed to suggest that public apathy is working against the possibility of obtaining greater numbers of police. He added to this, saying that private security firms provide a small number of jobs in comparison and only in areas where the police cannot provide services.

Sergeant Muir who had delivered the paper on behalf of Superintendent Tickell responded that it was true that the police accepted the permanence of private security and that it provided services police could not.

The discussion thus far was not considered specific enough for a departmental head of a tertiary institution who confirmed his belief that private security is more than simply replacing or supplementing police. He suggested that security operators found themselves conducting a number of activities such as closing valves, looking for fire situations, and that insurance companies insist manpower be provided for specific activities such as these.

A senior industry executive commented that bad images occur in the private security industry but can be overcome by close attention to relationships between police and private security operators. He did suggest that accountability was an issue which should be considered.

Another policeman responded by saying that accountability was best served by legislation, and proceeded to describe the relative merits of legislation in various States. Western Australia, he said, possessed the most stringent legislation but other States had the ability to deny individuals access to the industry.

The issue of control and regulation was taken up by another senior industry representative, who stated that he was concerned about the incidences of unlicensed persons in the private security industry, and discussed the effectiveness of the Western Australian system. He expressed his conviction that in-house controls may be more effective than legislation and exemplified situations where instant dismissals had taken place subsequent to infringements of company rules. He added that in regard to understanding the rules, there should be more training and a greater police involvement.

A Victorian police officer agreed that this might be an approach, adding that police already gave assistance and lectures to major firms.

A member of the Federal Police suggested that an examination of cooperation between police and private security might be well served by analysing roles - particularly those of 'real' police and guards.

This subject generated a brief open discussion on differences of components within the Federal Police, differences between traffic police and other police, and ended when it returned to the relationships between police and private security. It was agreed that in most instances there was little friction between police and private security, but there were problems.

One problem was raised by a Victorian policeman who expressed concern about the high rate of false alarms experienced by private security firms in Victoria, which it was said led directly to considerable wastage of police resources.

A New South Wales policeman agreed that this was a problem in his State, and said that he was concerned about 'look-alike' uniforms, cars and equipment which sometimes led members of the public to believe that police were responsible for certain malpractices when in fact members of private security companies were responsible. He cited the example of a patrolman who had drawn a pistol after a private altercation with a citizen at traffic lights.

The Victorian policeman who had commented earlier responded by saying that he believed such extreme problems were not general to his State, and that the good standard of training of private security personnel there was probably responsible.

Another policeman stressed the importance of understanding that the essential difference between police and private security lay in the law and that private security had authority only where private property was being protected.

A private security executive acknowledged this but replied that in addition cooperation took place on a wider plane and exemplified the situation of cooperation which exists in New South Wales when a private security firm detects a crime and calls the police. In such circumstances, he said, cooperation in the arrest exists between police and private security.

A staff member of the Australian Institute of Criminology asked if private security personnel could not arrest under common law.

An academic participant responded that arrest was not only possible under common law, but under statute as well.

Despite the keenness and involvement of the participants in this issue the time for debate had elapsed and the Chairman closed this session.

THE GROWTH AND CONTROL OF PRIVATE SECURITY IN AUSTRALIA

R.W. Page

Recently, the Blacktown City Council in the western Sydney area announced that they were going to employ a private security organisation to provide uniformed patrolmen to police the streets and shopping centres of that area to combat increasing vandalism and the activities of undesirables.

Several years ago a Sydney newspaper ran a story that householders in the Vacluse area had their own private 'police force' patrolling the streets of that suburb dressed in uniforms similar to New South Wales Police, driving vehicles similar in model and markings to police vehicles, and carrying .38 calibre pistols, and offering to provide a service similar to police officers on patrol but at a contract price based on a weekly rate for each home they protected.

In another part of Sydney's eastern suburbs, a private inquiry agent using police style uniforms and vehicles and claiming to have 1,500 customers on his books was prosecuted by police for flagrant abuses of his Private Inquiry Agent's licence and was ultimately banned for life from holding such a licence by the Appeals Court.

A motorist was returning to his car at a late hour of the night in an eastern suburbs car park and became involved in an altercation with a uniformed person. The motorist claimed he had been assaulted by police but subsequent investigation showed that his alleged assailant was in fact a uniformed private security guard employed to patrol the car park.

These incidents and many others are of increasing concern to police officers throughout Australia, particularly as there is no real uniformity of licensing and control from State to State.

In New South Wales in 1978 there were some 6,000 licensed private inquiry agents or sub agents, most of whom were also the holders of pistol licences. In his Report of the Commission to inquire into the New South Wales Police administration, Mr Justice Lusher commented on the spectacular growth of private security services and reported that for 1981 there were some 15,000 private inquiry agents licensed in New South Wales, a State with only 9,300 police officers. An industry which more than doubles its size in three years is indeed showing a spectacular growth rate.

These figures of course do not include the countless number of staff employed on providing security of an internal nature who are employed by larger organisations. One typical example would be the

number employed in the retail industry on endeavouring to control losses through shoplifting, employee theft, and other malpractices.

A perusal of the Sydney telephone directory alone shows 120 private inquiry agencies listed, together with 160 security firms ranging from one-man outfits to long established and highly reputable firms employing up to 1,000 operators on a national basis.

On the other side of the country, in Western Australia, which has a force of 3,000 police officers, there are 85 registered security firms who employ some 1,000 guards who, in the words of that State's Police Minister, are employed in the area of property protection, a function expected of his police force.

It is obvious that in Australia as has, I believe, occurred in the United Kingdom and North America, we have been and still are undergoing a quiet revolution in the policing of our community involving a changing role for both the police industry and the security industry.

As a representative of Australia's largest police union, I would like to draw your attention to what I see as some of the major causes of this change and our concern at the possible outcome.

In doing so, one must consider the historical background of policing in Australia, which is, of course, based on the English tradition, where as far back as Saxon times responsibility for the maintenance of some form of social order fell basically to individuals, families and then to groups of families. The Statute of Winchester in 1285 made every citizen in Britain responsible for his own actions and for bringing other citizens to justice.

In pre-industrial England there emerged the office of Constable, the head man of each group of citizens, who was held responsible for the conduct of each member of his own group.

Later came the 'watch' who were the men who guarded the gates of the cities and patrolled the streets at night. However, the social economic and political pressures of the industrial revolution finally caused the English people to reluctantly accept a system of policing which, with the Metropolitan Police Act in 1829, saw the foundations laid of professional policing as we know it today.

With the acceptance of the 'new' police as they were called, and the establishment of guidelines for their operation and control, a model was established which has served for most police forces in England, North America and Australia, and the population came to see the control of crime as a function of Government, and the provision of protection to both the individual and his property as the exclusive preserve and responsibility of police officers.

The origins of policing in New South Wales were deeply involved with our foundations as a penal settlement. The first constables were convicts who were appointed to the watch under the control of the Judge Advocate. It was not until 1833 that the position of police was

regularised by statute which placed the police under the control of the magistrates, and in 1862 an Act was passed to consolidate and amend the laws relating to the police force and brought the whole police operation under the control of an Inspector-General. The New South Wales Force as we know it dates from this legislation.

As was the case in England, with the emergence of a more professional police force, the requirement for other members of the community to be involved in private security activities decreased and the protection of life and property was regarded as being a prime government responsibility through its police force.

The provision of the law relating to the appointment of special constables by magistrates, however, remained in force. This legislation which was passed in 1855 gave magistrates the power to conscript ordinary citizens in times of emergency to assist the regular police to maintain order.

These provisions were used from time to time and one example was reported in September, 1890, when a riotous assembly of almost 10,000 people gathered in the Circular Quay area of Sydney and were cleared from the area by 36 mounted troopers, 60 foot police and almost 200 special constables.

The power to appoint special constables for a variety of purposes still exists today and was the subject of a Report of the Law Reform Commission of New South Wales to the Government in 1974. A number of changes were recommended and I will touch on these changes later.

While the bulk of our population lived in rural or smaller towns, the police task was much more clearly defined. People had no doubt as to what they expected their local police to do and police officers were less subject to challenges of their jurisdiction or the propriety of their actions. Traditional institutions such as the family, school and church, together with a more closely knit community were factors which played an important role in ensuring that discipline was maintained and social problems were dealt with satisfactorily.

This then left the police officers with the ability to live up to the community's expectations that it was their responsibility to detect and apprehend offenders and to prevent crime and maintain good order.

One often hears today comparisons voiced by mature members of our society about the summary jurisdiction which was meted out by their local 'cop' and the respect they had for him or perhaps a certain degree of fear of being caught by him.

This is also reflected in the call in the United Kingdom for a return to community policing as a panacea for many of their ills.

The upheaval which followed the first world war and then the great depression of the 1930s brought with it in this country as with other western democracies a gradual break down of the existing order of things and a marked shift of the population towards greater urbanisation.

This change was accelerated by the second world war and in the last 30 years we have seen the close-knit community with its in-built, self-regulating mechanisms give way to an increasing concentration of people in the urban sprawl of larger cities, an education system which has become less authoritarian, a lessening of parental and church authority, a revolution in the ability to communicate, and a greater emphasis on the rights and virtues of individual freedom.

The whole structure of our society and its ethnic composition has changed enormously in the period since 1950 with a resulting proliferation of political and special interest groups espousing a multitude of causes.

What has been the effect of these changes on the police force and its ability to cope with an increasing variety of problems? I have already mentioned Mr Justice Lusher's Inquiry into the New South Wales Police Force and in his report he has this to say when speaking of the increasing difficulty facing police in a modern western democracy:

On the one hand the community expects a high level of police protection, a high visibility, immediate response to incidents affecting them and a fair and uniform interpretation of the law. More particularly they insist upon an impartial and understanding treatment in any encounter with the police and a right to complain and redress if it is not forthcoming.

On the other hand, the same individuals are disinclined to accept the intrusion of police in matters directed at themselves and to resent, if not to challenge, the enforcement of the law against themselves...

The enormity of the task of crime prevention, detection of offenders and protection of life and property has begun to outstrip the ability of our members despite the commonly held belief that crime is largely a police problem and police can and should deal with it.

Without going into a lot of boring statistics, one has only to look at just a few areas of increasing community concern - armed robberies in New South Wales which jumped by 47 per cent from 702 in 1979 to 1,032 in 1980, the ever rising toll of the road, the numbers of persons who are killed or injured which has been climbing steadily for the past 20 years, and the number of crimes reported which has reached heights which would have been unbelievable just a few short years ago.

Why can't the police force in New South Wales provide the service which the community expects of it? There are two main reasons.

Firstly, there is the failure of successive governments to provide sufficient police officers to do the job. In New South Wales we currently have the worst ratio of police to population of any State in Australia with 1:566 compared to 1:490 in Victoria our next biggest State, and 1:384 in South Australia.

We say that in order to provide a proper service to the community we need 2,000 extra police right now and a total increase of 4,000 over the next few years.

Despite our calls upon the Government over recent years they have consistently refused to make any substantial increase in police numbers, and in a last desperate effort short of taking some form of industrial action, my Association, in February of this year, embarked on a State-wide advertising campaign to bring to the attention of the people just how seriously we saw the situation.

The Government, while not agreeing with our claims, has caused a State-wide survey of police staffing levels to be carried out and this survey has now been completed and we are awaiting an opportunity to discuss it with the Police Minister. We understand that the survey does in fact support our claim for an immediate increase of 2,000.

With a shortage of that size, is it any wonder that the community is forced to turn to private security organisations to provide crime prevention and protection of their lives and property?

Second, as a product of our generally more open and permissive society with more emphasis on personal freedom and independence, the legal framework in which our members operate is being increasingly narrowed by the imposition of more and more controls on members of the police force in their daily operations.

The establishment of the Ombudsman, the Privacy Committee, Anti-Discrimination Board, the proposed Criminal Investigation Bill are all measures which have tended to reduce the effectiveness of police by making them more and more publicly accountable for their actions and, in the issues of civil rights, police methods and tactics are the subject of debate not only in the courts but in the community at large and more particularly in the media.

As Mr Justice Lusher commented:

In dealing with matters of criminality, there are grounds for the view that sections of the community are probably less interested in what police achieve than they are in how they have achieved it.

The end result of these activities is that the police can no longer always perform to the expectations of large sections of the community, who are turning in increasing numbers to private security organisations, whose members are not publicly accountable and are not subject to such close scrutiny, so that, in the long run, the efforts of those who would shackle the police could well be counter-productive.

WHERE ARE WE HEADING NOW?

There is little doubt that the Police Force with its present numbers and legislative restrictions cannot any longer be all things to all men. However, the ultimate responsibility of the police force is and will continue to be to maintain law and order. Private security organisations should be used only as a subsidiary source to public policing.

In his recommendations to the New South Wales Government, Mr Justice Lusher had the following to say:

The Force should at once set out for itself well defined objectives and goals within the boundaries of its functions and which are regarded as being within its capacity to perform.

My Association endorsed this recommendation although we did reject his calls to restrict the police function, particularly in the social-welfare-type field, as being too narrow an approach.

While there is no room in our society for private security organisations to try to compete with public police forces, it is obvious that police should not and cannot be expected to meet all demands for protection services as part of police duty.

This then leads me to consider the question of control and accountability.

Police in Australia exercise their powers and authority in a similar manner to their English counterparts, that is, they operate with the consent of the community and independent of the Executive. They are responsible individually for their own actions and are publicly accountable as an individual for such actions.

The same cannot be said for private security personnel, who are responsible to the management and shareholders of their company.

It is essential if private security organisations are to continue to carry out a private policing role that they be brought under centralised control in order to be able to require minimum standards of recruiting, training - particularly in the use of firearms - uniforms, behaviour, and discipline.

I would contend that the most obvious person to control the activities of private security organisations is the Commissioner of Police in the State in which they operate.

In the Report of the New South Wales Law Reform Commission on Special Constables, one of the recommendations made by the Report is that the Commissioner of Police be given the legislative authority to appoint different categories of special constables in that State, and included is the 'limited purpose' constable. This recommendation would, we believe, go a long way towards remedying many of the problems which

currently exist, and my Association has actively pressed successive New South Wales Governments to implement the recommendations, unfortunately with a notable lack of success.

The provision of basic training is an area which would cause some initial problems but these would not be insurmountable. It was interesting to read in the series of articles by Chief Inspector Slater of West Midlands Police which were published in the Police Review recently of the second tier of policing which applies in the Royal Canadian Mounted Police and the Michigan State Security Service.

I found provisions of a similar nature during visits to both Sweden and Singapore, where basic police training was provided for people engaged in private security work on a contract basis by the Government.

Of course in the Federal Police Force in this country we also have a division of function.

To sum up my point of view:

- . While ever police numbers are restricted by governments in this country and increasing controls are placed on police, there will be a consequent growth of organisations providing private policing.
- . I agree that there is a very important role for private policing in the community as an adjunct to normal police services, but it is essential that persons in that industry are properly trained and controlled.

DISCUSSION OF PAPER

The discussion following this paper examined the police perception of its relationship with private security and highlighted the intrusion of technology into both police and private security activities.

The first comment came from a public servant who suggested that private security is better equipped with technology than police and possesses a greater number of persons trained in electronics.

Mr Page responded saying that this was true and was related directly to finance.

The ratio of technical people in the private security industry could not readily be established, said a private security executive, but the large numbers were related to high technology demands as the industry moved inexorably towards greater technological involvement.

Mr Page replied saying that technology is important but would not replace visible law enforcement, and then gave the example of street policing.

The opinion was voiced by a senior federal public servant that, if the previous view was accepted, it appeared to him that private security was more efficient in the electronics field, with its direct involvement in electronics firms, and that greater utilisation of that efficiency could release police from other jobs. He was sceptical about Police accepting this concept as they may be too entrenched and could be concerned about losing positions.

That opinion was commented on by a policeman who suggested that modern technology has done just as much to take police off the street and exemplified the withdrawal of policemen from street corners after undergoing extensive training for other areas.

A policeman asked one of the senior industry executives present if he envisaged the greater use of technology to reduce false alarms. The executive responded by saying that in general his view was that false alarms are caused by client error. He cited a United States firm which, after a client education program, regularly experiences false alarms as low as two per month.

The reference by a senior public servant to criticism by the Lusher Report of involvement of police in boys' clubs led to a comment by a New South Wales policeman that the police are isolated enough from the community and to withdraw from police boys' clubs would exacerbate that situation.

An academic participant raised the issue of the matter of the appropriateness or value of police training in the private security world. He suggested that a 'police' approach was anathema to unions and inappropriate in the union-dominated workplace.

Another policeman, while acknowledging the view of the previous commentator, expressed concern that, in his view, in some situations unions appear to have more authority than governments.

Returning to a previously examined theme, a senior public servant raised the matters of computer fraud and electronic crime, suggesting that private security firms appear to have adequate numbers of staff to cope with such problems and asking if police have such resources.

A New South Wales policeman said that some resources were available but that there will never be enough because of a lack of funds.

At this stage this segment was closed by the Chairman as the time allocated had elapsed.

POLICING AND PRIVATE SECURITY: A FEDERAL POLICEMAN'S PERSPECTIVE

L.J. Claydon

BACKGROUND

The study of the relationship that exists between policing and private security has received little attention in Australia and the Australian Federal Police (AFP) welcomes the opportunity to make some contribution to the work of this seminar.

It is firstly useful to arrive at some working definition of what we mean when we talk of private security. The original watch committee established under the statute of Westminster in 1285 created the situation of the 'watch and ward'. However by the sixteenth century in England the wealthier tradesmen townsfolk became less involved in those duties and this resulted in the development of watchmen employed to serve as the 'deputies' of persons who otherwise would have had to take their turn to serve on the watch. Draper⁽¹⁾ quotes Henry Fielding... 'they are chosen out of those poor decrepid people, who, from their want of bodily strength are rendered incapable of getting a living by work. These men, armed only with a pole, which some are scarcely able to lift, are to secure the persons and houses of His Majesty's subjects from the attacks of young, bold, stout, desperate and well armed villains'.

If Fielding's comment is to be relied on as factual, then it is not much wonder that the watchman system did in fact collapse. It ushered in a system of private watchmen services used by merchants and later by the stagecoach companies.

The concept of private watchmen and private security services then is not new. It was not until 1817, however, that private detection firms took shape as an organised profession. This was first in France under the guidance of Francois Eugene Cidocq. Pinkertons became established in the United States later and, as Draper notes, the Matrimonial Causes Act of 1857 paved the way for the development of investigational agencies in the United Kingdom.⁽²⁾

DEFINING PRIVATE SECURITY

Although the development of private security firms may have had its genesis in humble beginnings, since then the scope, role and growth of private security agencies and of the private security profession has developed the industry into a multi-million dollar concern. The activities of the agencies have become so diverse and interconnected with the role that publicly funded police forces perform that before any meaningful

study can begin an understanding of what is meant by private security should be provided.

The United States Task Force Report on Private Security 1976 provides a useful and simple definition as that formed by 'individuals and organisational measures and efforts as distinguished from public law enforcement agency efforts that provide protection for persons and property'. It also includes in this definition 'business enterprises that provide services and products to achieve this protection'.⁽³⁾

The Rand Corporation offered the following definition of private security: 'The terms private police and private security forces and security personnel are used generically in this report to include all types of private organisations and individuals providing all types of security-related services, including investigation, guard, patrol, lie detection, alarm, and armoured transportation'.⁽⁴⁾

It would appear from these definitions that it is not the nature of the security activity that identifies private security work but the mere involvement of private as opposed to public organisations.

The Task Force Report (mentioned above) also directs the researcher to study not only the actual organisation but the client for whom it operates.

Therefore, from an Australian Federal Police perspective attention must be directed towards the user of those services. That consumer includes the Commonwealth Government and within the Australian Capital Territory includes individuals, industrial and financial groups, the retailing industry and transportation to name a few. It also extends to providing the usual range of escort services such as payroll escorts and bank escorts. The fact that private firms also provide these facilities to the Commonwealth and to private concerns within the A.C.T. is indicative of the confusion of roles that has occurred. If conflict is to be avoided we must reach an understanding of how private and public agencies can co-exist.

OVERLAPPING ROLES

There is no doubt that it is beyond the capability of the AFP for example to perform all of the functions relating to the protection of property and life which could, perhaps, be seen as the provision of an all-inclusive policing service.

A ready example is the dilemma faced by the Commonwealth when it seeks to ensure reasonable standards of security for aircraft passengers and crews. There is a continuing danger posed to airline travellers by the threat of terrorism, aircraft hijack and bombings. To minimise and contain this risk it is necessary that passengers about to board aircraft are given at least some examination to determine if they are carrying either weapons, bombs or dangerous items.

The Government has contracted for private security firms to conduct the actual electronic barrier search and inspection of hand luggage. This is done while a member of the Federal Police remains in the vicinity to perform the police duty should any dangerous item or weapon be located.

This one example of cooperative action in which Federal Police, a private security agency and the Department of Aviation are involved provides an ideal model of close and mutually dependent participants providing a service.

It was only a few years ago that police officers employed by the Commonwealth had to perform such duties as the providers of escort services for the Reserve Bank. Police were not infrequently used on various payroll escorts. In a theoretical way the provision of such services falls neatly within the duties of the police relating to the protection of property. This sort of duty is unpopular with police officers. It remains, due to the nature of the work, a fairly tedious and mundane task. It hardly challenges the policeman to make use of the range of skills which he has developed in his career. There is a recognition by the police that those services can be provided more efficiently by private agencies whose concentration of resources are particularly suited to this role.

It is uneconomic to divert police resources to property guarding tasks which can be performed by private enterprise organisations developed for that purpose.

Another factor to be considered is the existence of good and reliable communications between private security firms and the police. No doubt part of the cost of entering into a contract by the private security companies are the communication facilities which they need to install to be able to establish and maintain reliable and instant communications with police. This is necessary if the police are to be in a position to take responsive action in the event of a crime, which is being committed or about to be committed, being reported to them.

The police develop procedures to be used in the event of certain incidents taking place. The efficiency of police relies on regular practice of these procedures. Unfortunately limited attention has been given to joint training exercises by police and members of private security firms who may be either in the vicinity or involved in the incident before the arrival of police.

The coordination of resources at the scene and the role of the police as the agency to deal with crime should I think be given better understanding by both parties. Both organisations need to further refine their procedures to ensure they understand one another and have practised in coordinated exercises.

There is never a ready community acceptance that the police are unable to perform all of the functions that in an ideal situation they might be expected to do. There needs to be a greater recognition of the reality that the police can no longer provide all of the services. Without the legitimate use of private security firms the general standard of

safety in the community would be lessened. It is important that the coordination of police and private security firms be given greater attention particularly in the development of mutually identified responsibilities at the scenes of crimes at which members of private security companies are present.

It is reasonable to expect that the trend will increase whereby police provide some assistance to the private security companies in the training of their staff. When a crime takes place where private security members are present those members should not act as untrained persons but as professionals able to identify, recognise and record the salient facts.

In the containment or control of any dangerous situations the use of weapons is an act of last resort. The open carriage and potential to use weapons by private security firms contains within it grave risks. It highlights the need for proper training and regulation by legislative enactment which entrusts to police the monitoring of these activities. It is pleasing to see that this aspect has been given attention by professional security firms.

I now turn to the other point and that is the use of what I would loosely call 'private' security officials within government departments. I know that ordinarily the definition of private security firms does not include members of government departments but in terms of federal policing in Australia it is important that some consideration be given to this aspect.

The Federal Police has the responsibility of investigating serious offences against the Commonwealth. But just as the police are unable to provide total crime preventative patrolling services it is just as true that the Australian Federal Police are not in a position, and are never likely to be in a position, to be able to effectively and thoroughly investigate every offence suspected of having been committed against the Commonwealth or any of its departments or statutory authorities.

Within the major departments small investigatory units, and sometimes even rather large ones, have been established. Professor Duncan Chappell in his study *Sentencing of Federal Offenders*⁽⁵⁾ commented that the range and scope of the investigatory responsibilities of these departmental groups is more 'extensive than is generally understood. It is also apparent that, at present, there are no rational lines of demarcation between the role of the AFP in the investigation of crimes against Commonwealth Law, and other government departments and agencies which maintain their own investigatory resources. In most cases, at least, the latter are the product of history rather than logic.'⁽⁶⁾

Much of the effort of the Commissioner of the AFP, Sir Colin Woods, has been directed to developing and establishing those clear lines of demarcation.

This has resulted in an agreement that, where a serious offence is suspected of having been committed, the matter should be referred to the Australian Federal Police at an early stage for investigation, while the

departments continue to investigate the minor offences. The agreement allows for professional police assistance in appropriate cases.

The AFP considers that in the provision of escort services or the investigation of minor offences the tasks are best done in cooperation with private or government security agencies.

Police staffing and finance preclude us from exclusively undertaking all traditional roles. That has lead to the development of the recognition that only by cooperative action are we likely to adequately provide for the safety of citizens and maintain the laws.

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- (1) Draper, H., *Private Police*, Penguin, 1978, p. 17.
 - (2) *Ibid.*, p. 15.
 - (3) *Private Security: Report of the Task Force on Private Security*, Washington, 1976, p. 3.
 - (4) Kakalik, J.S. and Sorrell Wildhorn, *Private Police in the United States: Findings and Recommendations*, United States Government Printing Office, 1972, vol. 1, p. 3.
 - (5) *Sentencing of Federal Offenders*, Report No. 15 (Interim), Australian Government Printer, Canberra, 1980.
 - (6) *Ibid.*, pp. 57, 58.

DISCUSSION OF PAPER

The discussion of the paper presented by Mr Claydon largely pursued the role of police *vis a vis* private security in various locations and circumstances.

The chief security executive of a government authority described the staff composition of his area of responsibility. These people consisted of security managers and investigators. Would it not be better, he asked, to refer to police and non-police in future definitions?

Mr Claydon described relationships between his organisation, the organisation of the previous questioner, and the state police in terms of role definition. He then went on to say that police hated others calling themselves police and indeed there are Acts in certain States prohibiting this. There is no doubt, he said, that private security firms are better at crime prevention and are well organised. Police are concentrating on keeping the peace and investigating crime. The spirit of cooperation, he said, is the key to success.

The question as to why the Australian Territories (for example, the Australian Capital Territory) do not have legislation for private security operators was raised by a public servant. His question was replied to by Mr Claydon who could not say why but added that he felt that there should be some form of regulatory agencies in these areas.

As there were no such agencies, the same public servant asked, who should regulate private security in the Territories?

The answer was the police, who should issue licences, according to Mr Claydon.

This line of question was continued by the same questioner who asked if Mr Claydon could see such legislation getting as strong as the Western Australian variety.

The private security industry needs to be its own master, was the reply. Indeed, it was added, if industry standards were not met by a firm it would soon be put out of business.

A senior industry executive suggested that the industry should understand the role of the police and accept police discipline. He exemplified situations of mass property, as earlier described by Dr Shearing, and said that private security has only one recourse when assistance is required. That was, he felt, to go to the police.

Mr Claydon said that the mass property situation does not occur in Australia and suggested that withholding information could in those circumstances be construed as misprision of a felony.

An academic participant raised the issue of private security at airports. He felt that the private security people involved were not adequately trained and that there were not enough police on hand to cope with certain security problems. It was his view that private security in these circumstances should not be trained to cope with terrorists. He was dismayed that poorly and inappropriately trained people may have to cope with terrorists.

Mr Claydon did not agree that private security personnel located at airports did not require training. He said that police require data and witnesses to fulfil their role. It was frustrating, he said, to arrive at a scene and have neither.

He felt training of private security personnel should be able to resolve that. Private security personnel should not be trained as police but they do require specific training. The example of the sort of training armoured car drivers should receive was given. It was incumbent, he said, on private security operators to ensure that armoured car personnel receive training and evasive driving techniques, for example. A guard, on the other hand, does not need to know how to interrogate a felon.

The previous questioner pursued the question of private security at airports and asked Mr Claydon to return to it.

It was difficult for him to discuss this and associated police arrangements in open forum, Mr Claydon said, but he restated his view that the private security personnel at airports need mainly only to observe.

A policeman expressed concern about the concept of 'policing for profit' and its ramifications. He noted that affluent people could buy the protection they need under this concept but he asked, who looks after

the small shopkeeper, the ordinary person? He proceeded to make another point: this was that this seminar represented an elite group talking about cooperation in a substantial manner and that the basic issues just made by him should not be neglected.

Mr Claydon responded, saying that this point was valid but on the other hand police tend to respond to complaints and that these frequently come from the small person, the ordinary citizen. The other side of the coin, corporate theft for example, indicates that once again the police can take action only after a complaint is made.

At this point, due to exigencies of time, this segment was closed by the Chairman.

PUBLIC SESSION

PANEL: Sir Colin Woods, K.C.V.O., C.B.E., Q.P.M., Commissioner,
Australian Federal Police

Dr Clifford D. Shearing

Mr J. Ashby

Mr W. Clifford (Chairman)

The public session consisted of an exchange of ideas and a discussion of a variety of topics interspersed with comments and questions from the floor.

Sir Colin discussed the police/private security relationship and explored the potentials for the future. He sounded a note of warning regarding the risks attending controls on private security operators and indicated that private security has a major role to play in crime prevention. He said that it was imperative that both police and private security understand each other's role and cooperate in the public interest, always remembering of course the overriding police statutory role.

Mr Ashby replied that he believed the public interest could well be better served by continuing and improving such relationships and that it was his hope that the seminar might come up with concrete proposals in respect of continuing cooperation. He stated his belief that the police will not, in the future, have the resources to combat crime on all fronts, and indicated his belief in the professionalism of the private security sector and cited what he said is its positive record in the armoured car business.

Dr Shearing voiced the view that cooperation was a good thing but that the danger to civil liberties should not be lost sight of and the importance of privacy and the due process system should be remembered. He continued, warning that massive data banks held by private security were beyond the ability of private security to protect. He said that serious abuse was possible and that examples were available in the Canadian experience. In explaining how this could occur he mentioned that many security companies in Canada are staffed by ex-policemen, and that the 'old boy' network they provide gives access to public records or private records. He said there was official hypocrisy about this and that officially such practices are denied but unofficially they are accepted.

Sir Colin expressed the view that in purely pragmatic terms it may be better to check records initially than later have the public purse expend a large amount on a substantial police operation.

Mr Ashby stated that indeed such relationships between police and ex-police existed and in fact he had for many years used them himself - to the advantage of combatting crime - but he denied the existence of any large data banks in private security firms.

A representative of a Federal Government Department asked Sir Colin if he thought that ex-policemen should be employed in private security firms. Sir Colin replied in some detail that the training a policeman receives is detailed enough to qualify him for positions in private security. A representative from one of the tertiary institutions challenged this view, indicating quite strongly that policemen were not qualified for employment in private security.

Mr Ashby replied that some ex-police were friends and colleagues whom he had worked with for many years and that their integrity was proven.

This response was not considered satisfactory by the original commentator, who confirmed his belief that police were not satisfactory for use in the private security sector by suggesting that police training was counter-productive in the commercial area and could indeed lead to industrial difficulties. He suggested that the nature of private security work was fundamentally different from police work.

A member of the private security sector sought to return the discussion to the need to consider the control of the industry and stated that he felt that government bureaucracies were muddled in their approach to private security and that there was a blurring of State and Federal responsibilities.

Sir Colin agreed but added that the industry itself was confused about its responsibilities and its position in the community, and that there needed to be a general clarification of roles.

Mr Stenning suggested that indeed, until clarification was made, confusion in the security industry and government departments about the role and function of private security may increase as the pressure mounts on the industry to enter an increasingly complex society to a greater degree.

A representative of a Federal Government Department raised a matter of contemporary political attention which he said may have a bearing on the discussion. That subject, casino security, was mentioned in terms of control of organised crime and internal casino security.

Sir Colin responded that the casino matter had been exaggerated in Australia and that casino security in, for example, Tasmania bears no relation to the situation in Las Vegas where a different set of circumstances exists.

Sir Colin continued giving an account of the security and legal/political controls which he had experienced in London. Over all his feelings were that such casinos can be controlled and given adequate

security measures. However, He did sound a note of warning by discussing the human ingenuity of certain individuals in beating the systems applied by private security firms.

The issue of the vast growth in numbers of police and private security personnel was raised by Mr Clifford, who posed questions regarding the reasons.

Sir Colin responded by saying that it is probably because both police and private security firms are merely responding to the community's needs.

A member of the Australian Institute of Criminology suggested that perhaps the large private security firms were promoting fear of crime in the collective public mind and cited a generalised example of scare publicity.

Sir Colin replied that, whether that suggestion was accurate or not, the fact was that there has been a real crime escalation.

Mr Ashby supported Sir Colin by mentioning the crime statistics of the Victoria Police which indicate a crime rise. He denied the use of scare publicity and reiterated a previous view of social responsibility by private security firms and gave an example by relating the recent large investment his company had made in drug education for youth in Sydney.

The discussion in regard to the reliability of statistics about crime continued at some length, with Mr Clifford stating his view that there were no reliable figures available.

Dr Shearing added that in fact not all crime was reported in any case - this was a theme he examined further in regard to private security the next day.

The matter of unreported crime was expanded by Mr Clifford who discussed victimisation studies and the study of the fear of crime.

Dr Shearing said that perhaps crime prevention programs might be examined more closely as he was a little doubtful about their value.

The discussion on crime prevention and its merits or otherwise moved through the areas of drug-related crimes, crime prevention philosophy and the problems of fear and irrationality, and it was finally suggested by Mr Clifford that the associated statistics should be gathered and issued by experts. Only then, he said, would a firm base for comparison and discussion exist.

A representative of the Australian Federal Police asked if, given all factors known, the private security industry was likely to increase.

Dr Shearing responded that the growth of private security is correlated to mass private property and economic conditions, and given

the trends in regard to these in the world today, he felt that there would continue to be a growth in private security.

Mr Ashby added that he felt the increase would be steady and continuous.

Another member of the Australian Institute of Criminology asked if private security personnel generally admired the public police, suggesting that perhaps over-zealous private security personnel may emulate public police.

Dr Shearing replied, saying that the private security personnel of his experience were moving to a stage whereby they were, in instances, proud of their role and felt that their skills were superior to those of the police.

Another member of the private security sector raised the question of false alarms and the deleterious effect they have on the private security industry's image, particularly with the police.

Mr Ashby confirmed this ongoing problem and discussed the rate of false alarms in Australia and said that on the positive side of things the false alarm rate was being controlled.

Sir Colin recalled his experience with the London Metropolitan Police, noting that false alarms there are a problem but are frequently related to client error. He added that in his view private security firms should take the first response in alarm situations.

Despite the interest and enthusiasm of the participants in pursuing the discussed issues, the Chairman announced that the time allotted for the public session had elapsed, and the session closed at 7.42 p.m.

DISCUSSION GROUPS

GROUP ONE

Mutual recognition of both the police role and the role of private security was the major tenet of this discussion. However, the group observed that private security in Australia had experienced growth at a time when there is world-wide increase in crime yet there exist police budget cuts.

The consensus was that the public may correctly observe this phenomenon and be concerned. Accordingly it was suggested by one group member that the role and function of both police and private security should be carefully defined by a public authority with a view of establishing a framework on which to examine the fundamental issue.

It was suggested that the training needs of the employees of private security should be identified and reviewed (by some authority).

Another factor in the standards of private security was seen to be the influence and potential of ASIAL (Australian Security Industry Association Limited). It was felt that ASIAL could establish standards of expertise and could oversee the industry more rigorously. An ethics committee within ASIAL should be created, if one does not already exist.

This line of suggestion returned the group to the original concern about the growth of private security *vis a vis* the police and it was suggested by a police member of the group that private security should not be allowed to outgrow proportionately the police forces.

The final concept expressed related to the need for professional management qualifications for private security operators.

GROUP TWO

There were clear similarities of view between some points raised by Group One at this group discussion.

Areas which were in accord were in respect of the said widespread public concern about the roles of private security and police and the accountability of private security.

One academic member of this group strongly suggested that private security operators must be accountable for their actions and that the industry should be regulated by a 'body'. Licences for all operatives

should be issued, he felt. The same member was very concerned that such a body be truly representative of the community.

The need for closer attention to training in the private security industry, in common with views expressed in Group One, was stressed.

Perhaps the most interesting development in this group effort was the view emerging that police were too expensive and in consequence were increasingly unable (probably due to shrinking resources) to protect private property.

Following this line of property protection the group expressed the view that there were clear benefits in the employment of private security, particularly in what has become known as contract security.

It was suggested by this group that perhaps a definition of the future roles of private security and police rested on two words, prevention and enforcement. It was said that police could enforce and private security prevent.

GROUP THREE

A suggestion contained in one of the earlier groups' statements, namely that a prominent lawyer head a regulatory body for private security, was soundly criticised by a police officer on the grounds of comparison with similarly led groups in the community.

This group tended to stress the need for the role of the public police to be fully comprehended and it saw that the role of constable in the community was defined.

It was stated that private security is complementary to the police but it was added, it is an offence for anyone except authorised police to call themselves police.

Closely related to the theme of assistance by the private security sector was concern with the need for greater regulation and training of private security operators.

The legal theme of this group continued with a description of the existing licensing system for agents and sub-agents and the system whereby they are licensed through the courts of petty sessions and police.

The single separate major item of interest expressed by members of this group related to the problem inter-state security firms faced regarding licensing. Presently, security operators operating in more than one State must be licensed in each State. This causes considerable operational difficulty for the parent firms and it was suggested by the group that a multiple licensing system should be introduced to facilitate recognition of single licensing in every State.

During the seminar some private security executives suggested that self-regulation is the most appropriate method of regulating the industry and the group, while expressing earlier concern about regulation, commended this attitude.

Once again the issue of the existing legal system and its application to private security was returned to by a comparison by the group of the situation in Canada described by Dr Shearing and Mr Stenning with that in Australia. It was firmly suggested that in Australia the situation was not as advanced with statute law being firm, the definition of public places being clear, and the constable's oath having supremacy.

It was further suggested by this group that while, apparently, in Canada private security is concerned with loss of property, not the foiling of crime, the opposite is true in Australia.

The increasing cost of combatting crime was noted and it was suggested that government-funded agencies could not cope with the escalating crime rate. It was further suggested that a decrease in funding was consequent and this decrease in finance meant a reduction in services which in turn indicated an increase in opportunity for private security.

This increase in private security was not a bad thing, the group felt, as long as private security and police cooperated.

GROUP FOUR

There was agreement in this group that there were dangers for the community in the 'police look-alike' appearance of some private security operators. Worse, it was suggested, people without the attitudes and aspirations of police were being placed in circumstances where such police knowledge was required. It was strongly affirmed that simply holding a commercial contract does not make a police officer out of a private security operator.

This theme of difference was vigorously pursued with the observation that there was no commonality of approach between police and private security services, that there is a difference in service and that the community may well have need to be concerned about abuses by the private security community.

Nevertheless, it was noted, private security is here to stay and this in itself was a sad commentary on the level of government spending on its police forces as the reduction of public police certainly means an increase in private security and in the final analysis public police are more appropriate than private security.

The need for a regulatory body for the private security community was stressed as forcibly as it was by earlier groups.

SUMMARY OF GROUPS' MAJOR CONCLUSIONS AND RECOMMENDATIONS

In his summary of the discussion groups' reports, Mr C. Bevan, of the Australian Institute of Criminology, distilled the main points covered into defined needs.

1. Separate roles of both private security and police.

It appeared that these roles must be clearly defined.

2. Diminishing role of public police and increasing role of private security.

An examination should be urgently made of the relationship and nature of the changing roles of private security and police and their ramifications.

3. Need for consideration of the regulation and standards of private security.

Referral to the Standing Committee of Attorneys-General was suggested with the strong recommendation that a task force be created to consider regulation and standards of private security.

4. Licences.

Full consideration be given by whatever body is established to aspects of licensing, particularly in regard to company licensing, weapons handling licences, guard licensing, inter-state licensing.

5. Trade Unions.

Involvement of appropriate trade unions should be considered in any further deeper examination of the private security industry.

6. Self-regulation *vis a vis* Government regulation.

While self-regulation was considered to be laudable it was seen as inappropriate in its current form and severe modification is necessary. Government regulatory measures were preferred overall.

7. Training.

Referral of the published version of these proceedings is to be made to the appropriate Colleges of Advanced Education with suggestions that preliminary investigations be made regarding the establishment of management training programs specifically designed for private security managers.

It was recognised by Mr Bevan that a number of issues raised in the seminar were not properly reviewed by the discussion groups because of time limitations but that it was necessary not to leave them in limbo. Accordingly, he suggested that a further meeting, similar to this seminar, be held within a reasonable time to assess the progress of the concrete suggestions and to arrange the carriage of those not picked up at this time.

In regard to Item 3 above, Mr Philip Stenning suggested to Mr Bevan that a precedent for this action existed in the guise of the United States Task Force on Private Security. Mr Stenning then added perhaps the most vital comment of all.

He suggested that the consideration of all the aspects discussed should not be left to the private security industry or the police but rather an independent body. 'After all,' he said, 'our concern should be for the community above our interest for the private security industry.'

FINAL STATEMENT

Mr W. Clifford, Director, Australian Institute of Criminology

Mr Clifford thanked the participants in the seminar for their constructive participation, adding that their spirited involvement had, in his opinion, made this the best gathering at the Institute thus far on private security. He acknowledged the vast collective experience of the group, noting the attendance of so many distinguished members. Possibly, he said, Institute involvement in the future in regard to private security rested in their hands and he hoped that the discussions conducted during this seminar could be continued amongst them.

If the Australian Institute of Criminology could help it was ready to contribute after such discussion had taken place.

PARTICIPANTS

Project Director

Mr C.R. Bevan

Assistant Director (Training),
Australian Institute of Criminology,
CanberraVisiting ExpertsAssociate Professor Clifford
D. ShearingCoordinator of Graduate Studies,
Centre of Criminology,
University of Toronto,
Toronto, Canada

Mr P. Stenning

Research Associate and Special Lecturer,
Centre of Criminology,
University of Toronto,
Toronto, CanadaSpeakers and Participants

Mr J.F. Ashby

Consultant,
Mayne Nickless Limited,
Melbourne, Victoria

Mr D. Ashman

Controller,
Australian Federal Police Electronic
Services,
Canberra, A.C.T.

Mr D. Bell

Vice President,
Australian Professional Security
Institute,
Canberra, A.C.T.

Mr R. Benson

Representing Federal Police Association
of Australian Capital Territory,
Dickson, A.C.T.

Mr D. Biles

Assistant Director (Research),
Australian Institute of Criminology,
Canberra, A.C.T.

Mr W.S. Brittain

Security Officer,
Australia Post Security,
Adelaide, South Australia

Mr S. Brody	Visiting Senior Tutor, Department of Criminology, University of Melbourne, (Senior Research Officer, Home Office, Research Unit, London)
Mr K. Byrnes	Security Officer, Department of Industry and Commerce, Edmund Barton Building, Barton, A.C.T.
Mr R.B. Cartledge	Security Officer, Department of Science and Technology, Belconnen, A.C.T.
Mr T.W. Cherrey	Senior Lecturer, Department of Administration and Law, Phillip Institute of Technology, Bundoora, Victoria
Mr L.J. Claydon	Chief Inspector, Planning and Research Bureau, Australian Federal Police, Canberra, A.C.T.
Mr W. Clifford	Director, Australian Institute of Criminology, Canberra, A.C.T.
Mr G. Collins	National Sales Manager, T.N.T., T.N.T Plaza - Tower 1 - Lawson Square, Redfern N.S.W.
Mr H. Collis	Senior Project Officer, Planning and Research Bureau, Australian Federal Police, Canberra, A.C.T.
Mr P.N. Cornish	Inspector, Policy Section, South Australian Police Department, Adelaide, South Australia
Mr D.J. Fenton	Detective Superintendent, Tasmania Police Department, Hobart, Tasmania
Mr D. Hore	Security Officer, Department of Health, Canberra, A.C.T.

Mr D. Hunt	Security Officer, Auditor-General's Office, Department of Prime Minister and Cabinet, Canberra, A.C.T.
Mr W.F. Jamieson	Chief Security Officer, Telecom Headquarters, Melbourne, Victoria
Mr H. Kwong	Protective Security Officer, CSIRO Headquarters, Campbell, A.C.T.
Mr L.A. Lalor	President, Victorian Police Association, Melbourne, Victoria
Mr R.J. Leach	Property Protection Planning Officer, Department of Administrative Services, Canberra, A.C.T.
Mr D.J. Leach	Detective Inspector, Armed Hold-Up Squad, N.S.W. Police Department, Remington Centre, Liverpool Street, Sydney, N.S.W.
Mr L. Lee	Security Officer, Department of Primary Industry, Edmund Barton Building, Canberra, A.C.T.
Mr B. MacDonald	President, Australian Professional Security Institute, Canberra, A.C.T.
Mr I.B. Mackay	Managing Director - Security, Wormald Security Group Head Office, Redfern, N.S.W.
Mr J. Muir	Detective Senior Sergeant, Crime Prevention Bureau, Victoria Police Department, Melbourne, Victoria
Mr R.W. Page	Secretary(Administration), Police Association of N.S.W., Sydney, N.S.W.

Mr R.J. Price	Managing Director, Mayne Nickless Limited, Security and Express Group, Melbourne, Victoria
Mr A. Rees	Security Adviser, Australian Federal Police, Canberra, A.C.T.
Mr A.G. Simons	General Manager, Rank Electronics, Tymble, N.S.W.
Mr H. Strang	Acting Senior Assistant Secretary, Attorney-General's Department, Canberra, A.C.T.
Mr C.D. Vincent	Security Officer, Department of Administrative Services, Canberra, A.C.T.
Mr D. Waddell	Project Officer, Planning and Research Bureau, Australian Federal Police, Canberra, A.C.T.
Mr J. Walsh	Senior Vice President, South Australian Police Association, Adelaide, South Australia
Mr K.R. Wark	Inspector, Representing N.S.W. Commissioner Police Officers' Association, Sydney, N.S.W.
Mr R.A. Wilson	Security Coordinator, Parliament House, Canberra, A.C.T.
Sir Colin Woods, K.C.V.O., C.B.E., Q.P.M.	Commissioner, Australian Federal Police, Canberra, A.C.T.
Mr P. Wilson	Assistant Secretary (Administration), Ministry for Police Emergency Services, Melbourne, Victoria

