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PUBLIC-PRIVATE POLICING: EXPLORING NEW SECURITY

FRONTIERS

A SYNTHESIS OF SYMPOSIUM DISCUSSIONS

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INTRODUCTION

Since the last quarter of the 20th Century the policing environment has changed from one dominated by a state funded “public” police, to one in which the provision of “policing” is shared between public and private actors. Private security has expanded to meet citizen demand, and increasingly governments are turning to the private sector to provide policing services that are more flexible, cheaper, and in some cases more specialised than that which can be achieved by the public police. This trend has significant implications for our understanding of policing, and specifically for the leadership and management of public police organisations. How should the public police position themselves in a plural environment? What are the risks of pluralisation to the public police? What is there to be gained?

These questions and others were the focus of a day symposium held at the Australian Institute of Police Management on 5th November 2013. The purpose of the symposium was to bring together representatives from public and private policing worlds, alongside academics specialising in the field, to discuss the changing nature of the policing landscape and consider the new security frontiers. The symposium was well attended (an attendance list is provided in appendix 1). The symposium was structured around five 15 minute presentations, each followed by 30 minutes of discussion. Presentations covered three general areas of inquiry, followed by two international case studies. These topics were:

- Shifting boundaries of policing: Globalisation and its possibilities
- Trends in public-private policing and legislative implications
- Finding synergies in public-private policing: Opportunities, communication and regulation
- Port and maritime security: Comparing US and Australian experiences of working in partnership
- Public-private partnerships in cyber security: Examples from the US and UK

This document is a summation of the discussions held around each line of inquiry. The symposium was held under Chatham House Rules and as such - with the exception of the keynote speakers - participants have not been quoted. This summation has attempted to capture the main points raised throughout the discussions and draw these points into a coherent synthesis of the proceedings. The symposium concluded by posing four questions, and whilst we have documented the discussions around these four questions, this should be considered a starting point for further debate.

SESSION 1

Shifting boundaries of policing: Globalisation and its possibilities

This session started with a presentation by AIPM Professor in Residence, Philip Stenning, in which he set the scene by discussing the transformation of the policing function in history. Noting that prior to the emergence of the publicly funded Metropolitan Police in the late 19th century, order was maintained by a raft of private policing functions. The increasing pluralisation of policing in modern times should/could therefore be seen less of a new trend, and more of a return to a previous state of affairs. Philip went on to identify four levels at which plural (i.e. the mix between public and privately funded) policing operates. First, there is pluralisation *within* the state or by the state through the establishment of various agencies, including the Australian Crime Commission, Australian Customs and Border Protection Service, etc. Second, is pluralisation *above* the state in terms of the international and transnational policing agencies such as Interpol, Europol and UNPOL. Third, pluralisation *below* the state such as citizen and community policing, involving neighbourhood watch, citizen patrols or special constables. Then, and of greatest importance in terms of the focus of the day, there is pluralisation outside or *beyond* the state which involves two groups: the private security industry and the in-house security sector.

Who determines order?

There was discussion about who determines order. It was argued that private security companies need to operate within the framework/contract of the law of the land, and as such whilst the delivery of services might be contracted *beyond* the state, those providers were still operating *within* the state. In response to this reference was made to the case of FIFA (Fédération Internationale de Football Association) and its role in determining order in countries that wish to host a World Cup. "They dictate the order and define the order that will exist during the World Cup". The role of the state in this context is to organise itself to meet these requirements. This provides an example of how private companies can influence what order is. On the ground it can be difficult to enforce the laws of the state. Private security does not always conform to the law of the land and there are numerous examples of private security in foreign countries operating inappropriately and undermining sovereignty (for example *Blackwater* in Iraq). The accountability framework in Iraq allowed this company to not be held to account for their actions. As such whilst one can argue that private security have to operate within the law of the land it is not as simple as that and one needs to think deeply about the impact on sovereignty, on the otherwise collective view of public safety, and on mechanisms for accountability.

Of course whilst the Blackwater example and potential to undermine national sovereignty should be acknowledged, the majority of private security work does not occur at this end of the spectrum. The bulk (estimated at 95%) of private security operates in a supportive role. Contracts are tightly written, and private companies have an obligation to meet these contractual arrangements. This informs actions, and should also inform expectations. A contrasting view was noted from the private prisons experience, wherein contractual provisions were at odds with a given private company's interests. Specifically there was tension between a contractual obligation for a private company to report incidences of riots, and to share intelligence. In practice these things were under reported because reporting such acts held a negative financial sanction for the private company. As such one needs to be mindful that what drives a private company, even if it is clear and legally bound, is different to public sector drivers.

Is there parity in policing?

Note was made of a common concern for affluent citizens, that they “pay for the [public] policing resources [through taxation] but find that these resources are then directed towards poorer communities”. As a result, the affluent turn to private security (for example in gated communities). There is a need to avoid a situation where the rich get effective policing and the poor do not. Or where the affluent pay for the policing of the less affluent, to keep them out of ‘their’ space. Whilst in free market economies people are allowed to purchase additional security, some countries are ideologically opposed to policing beyond the state in this way. However even in these countries there are pockets of private security professionals carrying out roles that can be described as policing. The reality is that pluralisation is a trend that is unstoppable and will be with us for a long time, so there is a need to move past denying its existence or value. Knowing how to work best within a plural environment is the crux of the debate.

Is legitimacy a concern for plural policing?

There is a move in some quarters to co-badge private security personnel alongside public police, for example the co badging of G4S and Lincolnshire police (<http://www.bbc.co.uk/news/uk-england-lincolnshire-17772674>). Is there a concern regarding the way either organisation was perceived as a result of this co badging, and are public perceptions about one or other of the organisations would be effected as a result? At one level the lines between agencies are not blurred because of the detail of the service level agreements that were in place, which confined the private security sector to a very narrow remit, however the extent to which this was known by members of the public is debatable.

One of the challenges facing pluralisation is the community's expectation. One example can be found in the context of public transport, where one government removed transport safety officers because the “community demanded that this task be undertaken by police”. As such one of the big challenges is managing community expectations. If co-badging similar to that in the UK occurred in [one state] “there would be significant work needed in gaining community confidence”. Of course co

badging could have a positive effect too, and actually increase community confidence, particularly when the perception of one or other of the partners was higher. In some societies public expectations of the public police are so poor that privatisation actually increases this by leading the community to believe that the police can now more effectively meet demand.

Importantly it was noted that “the issue of police legitimacy is not chest beating”. The public police have learnt from history, and have recognised the importance of legitimacy for carrying out their functions. (There is a large body of work on the importance of legitimacy for engendering compliance with the law, and reducing the need for coercive and authoritarian policing¹). Thus legitimacy and meeting public expectations are an issue of private policing too.

What is the role of the state police?

As part of the introductory presentation, a definition of policing was presented, as follows:

“For our purposes ‘policing’ is defined as intentional action involving the conscious exercise of power or authority (by an individual or organisation) that is directed towards rule enforcement, the promotion of order or assurances of safety.” (Crawford et al., 2005: 4)²

Is this a palatable definition of policing for public and private providers? There was a suggestion that in the current political environment, in at least one state, this would not be acceptable by state cabinet. At one point in time state policing could be regarded as a siloed function, whereas now it is very much considered part of government. As such the debate needs to be considered not only from a policing perspective, but also from a whole of government point of view. Financial considerations, particularly in today’s economic climate, are therefore of central concern. Perhaps there is a need to “wrestle” the debate back from one driven by the economics of the issue to one driven by public value. That is not to say that greater public value cannot be achieved within a plural policing environment – indeed there is research to suggest that it can. But if the debate continually reverts to cost rather than public value then the broader contribution of policing to society may be overshadowed, and the metrics associated with the measurement of pluralisation’s success may be unduly focused on financial bottom line. Of course there is an immediate need in some states (and likely to spread to other states) for policing to meet “fiscal repair”. Which means the political focus is not on public value but on value for money. Public police in this context are actively looking at which aspects of their role are *contestable*, and they are finding that “nothing is off the table”. At the moment the notion of public value has been lost and it has become a financial argument, with police “losing control” of a lot of things they traditionally had. Thus whilst public value and fiscal value are

¹ See for example Hough, M., Jackson, J. & Bradford, B. (2013). The drivers of police legitimacy: Some European research. *Journal of Policing, intelligence and Counter Terrorism*, 8 (2), 144-165.

<http://www.tandfonline.com/doi/full/10.1080/18335330.2013.821735>

² Crawford, A., S. Lister, S. Blackburn & J. Burnett (2005) *Plural Policing: The mixed economy of visible patrols in England and Wales* (Bristol: Policy Press)

not necessarily opposed to each other, and it is possible to reduce costs and maintain (or improve) services, one needs to have that intent.

SESSION 2

Trends in public-private policing and legislative implications

This session commenced with a presentation by Professor Rick Sarre, detailing a research project undertaken with the private security industry in Australia³. The presentation discussed the extent of private security in Australia and the effectiveness of contemporary regulatory strategies. It presented case studies of police and private security partnerships, and considered the legal aspects of private security and public police practice. Significant gaps, inconsistencies and grey areas in regards to the current regulation and legislation governing private security were exposed. Importantly the legal powers and immunities for private security are sourced from a variety of disparate and different legal bases. The question is whether these are adequate and clear enough for 21st century 'pluralised' policing.

Is there a consistent approach in licensing and regulation?

Increasingly we are seeing *ad hoc* development of 'private security' laws with specific powers and immunities granted to certain personnel. Various experiences of regulation were noted from across the country, and the general consensus was that it was a "dog's breakfast" in terms of licensing and legislation. Much of this is based on case law and not enforced unless there is a private legal suit, in which case the individuals involved are usually paid out. It is "ridiculous that you have operatives working side by side and doing the same things but being judged legally under different standards". State police services have been protected by legislation, largely because they have powers over and above the *ad hoc* powers of the private sector. But now there is competition, and a greater number of traditionally public police activities are being undertaken by the private sector, and legislation has not caught up nor kept up.

There is also variation within the private security industry. In some areas loss prevention officers (retail security) do not come under the regulation/licencing provisions, although the picture is not consistent across the country. In terms of eligibility for licensing, this differs too. In some states there is a requirement to complete a 17 day course, whereas in other states a five day course would suffice. This has implications for the transferability of security personnel across state boundaries, and is particularly pertinent for national or multi-national organisations. There are also concerns

³ See Prenzler T and Sarre R. (2012). 'Public-Private Crime Prevention Partnerships,' in T Prenzler (ed) Policing and Security in Practice, Palgrave Macmillan, 149-167.

around some unreliable providers, and examples were given of registered training authorities delegated to provide training to security personnel not conducting that training (but still certifying the individual), leading to individuals working without the appropriate skills. Case examples were also given of individuals new to Australia wanting to enter the security industry for nefarious reasons, and there being lax checks and balances in place allowing these individuals to change their names, or send someone else in their place and gain employment. This allowed them to get an understanding of the inner workings of policing agencies and exploit these.

The lack of consistency across states exacerbates this issue, and where registered training authorities in some states have more stringent training requirements and regulations, industry participants may simply choose to receive their training in another state. One of the biggest challenges is that Australia is such a vast country and maintaining quality can be difficult to manage. There is a need for a national framework that means that people can move seamlessly between states. The scale of this task should not be underestimated, however.

What is driving the growth in private security?

Is the key driver for the prolific growth in the private security industry just the dollar? On the one hand there are financial decisions to be made about cost. Is it cheaper, for example, if you have a group of shops with concerned customers, to simply employ a security guard for a minimal price? Governments, too, are reaching out to private security because they see financial advantages of doing so; they can get a similar solution cheaper. But there is an additional driver too, and that is ***responsiveness***. If something goes wrong, is it better to wait seven minutes (or longer) for the police to arrive, or better to have somebody already here? A similar example was given from security in the housing sector. Demand for private security in that sector had been driven by community expectations, because police attendance at housing-related disturbances and issues was usually a low priority, and often left undone. A security presence was deemed important by the community in terms of its ability to de-escalate situations, and nip in the bud issues that might otherwise turn violent. On the face of it this program of private security looks expensive (a \$3 million annual turnover), but the upshot is that it is saving the public police a lot of money in call outs, and an undetermined amount in terms of crime and violence prevention (through deterrence and de-escalation). Thus, whilst the outcome may have provided a financial saving to police, the driver itself was that the police simply didn't have the capacity to attend in the first place.

The reality is that it is a very competitive market, and there are numerous providers who are willing to do the work even given the low margins. But have the public police have "priced themselves out of the market"? Public police are very expensive, and perhaps there is a need in public policing to keep in mind the concept of *business competitiveness*, which may mean redefining the services of the public police, and determining what are the *second tier* services. Whilst there has been a degree of "mission creep" over the years, this is largely in response to government requirements, and a

willingness (through a sense of professional obligation) /ability (through a 24/7 presence) for the police to do this.

Police are expensive; that is because they are excellent at the broad range of activities that they do. Private security, on the other hand, deals with a narrow range of security and allied issues. Importantly, every tender that private security submits has to have value for money in it, so in that sense it often comes down to cost.

The whole (policing) industry is becoming commodified, and this has ramifications for private security too. Competitive tendering drives the price down and there comes a point when no legitimate company can deliver on what is required for the desired price, and there are many security companies in Australia that must be trading at a loss. The industry needs to be mindful that one can only go so far to save money before creating real problems in terms of quality. One result is that there is a danger of tenders going to unlicensed groups, as has been experienced in one state (in a recent tender round, five shortlisted companies were not registered). *Fairwork Australia* is responding to this (through a program of education and enforcement). The irony is that on the one hand governments are concerned about the level of training for private security and berate the quality of industry providers, but on the other hand they still permit providers to pay rates at the lower end of the market. So how does one address this conundrum? The private security industry needs a sustainable business model rather than always offering a service at the cheapest price. Perhaps governments, in seeking cooperative tenders with the private sector, could take a lead in the security marketplace, and reward with contracts those providers that give the best product for a competitive price; not just the cheapest price.

SESSION 3

Finding synergies in public-private policing: Opportunities, communication and regulation

This session commenced with a presentation by Bryan de Caires, the CEO of the Australian Security Industry Association Limited (ASIAL), discussing the growing reliance on private security and the three key areas that the private security industry concentrate on:

- Electronic security,
- Human capital (personnel), and
- Physical security

Noted were that there are particular concerns that undermine the development of partnerships between the police and private security, which predominantly relate to a lack of trust, respect, communication and knowledge, as well as perceptions of private security being corrupt and a threat by encroaching on public police activities. In order to assist in developing effective partnerships, and picking up on previous discussions, optimising industry regulation was necessary to resolve regulatory inconsistencies between states. There was conceded a need to adopt a national approach and establish a licencing division within government to enforce regulations.

Should we move beyond outsourcing?

There was some discussion about the nature of public-private partnerships; whether these were predominately characterised as outsourcing of an issue or function, or more along the lines of a true partnership, bringing both public and private police together to collectively address an issue. To date much of the focus has been on outsourcing. Interestingly the UK experience with the (now defunct) Business Partnering for Policing Initiative hinted that interactions with the private sector should move beyond outsourcing to the creation of *meaningful partnerships*⁴. There are pockets of that in Australia. One example given was of the alarm monitoring system – which is regarded as a win for the police, a win for the service and a win for the industry by working together to achieve shared outcomes (rather than a focus on profit).

When it comes to partnerships however, there is the reality that the two partners are not equal and in terms of what they bring to the table, particularly in the technology space, where private security is further ahead. The private security industry is more flexible than governments are in that sense.

⁴ See notes on Session 5 for further details.

There are obvious privacy issues and concerns. But what would a police officer do if they got a call from an overseas call centre asking for assistance? Private security agencies have the systems in place and the technology to determine the appropriate course of action/responses and can handle such situations.

What is the impact of falling crime rates?

It is important to consider the impact that crime rates have on this discussion. Across the world crime rates have been going down and treasury departments are starting to ask questions about whether such a heavy investment in policing is necessary. In the UK police departments have seen 20-25% cuts in their budgets, and in US departments have been closed down. But crime is still reducing. In this context it is going to become harder for the public police to justify their costs and services. They need to start thinking about where the cost-value lies with public police services. Of course “we are far more policed than we ever have been”. And one reason crime is going down is because we have a lot of police. Certainly there are incapacitation arguments (with more people in prison than ever before), there are private sector arguments, and in truth everyone is taking credit for the reduction in crime. But try telling the electorate that you are going to reduce police numbers. The only move one can possibly make before an election is to indicate an increase in numbers of police. Partnering with private sector could assist in this respect, and treasuries are catching on to this. Part and parcel of the police numbers debate is, though, having police that are properly resourced. It is not just a question of numbers, but making sure those numbers are supported by a better IT system, support services, etc. This is perhaps where the private sector can provide its greatest support.

SESSION 4

Port and maritime security: Comparing US and Australian experiences of working in partnership

This session started with a presentation from Dr Russell Brewer comparing US and Australian experiences of developing security partnerships in the context of port and maritime security. A key difference between the Australian and the US experiences was the way that government agencies viewed the security industry within the maritime sector. In the US, the security industry was (generally) viewed as competent, resourceful and reliable, and integral to the security of the port. In Australia the security industry was (generally) regarded as apathetic, unwilling, deceptive, and sometimes criminal. The way that the private security industry viewed government agencies was also different in the US and Australia. In the US, government agencies were viewed as providing efficient and effective services, displaying leadership, professionalism and offering a sense of confidence that they could be relied upon. In contrast in Australia private security agencies viewed the government as lacking core competencies and skills, being inconsistent, inflexible and not delivering the services required. Differences in expectations and a reliance on historical stereotypes were implicated as two reasons behind the apparently less smooth relations between private security and government policing agencies in the Australian context, with a need to address these if public-private partnerships were to thrive. Certainly the sensationalism around issues of corruption (particularly in the Australian port context) had an effect, and whilst that is not to say that there were not elements of criminality in the US, there was a general disposition and willingness for state based agencies to engage and share information, and set up maritime security committees from the start. Thus whilst there were still issues between agencies in the US (as one might expect in any multi-agency endeavour) a strong underlying relationship allowed them to operate, and allowed private security agencies to engage effectively with government actors. In Australia the connection between the private and public sides of maritime security was not as strong.

How can we support partnerships?

Structural issues were implicated as a concern for public-private partnerships in the Australian context. In the US the resources available to manage these partnerships were significantly more than that available in Australia, and the way policies and regulations were administered differed, despite the overarching legislation being broadly similar. In the US, for example, the Federal government invested a lot of money in creating grant programs that private sector agencies could benefit from. Thus there were incentives for private security to be involved in the US and the regulators had a preceding reputation and were there to “play, to be effective, and to provide a service”. There are likely to be cultural issues here too, and the US was thought to be much more willing to work with the private sector as a function of the legislative changes post-9/11, when government agencies were mandated to work with the private sector. This meant that in some

instances the private security industry took the lead, for example by stepping out and forming partnerships, and one private company built infrastructure and invited various government agencies to use it. Thus there was a sense of value to be gained by the public agencies from their partnership with the private sector. Perhaps such efforts *illustrated* that these private agencies were drawing on an ideology of “serving public good” rather than private interests, and as such were perceived as conceptualising their role in terms of public value.

The US/Australian comparative findings suggest the benefits of greater effort being given to the development and maintenance of relationships. Without this effort disengagement (and associated lack of effectiveness and efficiency of the security endeavour) may occur. Which leads to the question of “whose responsibility is it to build and maintain these relationships?” One answer is that it is less about who is in *charge* of managing the relations, and more about the context of the partnerships in the first place. Partnerships that place a value on *shared outcomes*, are more interested in cross-pollination between partners, and therefore have a stronger relationship.

Does context matter?

The ensuing discussion highlighted that findings from the port and maritime sector could be overlaid to a number of fields. One state noted it was experiencing exactly the same issues with regards to public-private security on public transport. The issue of whether or not the seriousness of the likely offending to be addressed would influence of the strength of the partnership was raised. If, for example, port security (or transport security) was focused mostly on property crime, would a stronger public-private partnership be evident at airports, where the magnitude of the terrorist threat bound people together more tightly? This may well be the case, given that in the US port context – with more tightly bound partnerships - the number one threat to that port was considered a terrorist attack via container ship.

SESSION 5

Public-private partnerships in cyber security: Examples from the US and UK

Drawing on examples from the UK and the US the final presentation of the day looked at public-private partnerships in the context of cyber security. The presentation was delivered by Johannes Oosthuizen, a police officer from Dorset Police in the UK. Setting the context, the presentation noted developments in the UK in 2012 to create a *Business Partnering for Police Program (BPP)* as a means of building effective and meaningful partnerships between police and the private sector that went beyond outsourcing. The idea had been agreed to by all 43 forces in the UK, and was ready for finalisation, when the initiation of the Police and Crime Commissioners (PCCs) in late 2012 effectively scuppered the plan. In short, some of these newly elected PCCs, who have the power to hire and fire chief constables and set police strategy, were vocal about the need to “keep the police public”. The result was a collapse in the BPP, and the much more ad hoc and bespoke development of public-private partnerships. That such privatisation of policing continues, of course, suggests that the PCCs’ intent to “keep the police public” has not necessarily been successful.

Local solutions to local problems

Bespoke solutions to public-private partnerships (rather than a coordinated national response) are not necessarily a bad thing, although it does call into question the notion of equity in policing. If a given policing activity in area A is undertaken by the public police, but the role outsourced to the private sector in area B, are both areas receiving the same level of policing, for example? One consideration is that most of the work police do is concerned with local problems – theft, fights at pubs, etc. – and as such ad hoc partnerships may actually be an advantage as one can tailor partnerships to local priorities and needs. Of course bespoke solutions can never solve policing those national and international problems, but there are likely benefits in some partnerships being locally negotiated. Perhaps the world that policing resides in is so/too complex that there is a need to look for bespoke solutions to cater for needs and flexible partnerships.

National security and information sharing

Cybercrime is an area in which public-private partnerships are thriving, and arguably where a national/international approach is required. In the UK there has been the development of the Cybersecurity Information Sharing Partnership (CISP), starting in March 2013. This model is not dissimilar to the approach found in the US, InfraGard, which has been operating since 1996. Both approaches bring together law enforcement agencies, government security services, and private security from a number of sectors to develop a clear picture about the extent of cybercrime, and

share expertise and information. A key challenge to the effectiveness of these efforts, however, is the quality and quantity of information that various partners are willing to share. Concerns about the trustworthiness of partners is key here, and in regards to the UK's CISP, criticism has already been levelled at the initiative's failure to support small and medium sized companies, because of a mistrust of their business security. Thus whilst in response to a national threat the public police have embarked on collaborations with global companies such as IBM, when the issue becomes one of national security, we move into terrain where government agencies are less willing to share information with commercial entities. Thus whilst the public police and governments are embracing the expertise of a private organisation, they stop short of revealing sensitive information or data. It was suggested that this was a two way street, however, and that some private security companies, because of their commercial interests, would stop short of sharing information in an environment such as CISP (where multiple government agencies are working with multiple private security agencies) so as not to relinquish a competitive advantage. Thus the relationship is complex from both sides.

Conclusions

To summarise and consolidate the discussions throughout the day, four key questions about public-private partnerships were posed to the group. There was an acceptance that these questions could not be satisfactorily answered in the time available, and hope that instead that thinking about these would identify areas around which there needed to be further debate.

1. What strategies and policies should the public police adopt to maximise the benefits of collaboration in a pluralised policing environment?

One issue identified throughout discussions was the notion of trust. Trust between agencies – even between government agencies – is a perennial problem in multi-agency and multi-sector working, and a lack of trust often leads to a lack of effective cooperation. So what can agencies on both sides do to engender trust? One important consideration is an awareness of each side's *values*. In the public sector there is a great deal of discussion around the need for organisations to be value driven. Police jurisdictions across the country have articulated values which guide their work. Concern happens when one is working with an agency without public orientated values, or with different values. Are they on the same page? Can they be trusted? What is the basis of the relationship? If you have two different sides that potentially are not interested in working towards the same goal, then you have a problem. If one is going to develop trust then one needs to develop a scope of performance and ask “*what does our shared vision of security actually look like?*” It's about being clear on those expectations. Thus there is a need for ongoing dialogue, and this discussion should be based around outcomes (from partnerships) rather than a discussion about “this is mine” and “that is yours”. It needs to be objective, outcomes focused and not based on historical precedents or emotion.

Ironically private security companies are often staffed by former public police officers, who the public police might consider *intrinsically trustworthy*. But beyond this, relationships take time to develop, and trust is not an immediate condition. Private companies are by their nature very transient, whereas public organisations have history and an ingrained culture. Whilst the private sector continues to work on short term contracts, relationships have little time to develop and long term outcomes and successful partnerships are more difficult to achieve.

One question the public police may need to ask themselves, as more and more of their role is outsourced, is whether there develops a competitive relationship between the public and private police? And if so would the public police be “shooting themselves in the foot by contributing to the capacity of the private sector?” This lends itself to the issue of successful partnership, and returns to the point made earlier that whilst the private sector might not see itself in competition with the police per se, governments - through setting a context of contestability - perhaps do. It was thought by some at the symposium that there is little to be gained from a competition model, and little

appetite amongst police to get into the private security market, although perhaps this depends on how far the private security sector expands.

2. What risks might be involved for public police in collaborating with non-state policing providers? How might the public police best manage these risks?

One of the difficulties, and potential risks, facing public police in negotiating the changing policing landscape is lack of a firm understanding about what is *the preserve of the public police*, and what areas can be effectively outsourced to private companies. There is not a consistent view across jurisdictions about what is and is not “core business”, and without a firm understanding of this there is a risk that activities that might more properly sit with the public police – for philosophical or public value reasons – are inadvertently outsourced to the private sector. In some senses this is the opposite of the *mission creep* concerns typically expressed by the public police in terms of the number of non-crime functions they serve: *mission whither*, if you will. In some cases the contraction of the public police responsibilities is both sensible and welcomed: the transport of prisoners between court and Department of Corrections custody for example; or the transportation of non-violent persons with a mental illness to hospital. There are risks in this, however, because if the public police back away from a role they have previously assumed (e.g. the transportation of persons with a mental illness), then there is likely to be a commensurate reduction in budget. “If you back away from things [or things are taken away from you] then your budget begins to shrink”.

Public policing is (arguably) about much more than crime, and the public police have a broader social function. But without a well-articulated sense of what that broader social function is, and an understanding of the activities and duties that support it, the debate about what can and cannot be outsourced is easily lost to an overriding concern about costs. In many senses the march to privatisation is inevitable. The public police can choose to drive the dialogue, or can be victims of the decisions made in the name of costs. In this sense, then, there are significant risks to public police to **not** being involved in the privatisation debate.

If the public police feel the increased pluralisation of the means employed to ensure public safety is desirable, then they need to identify the potential benefits to their organisation, the public and government, and sell this version of the concept. Whilst the issue of the acceptability of public-private collaboration is a political issue, and is for the government not the police to decide, the public police may feel the effects of any souring of police-community relations if the public fail to understand/accept the concept. Thus the public police have a vested interest in selling the idea of cooperation. Certainly one constituency that public police organisations need to be mindful of is their rank and file. Many front line police are opposed to the expansion of the private security industry into domains traditionally held by the public police. And this group is vocal and influential, and well organised through the union movement. Moreover it is accepted that the success or failure of any policing policy or strategy on the ground is reliant on the willingness or otherwise of front line

police and their immediate supervisors to work towards that end. To date the rank and file have felt excluded from this debate, and their importance as a key stakeholder should not be forgotten.

3. What challenges does the pluralisation of policing pose for effective and acceptable governance of, and public accountability for, policing? How might these challenges best be met?

Legitimacy is a key concern for the public police, and much time and effort is spent by the public police in demonstrating their legitimacy and measuring levels of community satisfaction. This is a central plank to policing in democratic societies and fundamental to the notion of policing by consent. Do private security firms have to be equally concerned with notions of policing by consent? Do they need the public's willingness to be policed? This leads to the question about what it is about public policing that is distinctive, and the ability to legally deploy coercive force is one distinctive aspect. Not all incidents that police attend require coercive force of course. And many even potentially volatile situations are resolved without the use of force. But is this partly because of the *latent threat* of the use of that force? There is an analogy with the role of the lifeguard. Much of a lifeguard's role requires him/her to simply sit and watch, and as such he/she does not even need to know how to swim. But there are those occasions when the situation escalates, someone is in difficulty, and the lifeguard needs to dive into the pool. So it is with the use of coercive force and policing. This returns us to the previous debate about the legislative framework in which the private security sector operates. Are they appropriately legislated for (empowered and given appropriate immunities) in such situations?

Accountability is a difficult thing to conceptualise in the private sector, because one is accountable to one's shareholders or company executive in a commercial sense. But there is a need also – in the spirit of the legitimacy debate – to consider accountability to the public too. Are private police the best suited to provide a given service? Does the community want them moving into that space? When someone's house is broken into, do they want a public police officer to attend?. Would they be satisfied with a private security response? We don't know. It would depend upon the level of service. The area of legitimacy and private security is an area ripe for future research.

4. How can we best ensure equitable access to safety and security in a plural policing environment?

It is very important we don't end up with good policing for the rich and bad policing for the poor. And part of this issue is governance. There need to be suitable governance arrangements that ensure policing is equally distributed in society. Instructive in this debate is the *Report of the Independent Commission on Policing for Northern Ireland (The Patten Report)* (<http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf>) which explored the grossly inequitable policing provided to the citizens of Northern Ireland and that led to the transformation of the Royal Ulster Constabulary to the Police Service of Northern Ireland. This body was, however, responsible

for considering the broader role of policing, not just the public police, and suggested the development of a board to coordinate resources and ensure that policing was not discriminatory. This “utopian” vision has not yet been implemented, but the *Patten Report* is nonetheless instructive in answering questions three and four.

Final thoughts

Privatisation of public services is not new. Similar conversations were being had around the defence industry a decade ago, and now most defence departments and military forces have private sector components imbedded in them. Providers of education and essential services have seen similar trends. There are lessons (good and bad) that can be learnt from looking at such analogous situations. We are already well down the road of pluralisation in policing, and the important thing now, as new security frontiers open up, is to make sure that both public and private interests are represented as part of the ongoing debate, and that it is informed by good research and open dialogue.

List of attendees

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Christine Coote-Dinh	Australian Crime Commission
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