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The Increasing Fragmentation of Policing and the Rise of the Private Security Industry

A Critical Account of the Explanations for the Increasing fragmentation of
Policing and the Rise of the Private Security Industry

Olamide Samuel

'POLICE' AND 'POLICING'

The Police force is one of the most important elements of the criminal justice system, as it serves as a representation of the state's public authority. The role of the Police in the prevention, detection and punishment of crimes, necessitates a proximal relationship between the Police and Citizens. The implications of this proximity means that the police serves as an initial point of interaction between perpetrators of crime and the state, as well as victims of crime and the state. The Police force is often saddled with the responsibility of representing and enforcing the values and norms expressed in the legal systems of a given society.

Various definitions of policing exist. However, Policing is widely accepted as those functions of a "branch of the administrative machinery of government which is charged with the preservation of public order and tranquility, the promotion of the public health, safety, and morals, and the prevention, detection, and punishment of crimes."¹ In contrast, Jeremy Bentham describes Police as a system of precaution, either for the prevention of crime or of calamities. This implies that, the police of a state, actually comprises of an entire system of internal regulation, by which the state seeks to preserve and promote public order, and prevent offenses against the state, and is not limited to a single branch of the administrative machinery of government.

¹ Thelawdictionary.org, (2015). *What is POLICE? Definition of POLICE (Black's Law Dictionary)*. [online] Available at: <http://thelawdictionary.org/police/> [Accessed 12 Jun. 2015].

1 INCREASING FRAGMENTATION OF POLICING

It is often assumed that the state has the rightful monopoly of the provision of functions in policing, that policing is an inherently public function, and that the establishment and enforcement of calculated rules aimed at preventing a conflict of rights amongst citizens are within the exclusive jurisdiction of the state.² These crystalized assumptions have tainted scholarly inquiry into policing, causing scholars to concentrate on issues surrounding policing based on the premise that policing is an exclusive activity carried out by organs of the state. However, recent economic and social developments have begun to expose the dynamic nature of policing, while simultaneously exposing prior misconceptions of policing as a static and permanent function carried out by the state alone. The recent trends in the administration of policing in the United Kingdom in the past decade, characterized by the increased *diversification* and *privatization* of certain functions of policing have frequently been referred to as manifestations of the increasing fragmentation of policing.

2 THE SPECTRUM OF FRAGMENTATION

Historical analysis of the development of Policing in the UK reveals that the study of policing has failed to recognize the importance of non-state actors to the development of policing, and just how multifaceted policing actually is.³ Authors such as Gill, have called for the reevaluation of our understanding of policing. Suggesting that it should be viewed as a culmination of the provision of essential services which affect the establishment and control of means to ensure social order within a state⁴. This has led political scientists to understand that the fragmentation of policing can occur in a domestic political structure where these services can be rendered by entities that are not entirely under the control of the state. Thus, increasing fragmentation of policing depicts an instance where state institutions are perceived to lack the resources or commitment required to establish themselves as the sole providers of the functions of policing. Hence, various explanations have

² Weber, M., Parsons, T. and Henderson, A. (n.d.). *The theory of social and economic organization*.

³ Gill, M. (1994). *Crime at work*. Perpetuity Press.

⁴ Gill, M. (1994). *Crime at work*. Perpetuity Press.

been proffered by scholars in an attempt to explain the fragmentation of policing, in economic and political terms.

It is important to understand that the increasing fragmentation of policing, is a dynamic phenomenon, and the degree of fragmentation of policing can best be understood in relative terms. It can conveniently be imagined as a linear spectrum, in which the absolute control of policing functions by the state can be placed at one extremity, and the absolute control of policing functions by private entities can be placed at the opposite end of the spectrum. The degree of deviation from the standpoint that policing is an inherently public function, can arguably be accepted as equivalent to the degree of fragmentation of policing.

Within this framework, one can possibly measure if the fragmentation of policing has occurred, and the extent to which it has occurred in a given state. Judging by McMullan's account of 16th and 17th century policing in England and Wales, the inability of the city of London to co-ordinate and ensure social order, and its reliance on the informal purchase and sale of the means to ensure social order, depicts that the degree of the fragmentation of policing was relatively high in comparison with the structures of law enforcement with which we are familiar with today.⁵ Cohen analyzed the rejuvenation and expansion of the role of the state in policing in the 19th century shortly after the formulation of the 'new police' initiative in accordance to the establishment and increasing consolidation of control over the means of enforcing social order that was prevalent at the time⁶. Cohen's analysis evokes imagery of consolidation of government control over social affairs at the time, and the degree of fragmentation of policing was arguably less, in comparison with McMullan's account of policing in the preceding years. Realistically, the degree of influence wielded by the state or private entities in policing is not a zero-sum dynamic, as Edgell explains that there is a balance between private and public spheres which can be altered through the process of privatization.⁷ In fact,

⁵ McMullan, J.L (1987) 'policing the Criminal Underworld: State Power and decentralized Social Control in London 1550-1700'.

⁶ Cohen, S. [1985] *Visions of Social Control*, Cambridge: Polity Press.

⁷ Edgell, S., Walklate, S. and Williams, G. [Eds] [1994] *Debating the Future of the Public Sphere*, Aldershot: Avebury.

throughout history there has always been a complex interaction between public and private providers of policing services.⁸

3 STRUCTURAL PRECONDITIONS FOR FRAGMENTATION

The unprecedented emergence of the private security sector since the latter end of the 20th century, indicates that to some degree, the provision of security by the state is insufficient. Certain functions of policing in the UK are increasingly being outsourced to private security companies as a result. When one analyses the Structural Preconditions which permit the fragmentation of policing, it is clear that there are certain economic and social developments which have combined to create a fertile ground for the private delivery of security services⁹.

3.1 ECONOMIC EXPLANATIONS

The existence of the fiscal crisis of the state has been recognized as a vital precondition for fragmentation. Not only in the delivery of security services, but in the delivery of a host of governmental functions. Proponents of the *Vacuum* thesis, have cited the inability of the public sector to effectively meet up to the expectations of citizens with regards to the delivery of security services. Arguably, this is the case in the UK, as certain initiatives to privatize essential functions of policing have been widely publicized¹⁰. Although the logical foundation of this thesis is difficult to contravene, not all scholars agree with this proposition, or at least its comprehensiveness as a definite explanation for the fragmentation of policing has been questioned¹¹. It is inaccurate, to say the least, that a direct causal link between fiscal prudence and the nature of provision of security services exist. However, there does seem to be a direct correlation between certain effects of fiscal policy, and the administration of security services, and these correlating factors need not be ignored. A perceived vacuum in the provision of security services, is more than

⁸ McMullan, J.L (1987) 'policing the Criminal Underworld: State Power and decentralized Social Control in London 1550-1700'.

⁹ Avant, D (2013). Private Security. In Williams, P. (2013). *Security studies*. Abingdon, Oxon: Routledge.

¹⁰ Mail Online, (2015). *Crime shows biggest rise for a decade*. [online] Available at: <http://www.dailymail.co.uk/news/article-123421/Crime-shows-biggest-rise-decade.html> [Accessed 9 Jun. 2015].

¹¹ South, N. (1988). *Policing for profit*. London: Sage Publications.

enough incentive for private security providers to explore. Budget cuts and the downsizing of the police force, create the right conditions for private security providers create a market, in the face of weakened state security services.

Firstly, the attractiveness of flexible labor provided by these private security companies, is difficult for members of state security services to resist. Coupled with the prospects of higher pay, and less rigid organizational structures which are employed by private businesses, one would discover that employees of these private security firms are just as qualified and perhaps more financially motivated than their counterparts in governmental agencies¹². Secondly, the reduction of allocated budgets to state security services, has led to the outsourcing of core function of policing to these private security providers, as outsourcing is overall, more efficient from the point of view of state security services even in the face of criticism from influential members of civil society¹³. This means that not only do private security companies benefit from the drift of skilled personnel from state security services, but they also benefit from the capital available to them from state security services whenever essential functions are outsourced¹⁴.

Based on these observed dynamics, the vacuum theory tends to be quite persuasive in explaining the increasing privatization and fragmentation of policing, not only in the UK, but in various countries around the world. However, the vacuum theory fails to explore certain important international developments in recent years that have fuelled the influence and formidability of private secure companies. Rather, the vacuum theory seems to focus on a realist, state centric world-view and does not give the influence of international regimes the attention it deserves.

Another explanation for the fragmentation of policing has been put forward by Shearing and Stenning, which lays emphasis on developments stemmed by capitalism¹⁵. A first assumption is made, that public policing emerges to protect

¹² Taylor, M. and Travis, A. (2012). *G4S chief predicts mass police privatisation*. [Online] the Guardian. Available at: <http://www.theguardian.com/uk/2012/jun/20/g4s-chief-mass-police-privatisation> [Accessed 21 Jun. 2015].

¹³ The Independent, (2012). *A force for good? The rise of private police*. [online] Available at: <http://www.independent.co.uk/news/uk/crime/a-force-for-good-the-rise-of-private-police-7561646.html> [Accessed 21 Jun. 2015].

¹⁴ BBC News, (2015). *Private police roles criticised by Labour - BBC News*. [online] Available at: <http://www.bbc.co.uk/news/uk-17246432> [Accessed 14 Jun. 2015].

¹⁵ Shearing, C. and Stenning, P. (1981). *Modern Private Security: Its Growth and Implications*. *Crime and Justice*, 3, p.193.

individual property rights'. A second argument is also put forward, that the creation of 'mass private property' has necessitated the emergence of a means of providing security to these properties, which public policing is unable to provide. It must be pointed out immediately, that the first assumption completely ignores a vast range of security services which public policing is intended to provide, and is excessively entrenched in the idea that individual property rights have always existed. This conceptual bias, is perhaps as a result of the proponents' inclination to disregard the functions of policing in times when individual property rights were nonexistent. While it would be agreeable that one of the functions of private policing is to ensure the security of individual property rights, it would be unsophisticated logic to assume that individual property rights predates the requirement of government (of any sort) to regulate social interactions between individuals. However, the second argument put forward by this school of thought does have tangible substance. Shearing and Stenning, identify the ramifications of the emergence of mass private property on the modes of delivery of security services. The relevance of private security, in ensuring the delivery of security within mass private property has been identified as a possible precondition for the emergence of private security. However, this thesis would be unable to withstand criticism in isolation without relating it with the commodification of security as Spitzer has done¹⁶. An admirable characteristic of this thesis however, is the understanding that security, just like any other administrable service, can be commodified.

One implication of the commodification of security, is the creation of preconditions for the proliferation of security products and services. Loader accurately points out the defensive, individuated nature associated with acquiring security products, and counterproductive effects of acquisition of individual security solutions on general perceptions of security¹⁷. Loader's theorizing understands the importance of rationality of actors and enhances the persuasiveness of this school of thought, as it is akin to theories of armament and the escalation of tensions in international relations put forward by scholars such as Tang¹⁸. However, like the

¹⁶ Spitzer, S. (1987) 'Security and Control in Capitalist Societies: The Fetishism of Security and the Secret Thereof', in J. Lowman, R.J Menzies and T.S. Palys [eds] *Transcarceration: Essays in the Sociology of Social Control*, Aldershot: Gower, pp. 43-58

¹⁷ Loader, I. (1997). Private security and the demand for protection in contemporary Britain. *Policing and Society*, 7(3), pp.143-162.

¹⁸ TANG, S. (2010). The security dilemma and ethnic conflict: toward a dynamic and integrative theory of ethnic conflict. *Rev. Int. Stud.*, 37(02), pp.511-536.

Vacuum theory, various avenues are yet to be explored to provide a comprehensive and persuasive explanation for the fragmentation of policing. This thesis fails to account for the influence the private security industry exerts on the governmental process, bearing in mind that some private security companies have the capacity to influence security legislation in their favor, as well as the technical knowhow gained from former employees of governmental security service providers to subvert the mechanisms of accountability in government. Whilst certain dynamics have been unearthed by these lines of inquiry, it is difficult to ignore the failure of both schools of thought to consider local demographic peculiarities, as well as the impact of globalization on the rise of the private security industry.

3.2 SOCIAL EXPLANATIONS

The most comprehensive and persuasive explanation for the fragmentation of policing and the rise of the private security industry, takes into consideration the effects of Societal Restructuring. This thesis, takes into consideration the socio-economic context in which fragmentation of policing has occurred. Newer strategies applied to the means of production and exchange have indeed affected all spheres of existence in the modern world, and since policing -just like any other function in civil society- does not occur in a vacuum, it is therefore logical to understand the change in modes of policing in a wider context. Murray expands on the effectiveness of customer oriented strategy, and the attractiveness of certain characteristics of privatized industry such as the flexibility of labor, and how governmental structures today seem to be assimilating these structures or organization and adapting them to the provision of governance, and in this case, security.¹⁹ In line with Murray's discovery, Raine and Wilson, have identified certain strategies that have been adopted by governmental institutions, from private organizations. For example, the quantitative definition of goals, is a primary strategy that has notably been adopted by the police force in recent decades, as a response to external pressures from government and civil society. Budget cuts and fewer means to regulate civil society, have forced public security service providers to focus more intensely and narrowly on problem areas and clamp down on vices. This has only been achievable through prioritization of goals and objectives, in a manner which was previously considered to be a strategy applied exclusively by

¹⁹ Murray, R. (1991) 'The State after Henry', *Marxism Today* May: 22-7

private institutions.²⁰ Socio-cultural restructuring was also explored as a possible explanation for the privatization of security. Implicitly, the effects of globalization and the increasing diversification of citizenry were explored. The ramifications of social stratification on the regulation of interactions amongst members of various divisions, complicates governance, and by extension, policing. The propensity for conflicts of interests becomes amplified in communities where division manifests itself in plural forms²¹. This increases the pressure on security service providers, whilst simultaneously creating the preconditions for a market for private security companies to capitalize on. It would be productive to understand the effects of diversity on a community, whilst applying the theory of commodification of security, for one to truly understand the effects of diversity in exaggerating fears and insecurity.

Johnston poses a relevant question in this regard. One would have to consider whether multiple bases of conflict will generate correspondingly plural modes of policing. In fact, it does. Unlimited demand for security commodities and escalating levels of insecurity, in a diverse community, requires the delivery of a much more sophisticated and personalized form of security service provision, which is beyond the ability of the security services provided by any state today. However, the customer oriented strategy of private security providers, enable them to tailor to the specific need of clients who seek their services²². The rigid hierarchical structures associated with public security services, permits the crystallization of organizational norms which may or may not be acceptable to the community in which security is provided²³. Allegations of racism and misuse of executive powers by public security services, occur more frequently in communities housing diverse populations in relation to communities with a dominant social strata²⁴. This is as a result of the inability of conventional policing to adapt to diversity experienced in certain communities by applying the same techniques and operational strategies that may have previously worked elsewhere. Johnston proposes that diversity 'must be

²⁰ BBC News, (2015). *Police forces facing dozens of new performance targets* - BBC News. [online] Available at: <http://www.bbc.co.uk/news/uk-24148129> [Accessed 2 Jun. 2015].

²¹ Johnston, L. (2000). *Policing Britain*. Harlow, England: Longman.

²² Travis, A. (2012). *Serco wins first private probation contract*. [Online] the Guardian. Available at: <http://www.theguardian.com/society/2012/jul/13/serco-first-private-probation-contract> [Accessed 1 Jun. 2015].

²³ BBC News, (2015). *Doreen Lawrence says sections of police 'still racist'* - BBC News. [online] Available at: <http://www.bbc.co.uk/news/uk-26321708> [Accessed 7 Jun. 2015].

²⁴ The Independent, (1995). *Why don't they stay in Birmingham?* [online] Available at: <http://www.independent.co.uk/life-style/why-dont-they-stay-in-birmingham-1610047.html> [Accessed 5 Jun. 2015].

embraced as an essential means of their resolution'.²⁵ Proponents of societal restructuring have also identified state restructuring as a possible reason for the privatization and fragmentation of policing.

Edgell, identifies the balance between 'private and public spheres' which has been expanded upon previously, and how the process of privatization alters this balance²⁶. Of peculiar interest however, is the proposition that a 'new breed of arm's length governments' exist, citing *quangos* and *agencies* not directly elected by citizenry, but having considerable influence over issues pertaining to security service provision. These *quangos* can be equated to norm entrepreneurs in multilateral international organizations, and can in turn be influenced by security companies with active interests in altering or interfering with government functions. The internationalization of capital and membership of *super-state structures* such as the United Nations or the European Union tend to undermine the sovereignty of the state. Legislation over private security service providers tends to be quite difficult as a result of the internationalization of capital, as various large scale security companies are transnational corporations, with the ability to transfer assets and machinery across borders, making oversight of these agencies quite tenuous²⁷.

²⁵ Johnston, L. (2000). *Policing Britain*. Harlow, England: Longman

²⁶ Edgell, S., Walklate, S. and Williams, G. [Eds] [1994] *Debating the Future of the Public Sphere*, Aldershot: Avebury.

²⁷ Travis, A. (2012). *Private security companies to be self-regulated*. [Online] the Guardian. Available at: <http://www.theguardian.com/business/2012/nov/20/private-security-companies-self-regulating> [Accessed 2 Jun. 2015].

4 CONCLUSION

The aforementioned theoretical frameworks all have significant contributions to our understanding of the fragmentation of policing. However, none of these theoretical frameworks are sufficient to comprehensively explain the reasons for the fragmentation of policing, in isolation. This is because the validity and persuasiveness of each theoretical framework, represents an inclination towards favoring either economic theories, or social theories. Certain key developments have also been substantially ignored, such as the impact of information technology, on the means of production, distribution and exchange of goods. Technological advancements, have meant that individuals now favor electronic means of financial transactions and communications. Technology as a driver for globalization, also empowers the internationalization of capital, as well as increases diversity and intercommunications among members of a community and between communities. Public security providers have yet to offer security solutions to citizens, to safeguard their individual property rights stored in electronic means. For example, there is no recorded instance of public security service providers taking the initiative to distribute free anti-virus software, anywhere in the world. This vacuum in the provision of electronic security, has enabled private security companies to venture into data protection, network surveys etc. Thus making private security companies more relevant in this emerging field of security services provision. In the same vein, public perceptions of insecurity can easily be exaggerated because of the speed and ease with which information could be transferred, thus allowing for the sensationalization of criminal activities in the media. The most comprehensive and persuasive explanation for the fragmentation of policing therefore, would be a hybrid. One that takes into account the context in which policing operates, as well as the economic and social reasons which generate conflicts of interest. Whilst accounting for the influence of globalization on the perception of the state as a sovereign entity, and what the perceived sabotage of state sovereignty by agents of globalization means for regionalist or ideologically focused movements, and their interaction with the security services.

There are several points of protuberant interaction and abrasion between economic explanations and social explanations, which if properly explored would equip political scientists with an enhanced and exhaustive justification for the

fragmentation of policing. Whilst the feasibility of political scientists exploring these avenues is in doubt, it is explicitly clear that although present theses attempting to interpret this phenomenon are logical, they are sincerely incapable of yielding exhaustive justification, in isolation.

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