U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

The New Structure of Policing

Description, Conceptualization, and Research Agenda

David H. Bayley and Clifford D. Shearing

NIJ
NATIONAL INSTITUTE OF JUSTICE

research report

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July 2001
NCJ 187083

National Institute of Justice

Eric Jefferis
Program Monitor

Prepared for the National Institute of Justice, U.S. Department of Justice, under award number 98–IJ–CX–0017 to David Bayley, State University of New York at Albany, and Clifford Shearing, University of Toronto. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Acknowledgments

The research for this report was made possible by the National Institute of Justice, U.S. Department of Justice, under grant number 98–IJ–CX–0017. We are grateful for NIJ's support and encouragement throughout this project.

We were assisted by three diligent and hardworking research assistants at the Centre of Criminology, University of Toronto: Michael Kempa, Ryan Carrier, and Janesse Leung. We are also grateful to Rita Donelan, Centre of Criminology, and Arlene deGonzague, Hindelang Criminal Justice Research Center, State University of New York at Albany, for their painstaking efforts in administering this research program.

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Executive Summary

Accepting evidence from many sources that policing is undergoing a historic restructuring, this report describes the forms this restructuring is taking, the reasons for it, and the issues that it raises for governance, especially with respect to the issues of justice, equality of protection, and quality of service. We believe that the current restructuring is worldwide, although information for the report is drawn more extensively from democratic countries, both developed and developing. The report does not undertake original research but, rather, explores how the topic should be studied. The report concludes with a discussion of the topics that most urgently need to be studied if contemporary developments in policing are to be understood and made responsive to public policy.

The major findings of the study are:

1. Policing is being reconstructed worldwide. Its distinguishing features are (a) the separation of those who authorize policing from those who do it and (b) the transference of both functions away from government.

2. The change in policing cannot be understood in customary terms. It is often mischaracterized, for example, as "privatization." Because the distinction between public and private domains becomes problematic in the new policing, the more appropriate description for what is occurring is "multilateralization."

3. To understand what is happening to policing, it is essential to distinguish the way in which policing is authorized from the way in which it is provided. In other words, those who authorize policing may differ from those who provide it.

4. Policing is authorized currently under five auspices: economic interests, both legal and illegal; residential communities; cultural communities; individuals; and governments.

5. Policing is provided by commercial companies, nongovernmental authorizers of policing, individuals, and governments.

6. Many nongovernmental providers now perform the same tasks as the public police.

7. Although public and private providers perform the same tasks, they employ distinctive practices. Specifically, governmental providers tend to prevent crime through punishing; nongovernmental providers do so through exclusion and the regulation of access.

8. In response to the restructuring of policing, the role of the public police may be changing significantly. In particular, its agenda is becoming increasingly that of government rather than individuals; it is specializing in criminal investigation and undercover surveillance; its operations are undertaken in groups; and it is increasingly militarized in equipment and outlook.

9. The explanations for the current restructuring of policing involve shortcomings of the public police; increases in crime; the nature of economic systems; the character of government; and the social structure, ideas, and culture. The most popular explanations fall under the first three categories.

10. These explanations are largely hypotheses. Very little empirical research has been done to test or confirm them.

11. It is important for governments to continue to safeguard justice, equity, and quality of service in the current restructuring of policing.

12. To safeguard the public interest in policing, governments must develop the capacity to regulate, audit, and facilitate the restructuring of policing.

13. Research on the structure of policing has been fragmentary and uneven. The extent and character of the changes in the structure of policing, their impact on society, the role and responsibilities of government, and the causes of the changes must be studied.

14. Policing is being restructured through the development of new auspices and providers within nations and by the transference of police functions to transnational and international agencies. In other words, policing is being challenged by forces inside and outside contemporary nation-states.

Chapter 1

Introduction

Policing is being transformed and restructured in the modern world. This involves much more than reforming the institution regarded as the police, although that is occurring as well. The key to the transformation is that policing, meaning the activity of making societies safe, is no longer carried out exclusively by governments. Indeed, it is an open question as to whether governments are even the primary providers. Gradually, almost imperceptibly, policing has been "multilateralized": a host of nongovernmental groups have assumed responsibility for their own protection, and a host of nongovernmental agencies have undertaken to provide security services. Policing has entered a new era, an era characterized by a transformation in the governance of security.

Is the current restructuring of policing, then, simply a return to the past, another cycle in the historical ebb and flow of policing power between governmental and nongovernmental agencies? Yes and no.

Although a number of studies have attempted to document in particular countries the rise of what is loosely referred to as "private security," the extent of the transformation of policing has yet to be determined (Johnston 1999, 1994, 1992; Shearing and Stenning 1981, 1980; Nalla and Newman 1991; Cunningham and Taylor 1985). We believe, however, that the following statements about the current restructuring are true and amply justify our effort to understand what is happening:

1. In most countries, certainly in the democratic world, private police outnumber public police.
2. In these same countries, people spend more time in their daily lives in places where visible crime prevention and control are provided by nongovernmental groups rather than by governmental police agencies.
3. The reconstruction of policing is occurring worldwide despite differences in wealth and economic systems.

Viewed historically, what is happening to policing is not unprecedented. It could be argued that the monopolization of policing by government is an aberration. It is only in the last 100 to 200 years that policing has been effectively monopolized by government, and even that was not uniform across countries (Spitzer and Scull 1977b; Shearing and Stenning 1981; Blair 1998). In Europe, for example, France led the way in the systematic nationalization of policing in the 17th century (Bayley 1975). Nationalization followed fitfully throughout the rest of continental Europe, concentrated largely in towns and often deferring to the private authority of the landowning aristocracy. Prussia permitted the landowning Junker aristocracy to police their large estates up to the unification of Germany in 1871. Russia, too, allowed policing to be shared between government and the landed gentry until the early 20th century. In England, policing remained largely in private hands until well into the 19th century. In the United States, where policing was gradually governmentalized by cities in the middle of the 19th century, private policing never really died (Walker 1977; Monkkonen 1981). The constituent States did not begin to develop organized police forces until the early 20th century, and the national government did not do so until a decade or so later (Smith 1925).

Is the current restructuring of policing, then, simply a return to the past, another cycle in the historical ebb and flow of policing power between governmental and nongovernmental agencies? Yes and no. Clearly governments have shared, even conceded, the power of policing to nongovernmental groups before (Bayley 1985a). Sometimes security has been so precarious that government could scarcely be said to exist at all in many parts of the world. At the same time, the restructuring that is taking place today is taking a different form than in the past because contemporary societies are organized differently than previous ones. Indeed, the concepts and terminology inherited from the past are inadequate for understanding what is happening today. For policymakers to comprehend, and possibly deal effectively with, the current transformation in policing, it will be necessary to examine contemporary developments with a fresh intellectual eye.

This report's contribution is in outlining what is known, suggesting what needs to be found, and showing how these matters should be thought about. This is not the last word on the restructuring of policing. It is an invitation to others to join in studying one of the most momentous but, so far, understudied topics of our time.

Our knowledge of what is occurring is based largely on studies from democratic countries. These, after all, are where information about policing can be most freely obtained. The character of government, then, affects what is known about policing and, as we shall discuss, probably the extent of restructuring as well. Although we believe the restructuring is worldwide, it remains for new research to document its extent across the globe. We do know that the change in policing is occurring across the divide of economic development, with developing democracies participating along with developed ones.

When the term "policing" is used in this report, it does not refer to all the means by which human beings provide safety for themselves—policing is not synonymous with social control. Societies create order, and hopefully thereby safety, through processes of socialization and informal discipline. Everyone plays a role in these processes—parents, siblings, peers, friends, acquaintances, colleagues, and a host of authority figures. This report will not reinvent social control theory. Its focus is on *intentional attempts to regulate the distribution of physical security produced by actual or potential use of force*.[1] The report deals with the governance of security in the modern world. Emphasis is placed on physical security because that is what people want foremost from police, despite the fact that technology has produced new forms of insecurity in relation to information, nonreal property, and cyberprocesses.

The purpose of this report is threefold:

1. To review systematically what is known about the contemporary restructuring of policing.
2. To reflect about the meaning and significance of what is occurring and to develop concepts and terminology that do justice to the phenomenon.
3. To specify a prioritized research agenda for understanding the restructuring of policing and for supporting the development of policy to deal with it.

This report is derivative—that is, based on what others have found and documented. Our contribution is in outlining what is known, suggesting what needs to be found, and showing how these matters should be thought about. This is not the last word on the restructuring of policing. It is an invitation to others to join in studying one of the most momentous but, so far, understudied topics of our time.

The report covers four topics. The first and longest part describes the new forms that policing has taken in the late 20th century (chapters 2, 3, and 4). In so doing, a crucial distinction is made between the auspices and the providers of policing. Auspices are groups (and sometimes individuals) that explicitly and self-consciously take upon themselves the responsibility for organizing their own protection (chapter 2). Providers are the groups that actually do the policing asked for (chapter 3). Sometimes auspices and providers coincide. A defining characteristic of the new paradigm of policing, however, is that auspices and providers may not be the same. In the old paradigm, governments had responsibility for articulating security needs and for developing institutions to meet them.

Distinguishing between auspices and providers allows an escape from the oversimplification of describing policing as being either public or private. Auspices may be either public (governmental) or private (nongovernmental); so, too, may providers. Furthermore, they may be combined in four ways—public/public, public/private, private/public, and private/private. The current restructuring of policing involves more, then, than privatization. It involves the multilateralization of the sources of both demand and supply of policing. As will be shown, distinguishing public from private auspices conceptually is not easy.

To describe what is happening today, it is important to determine whether there are characteristic differences in the practices of the new policing. Do these new combinations of auspices and providers carry out policing in new and different ways compared with the governmental, or public, police? We refer to these as "the mentalities of policing" because they reflect different practices in the way in which security is provided (chapter 4).

The second major topic of this report is a discussion of the reasons that have produced the current restructuring of policing (chapter 5). Here, all the explanations for the current restructuring that have been suggested by observers, scholars, and practitioners are reviewed.

In order to review what is happening to policing and why, a team of librarians and research assistants searched for all the written material that might conceivably touch on contemporary policing and domestic security. The review was limited to materials written in English. From this voluminous and diverse writing, the team compiled lists of all auspices, providers, mentalities, and explanations that were mentioned.

Chapter 6 raises a third topic; namely, the role that government is playing and should be playing in the formation of the new policing paradigm. Relatively little has been written about this because the extent of the transformation has not been recognized by either intellectuals or policymakers. Reality has outrun efforts to understand what is happening or to shape it to appropriate civic ends.

Finally, building upon what was found to be known about the restructuring of policing and the problems of governance that are thereby generated, a research agenda reflecting we believe to be the most important topics requiring study is presented (chapter 7). Ways to go about this research also are suggested.

In a short conclusion (chapter 8), we reflect upon the meaning of what is occurring and the prospects for policing in the future.

Note

1. People familiar with writing about the police will recognize that this is not a complete definition of the police. It is an approximation, indicating what people commonly expect of the police. For a discussion of the concept of "police" and one attempt at a definition that can be applied comparatively both historically and geographically, see Bayley's *Patterns of Policing* (1985a).

Auspices

Until recently, governments assumed primary responsibility for providing security. "Providing" has a double meaning: Governments determined what sort of security was needed and provided the means to achieve it. Governments were the organizational auspices for formulating demand for policing, *and* they were the providers who supplied it. In the current restructuring of policing, these two functions have become separate. Furthermore, it has become acceptable for groups other than governments both to take control of their own policing and to select the providers of it. In short, the responsibility for authorizing policing and for providing it instrumentally has been multilateralized and denationalized.

This restructuring of policing is often referred to as "privatization." This is an oversimplification, at the heart of which is a significant conceptual problem. The function of policing—providing security through physical constraint—is a quintessential function of government. Many theorists have followed Max Weber's lead in defining states, which have been the most inclusive and powerful level of government in history, in terms of the possession of a "monopoly of force" (Weber 1968). In this formulation, government is recognized in part by the control of policing. This implies that the capacity to authorize policing indicates the existence of government. It would follow, then, that policing can never be privatized. But this defies our common understanding.

The contemporary restructuring of policing separates both the authorization of security and the activity of policing from what is recognized as formal government. In so doing, the distinction between "public" and "private" itself becomes problematic.

The contemporary restructuring of policing separates both the authorization of security and the activity of policing from what is recognized as formal government. In so doing, the distinction between "public" and "private" itself becomes problematic. This confusion also afflicts judgments about the public/private character of policing before the rise of states (Bayley 1985a). The problem becomes even more acute today when the auspices and providers of policing become mixed in terms of being public or private, as shall be seen. For these reasons, it is more accurate to characterize what is happening as multilateralization in the governance of security rather than the privatization of policing.

In this chapter, we will examine the sorts of people, for the most part groups, that undertake to authorize policing. They are called the auspices of security, as opposed to the providers of security, who actually do the work of policing. This review shows that control of policing today is exercised under five auspices: (1) economic interests, (2) residential communities, (3) cultural communities, (4) individuals, and (5) governments. Each category contains a variety of auspices (see table 1).

Economic Interests

The most familiar subset of economic interests consists of businesses, which may act individually or cooperatively to organize security. Businesses create

TABLE 1:
Nonstate Auspices of Security

ECONOMIC INTERESTS
1. Legal: Businesses
   - Singly
   - Cooperatively
2. Illegal: Criminal gangs

RESIDENTIAL COMMUNITIES
1. Gated communities: Horizontal and vertical
   - By real estate company
   - By cooperatives
2. Voluntary capitation
3. Local utilization of in-kind resources
   - By local initiative
   - By government initiative

CULTURAL COMMUNITIES

INDIVIDUALS

GOVERNMENTS
1. Permitting
2. Encouraging
   - By sponsoring
   - By requiring
   - By delegating
   - By collaborating

their own in-house security forces or hire others to police for them (Shearing and Stenning 1981; Johnston 1992). They also band together to protect themselves on the basis of both geography and function. In the United States, the best example of the former are business improvement districts (BIDs), which tax members to support police patrols, trash collection, or physical improvements to the environment (New York Times 1994; Greene, Seamon, and Levy 1995; Murphy 1997). In New York City, BIDs have been established for Times Square, Grand Central Terminal, Bryant Park, 34th Street midtown, and other areas. Businesses that provide a common service, such as banks, bars, and taxi companies, also collaborate to enhance mutual security. These functional economic interests are less likely than geographically based ones to hire and share police. Instead, they work cooperatively to minimize threats to their common enterprise by warning one another about potential threats, sharing ideas about improving security, and supporting one another in time of need.

Unfortunately, the economic interests active in constructing security are not always legal. In many parts of the world, criminal enterprises, such as crime syndicates and juvenile gangs, play a significant role in organizing security. They do so in their own interests, of course, and usually in direct opposition to government. But in so doing they govern security for the people among whom they live, becoming in some places the only effective police that exist. Such illegal but parallel security regimes that create order benefiting others exist and have existed in Mafia-dominated neighborhoods in New York City, the favellas of Latin America, the barrios of Los Angeles, and the major cities of Russia (Leeds 1996; Shlapentokh 1995). Violent revolutionary groups, as well, often try to establish parallel governments in the geographical areas they dominate, serving both as the local police and the military.

Governments may be complicit in these parallel but illegal security activities. The public police sometimes turn a blind eye to the illegal activities of crime groups in exchange for information that helps them solve crimes, especially if those crimes threaten the government. The Royal Ulster Constabulary (RUC), for example, depended upon warnings by the Irish Republican Army (IRA) about impending bombings to protect the general population. The RUC, in turn, allowed the IRA to become the effective police for several Catholic "no-go" areas of Belfast (Hillyard 1993). In some areas, the IRA established "Provo Police Stations" to address community problems as well as to document abuses by the RUC. Similarly, Japan's organized crime—the Yakuza—performs the useful function of enlisting and disciplining unemployed and potentially delinquent young men ("chimpera") who would otherwise

gravitate toward predatory crime. Although the Japanese police periodically crack down against the Yakuza, there seems to be an informal understanding that the rigor of enforcement will be influenced by the Yakuza's adherence to certain rules, specifically whether they victimize the public directly (Bayley 1991; Szymkowak and Steinhoff 1995). Violence among the Yakuza themselves is tolerable, provided it is kept out of public view; violence against the public is not. As a final example, the conduct of the so-called "good Donos" (drug lords) of Brazil is often tacitly tolerated by the public police because they help to maintain order (Leeds 1996). Tolerance runs out, however, when drug-trade violence is turned on the public.

Furthermore, corrupt governments may actively foster parallel but illegal security activities. In Russia, for instance, members of the government have been observed to provide and solicit illegitimate *krysha* (roofs) of security for themselves and favored members of the private sector (Shlapentokh 1995).

The general point is that criminal enterprises may be "cut some slack" by governments provided they contribute to public safety in ways the public police cannot. They may even be actively courted by corrupt state agencies in service to their own interests.

Residential Communities

Residential communities exist in many forms. First, gated communities may be created where policing is constructed either by realty companies or by the homeowners themselves operating as a cooperative. Our impression is that the former is more common in private housing estates (horizontal gated communities), and the latter is more common in condominium apartments (vertical gated communities). In gated communities, policing involves regulating access, surveillance, and patrolling. Gated communities are especially popular in the United States, where they have been the fastest growing segment of the housing market (Egan 1995; Kennedy 1995; Blakely and Snyder 1997; Garreau 1991; Jones and Newburn 1999; Owens 1997).

It is worth noting that creating gates for communities does not happen exclusively under private auspices. When the public police barricade streets to create cul-de-sacs that impede driveby criminal activity, as in Houston and Los Angeles in the 1980s, they are creating gated communities, and often for the poor (Sparrow, Moore, and Kennedy 1990).

Second, residents of neighborhoods may agree to pay a small per capita fee to support private security services. This happened recently in parts of Glasgow, Scotland, London, England, and Melbourne, Australia. Such a practice demonstrates again the problem with describing security auspices as being either public or private. The financial levies agreed to could be regarded as a form of local government or as nongovernmental self-help. In cases like these, cooperative activity looks very much like self-government.

Third, residential neighborhoods may form ad hoc advisory councils to mobilize in-kind community resources that address security needs (Blakely and Snyder 1997; Baron 1998). Residents may undertake to watch one another's houses, alert police to suspicious strangers, patrol the streets at certain times of the day, improve dangerous physical conditions, mediate neighborhood disputes, and organize restorative justice conferences (Braithwaite 1989; Bayley 1994; Shearing 1995). Rachel Neild, writing about Latin America, calls this the "informalization" of security (1997). In the United States, the Federal Government has given some communities grants to support the security plans they have developed (Sheppard 1998). Similar initiatives have been undertaken in South Africa and Ireland (Shearing 1997; Independent Commission on Policing for Northern Ireland 1999).

In traditional societies, whole villages may organize to take responsibility for security, supplementing

what is regarded as inadequate protection by the public police. As in developed settings, it is difficult to know whether such activity should be regarded as public or private. In India, for example, the government passed legislation authorizing villages to create "village defense forces" and paying some of their costs. In Tanzania the government sponsored vigilante groups ("sungusungu") to protect cattle from rustlers. In addition, various nongovernmental groups have sponsored local security initiatives facilitated by microlending and technology transfer (Cassani 1995; Conger 1997). Should these be regarded as devolution to private auspices or decentralization to local government auspices? On the other hand, if villages take advantage of opportunities within the law to organize their own self-defense, even though not explicitly authorized to do so, is this local government or private policing? We submit that this sort of argument can be avoided altogether by not using the "public/private" terminology when describing the current restructuring of policing, except where such application is unambiguous.

The new paradigm of policing represents more than decentralization within existing governmental institutions. Governments are not just devolving power on subordinate levels of government; they are actively promoting the sharing of responsibility for policing with new institutions.

The concept of centralization/decentralization also becomes difficult to apply in this context. The new paradigm of policing represents more than decentralization within existing governmental institutions. Governments are not just devolving power on subordinate levels of government—they are accepting new bases of legitimate government. And they are doing more than acquiescing; sometimes they are actively promoting the sharing of responsibility for policing with new institutions, as shall be seen.

Cultural Communities

Cultural communities may be ascriptive groups where membership is a matter of inheritance or voluntary associations that people join by choice. In either case, groups with which people identify because of shared cultural beliefs and practices occasionally serve as auspices for the construction of policing (Stenson 1999; Stenson and Factor 1994). In the United States, for example, the Nation of Islam, often called the Black Muslims, has organized a group of young men known as the Fruit of Islam to protect members and their businesses. The Rashtriya Swayamsezak Sangh (RSS) in India is a militant band primarily consisting of young men whose avowed purpose is the physical defense of Hindus.

Individuals

Individuals have always been auspices of policing in the sense that they worry about security, think about ways to minimize risk, and act to enhance their personal safety. Self-defense is accepted everywhere as a human right, although it may be regulated by the state. Today people in many countries go to elaborate lengths to protect themselves—residing in protected communities, living in houses designed for security, avoiding dangerous areas, attending self-defense classes, buying security equipment, and joining crime-prevention organizations. Most important for this analysis, they also hire their own human protectors. It stands to reason that private guards are most often hired by people of wealth, although relatively poor people engaged in unpopular or criminal enterprises hire bodyguards as well. Our impression is that individual self-defense, especially the hiring of private guards, is much more common in less developed countries, where the homes of well-to-do individuals are frequently surrounded by high walls topped with broken glass or barbed wire. In Latin America, for example, wealthy individuals have hired private police to protect

themselves and their families from an epidemic of kidnaping (Heine 1994). Owing to the turbulence of political life, politicians in less developed countries frequently employ private guards who are sometimes used offensively against their opponents as well as defensively. This is also true in Russia (Shlapentokh 1995).

The State

During the past century, governments have been both the primary auspices and the primary providers of policing. Paradoxically, they have also, in their role as authorizers of policing, contributed substantially to the current multilateralization of policing, the very phenomenon that is undermining their monopoly. In recent years, governments have facilitated, encouraged, and required nongovernmental groups to become both auspices for authorizing policing and providers of it. They have done so in two ways—by creating permissive environments and by actively encouraging nonstate police activity.

Governments have contributed to the current multilateralization of policing by creating permissive environments and actively encouraging nonstate police activity.

Passive encouragement has come primarily through the creation of legal space into which nonstate auspices could expand (Hauber et al. 1996). In the United States, for example, businesses have defensively protected themselves against damaging civil suits by improving the physical security of their employees or customers (Benson 1998). The law also allows owners of businesses to regulate the access of people who violate rules of dress and behavior. This legal environment, coupled with the expansion of so-called mass private property—premises privately owned but open to the public—has made possible, even necessary, a new territorial division of labor between public and private police (Shearing and Stenning 1981). Finally, by requiring providers of certain public services to be insured, government has created a set of security monitors who can create financial incentives for businesses to improve their security performance.

Governments may even enable people to share the coercive power of the police. They do this when they permit private persons to be armed in their own defense, as in the United States. Ironically, this not only undermines their monopoly on the use of force but also encourages the notion that public policing is inadequate.

But governments have not simply acquiesced in allowing nongovernmental groups and individuals to authorize. They have actively encouraged them in several ways.

First, governments have sponsored the growth of private policing. The best example is the community policing movement of the 1980s and 1990s (Skogan and Hartnett 1997; Skolnick and Bayley 1986, 1988; Greene and Mastrofski 1988; Goldstein 1990; Trojanowicz n.d.; Trojanowicz and Bucqueroux 1990; Stenson 1999; Stenson and Factor 1994; Crawford 1995; Crawford and Jones 1995; Sheppard 1998). Acting on the insight that crime cannot be prevented or solved without the active assistance of the public, police departments have mobilized neighborhoods in their own defense (Bayley 1994). Members of the public collectively consider security needs, advise the police about problems requiring attention, give information to the police about suspicious persons, patrol neighborhoods on foot and in cars, fix up the physical environment, mediate disputes and quarrels, install security devices, force businesses that cause disorder to move, and pressure fellow residents to adhere to community norms of propriety. In the language of the day, community policing seeks to "empower" neighborhoods to share responsibility for policing with the state (Crawford 1995; Crawford and Jones 1995; Sheppard 1998).

Some local governments have directly sponsored commercial private policing. For example, several municipalities in Montreal hired private police to augment the patrols of the metropolitan police. By 1998, within the jurisdictions of 18 of Britain's 43 police forces, local governments had hired private security patrols (Blair 1998).

Private security companies working for the state should be distinguished from low-cost quasi-police agents who work side by side with the public police. In the Netherlands, for example, most towns now have "City Guards" (*Stadswacht*) to patrol high-use public areas. Similar agents known as *Sicherheitswachen* have emerged in Germany, where they perform surveillance functions, including stopping people on the street and requesting identity cards (Nogalla and Sack 1998; Lacey and Zedner 1998) In Britain, several towns have hired long-term unemployed people as "City Stewards" or "social caretakers" to patrol public housing estates (Blair 1998). All of these "policing" agents receive minimal training and pay. Their chief function is to be visible and to alert the public police to real or potential dangers.

When it comes to policing, what is governmental or not governmental, public or private, depends more on legal status than on the nature of the activity undertaken or the size of the entity undertaking it.

Second, governments have enacted regulations requiring private persons to act in ways that enhance public safety. For example, they require banks to transport cash in approved ways, hospitals to report suspected child abuse, airlines to inspect hand baggage, gun owners to register, people in sensitive occupations to submit to background checks, sporting events to be covered by private guards, construction companies to manage traffic around building sites, and ethnic groups to follow stipulated rules for parades and fairs (Grabosky 1995).

Third, governments have delegated activities previously carried out by the public police to private contractors. Police in many countries have outsourced their housing and transport of prisoners, street patrolling, guarding of public buildings, investigation of traffic accidents, electronic monitoring of parolees, provision of security advice to businesses, and conduct of crime-prevention workshops for at-risk populations (Johnston 1994). James Q. Wilson suggested 30 years ago that because most calls to the police for assistance involved noncriminal matters, governments could save a great deal of money by turning this responsibility over to private firms (1968). Farfetched at the time, a great deal of public policing has since become "commodified" in just the way Wilson suggested (Wood 1999; Spitzer and Scull 1977a). According to Peter Manning, the largest employer of private security in the United States is the Federal Government (Forst and Manning forthcoming).

Fourth, governments invite firms to collaborate with them in improving public policing. In Durban, South Africa, the public police share a communication channel and computer with a private security company. The private firm often responds first to criminal emergencies, preserving the scene until the public police arrive. In the United States, Australia, and Canada, private businesses have been solicited to purchase equipment such as automobiles for the police and to provide offices, telephones, and furniture for neighborhood police posts.

In this discussion of the role governments have played in facilitating multilateralization, we are not suggesting that governments have been the prime movers. For the most part, they have been playing "catchup." The government's monopoly on policing has been eroded because it has not provided the sort of effective consumer-responsive security that private auspices and suppliers have proved to be capable of giving.

Conclusion

The United States is often criticized by those in other countries for having an ungovernable police system composed of more than 17,000 separate police forces. Indeed, Bruce Smith, a famous authority on the American police, said that the United States did not have a police *system* at all (1949). This radically decentralized system produces for Americans many of the benefits achieved elsewhere through community policing because it represents restructuring on the basis of neighborhoods. Americans properly describe their system as decentralized because it occurs within a constitutional, established system of government. But when the same functions are authorized by unincorporated neighborhoods or residential communities that are no larger than the jurisdictions of many local governments, they are seen as being private. The point is that when it comes to policing, what is governmental or not governmental, public or private, depends more on legal status than on the nature of the activity undertaken or the size of the entity undertaking it.

Providers

Security companies such as Burns, Wackenhut, and Pinkerton represent what most people think of when they hear the phrase "private policing." But large commercial security companies are only the tip of the iceberg of restructuring. They provide policing, but they do not authorize it. And they are only one sort of nonstate provider among several. In our survey, we found four major groups of policing providers in the late 20th century world: (1) commercial security companies, (2) nongovernmental auspices acting as their own providers, (3) individuals, and (4) governments (see table 2). Governments are included, paradoxically, because they contribute police services through the market to nonstate policing auspices.

Commercial Security Companies

The archetypical private security company is one that provides uniformed security personnel to guard and patrol. They are particularly visible in malls, banks, large stores, and sports stadiums—places that are privately owned but to which the public has access. They also protect private housing and businesses that are not open to the general public, such as gated communities and factories. But commercial companies provide many other sorts of security personnel as well, such as inquiry agents, personal bodyguards, security consultants, control room operators for closed-circuit TV and police communications, manufacturers and sellers of security equipment, installers and repairers of security equipment, and trainers in personal protection (Prenzler and Sarre 1998). All these functionally varied companies offer themselves through the market, filling gaps in policing that governments cannot or will not fill.

TABLE 2:
Nonstate Providers of Policing

Commercial Security Companies

Nongovernmental Auspices

(for example, industries, real estate developers, apartment and condominium cooperatives, and neighborhoods).

Individuals

Governments

- Moonlighting
- Fee for service

Nongovernmental Auspices

Private groups as well as individuals may take security into their own hands, as we have seen, supplementing or supplanting the protection provided by governments. They may decide to provide protection themselves, becoming providers, or to hire commercial firms. Many large businesses, for example, create their own in-house police forces. So, too, do developers of some large housing estates. Guards for apartment buildings and condominiums may be employees of outside firms or of the housing complex itself. Neighborhoods provide policing to themselves when residents join the Neighborhood Watch or serve in foot patrols or mobile patrols (Johnston 1992).

The Guardian Angels in the United States are an interesting hybrid of the inside/outside provision of policing. Composed primarily of young men from minority communities, they provide visible patrol to selected neighborhoods and businesses that request

their services. They are outsiders in service to local auspices, sometimes working as volunteers, sometimes working for a fee.

By protecting themselves, criminal organizations sometimes protect others as well, as in the favellas of Rio, the barrios of Colombia, the bustees of India, and the immigrant neighborhoods of American cities. In these cases, private auspices operating in their own illegal interest create a public good.

Individuals

Individuals become providers of policing when they undertake protective actions on others' behalf, for example, as volunteers in neighborhood street patrols, Special Constables in Britain, police cadets and reserves in the United States, and Police Explorer Scouts. Individuals also take self-protecting defensive actions, such as purchasing firearms or taking martial arts classes. Because we have defined policing as a collective action for collective benefit, self-defense activities do not qualify individuals as providers of policing. Individuals may be both the auspices and the providers of policing, not necessarily at the same time.

Governments

One of the most curious developments of modern policing is the public police acting as private suppliers of protection. The assumption behind government policing is that it is available to everyone equally on the basis of citizenship. Increasingly, however, the public police are offering their services through the marketplace for profit. This takes two forms.

First, some governments allow individual officers to work off duty for private interests in their official uniforms as visible police. In the United States this represents the expansion of an older practice of allowing police officers to "moonlight" as completely private persons for private security companies (Reiss 1988; Bayley 1994). For American police officers, the opportunity to work two jobs is a prized benefit of police employment.

Moonlighting may be highly organized. Some American police departments sign contracts with private interests to provide uniformed off-duty police. In Honduras, too, in the late 1980s, the Public Security Force (FUSEP) contracted with businesses to provide security guards (Kincaid and Gamarra 1995).

One of the most curious developments of modern policing is the public police acting as private suppliers of protection. Increasingly, the public police are offering their services through the marketplace for profit.

Second, many police forces, especially in North America, now charge for services they previously provided free of charge, such as responding to burglar alarms and regulating traffic around construction sites. They do so on the argument that because these efforts disproportionately benefit a commercial interest, the general public should not bear the cost. The same is true for policing rock concerts, sporting events, and special interest parades.

In this way the profit motive has begun to affect the allocation of public policing. Private interests have tried to do this in less obvious ways for many years. For example, fast-food restaurants and convenience stores, especially if they operate around the clock, sometimes provide food to police free of charge or at concessional rates to encourage their patronage and, hence, protection. More overtly, businesses may offer in-kind support, such as equipment or buildings, to the police in exchange for increased coverage. The Alliance for Downtown New York, for example, recently offered the police department $5 million to set up a new police substation on Washington Street if it would assign 40 police officers to patrol the area south of Chambers Street (New York Times 1998). Such practices have been an integral part of some

community policing programs, as police departments have required local communities to provide office space, furniture, and equipment in order to obtain a neighborhood (storefront) police station.

In all these examples, public policing is no longer being treated as a public good, available equally to all and paid for by general tax revenues. It has become a publicly created service that can be sold as a commodity through markets.

None of this should be confused with the civilianization of police, where tasks formerly carried out by sworn officers are performed by civilian employees. Civilians, who make up 30 percent of police employees in Australia, Britain, Canada, and the United States, now direct traffic, investigate accidents, collect physical evidence, and organize crime prevention activities. Nonsworn people sometimes work in policelike roles, often in uniforms that are very similar to those of sworn officers.

Without close scrutiny, it has become difficult to tell whether policing is being done by a government using sworn personnel, by a government using a private security company, by a private security company using civilian employees, by a private company using public police, or by a government employing civilians. Even carrying firearms does not always distinguish public from nonpublic providers (Forst and Manning forthcoming). Interestingly, a politician in Australia recommended recently that the private security guards already deployed by government on trains should be armed so that they would not be regarded as "Keystone Cops" (Walker 1999). Guns, he thought, were "an absolute . . . necessity to cope with the job."

Without close scrutiny, it has become difficult to tell whether policing is being done by a government using sworn personnel, by a government using a private security company, by a private security company using civilian employees, by a private company using public police, or by a government employing civilians.

Today, a distinction between public and private policing is increasingly meaningless. The world has come a long way since the Hallcrest Report (Cunningham and Taylor 1985) documented the size of the private security industry. Both public and private entities have assumed responsibility for authorizing policing; both public and private entities provide policing to these auspices. Even government's role is no longer exclusively public. It authorizes policing, encourages nongovernmental groups to authorize policing, and provides policing to specialized consumers on a fee-for-service basis. Similarly, private providers are not exclusively private, since they sometimes work under public auspices and are sometimes staffed by public police personnel.

Policing today is not just being "privatized." It is being restructured though the development of new groups as both instigators and providers of policing. The public and the private are being combined in new ways, ways that sometimes make it difficult to separate public from private. Multilateralization, although an awkward term, is a more accurate way of describing what is happening to policing in the late 20th century than privatization.

Mentalities

The restructuring of policing under way in the world today involves more than changes in the types of people who are involved in it. The character of policing—meaning its practices and activities—is also changing. We call these elements the "mentalities" of policing because how policing is conducted reflects distinctive ways of thinking about it.

It is important to distinguish the tasks that police undertake from the mentalities they adopt. While different auspices may require different sorts of services from their providers, the functions may be performed differently by different providers. The extent to which this is so is an important topic for future research. This research will be complicated because auspices and providers may independently influence the way in which similar tasks are performed. Furthermore, because state and nonstate auspices and providers may be combined in different ways, the relations between auspices/providers, on the one hand, and the mentalities of policing, on the other hand, may be very complex.

Today the employed and consuming public are as likely to see private security personnel guarding and patrolling in the course of a day as they are to see public police.

With respect to the functions of policing, we agree with Les Johnston that nonstate providers of security now perform all the tasks once reserved to the public police (Johnston 1992). They patrol, guard, investigate, respond to emergencies, monitor, collect intelligence, work undercover, constrain, ameliorate crime-producing conditions, advise about crime prevention, and control disorder. The tasks of policing are increasingly being shared between public and private providers.

Historically the two core tasks of public policing have been patrolling and criminal investigation (Bayley 1994). Although investigation has long been a specialty of commercial security companies as well as in-house security agencies, patrolling has not been until recently. Today the employed and consuming public are as likely to see private security personnel guarding and patrolling in the course of a day as they are to see public police. In addition to providing a visible presence, private police necessarily respond to emergencies and, when crimes occur, preserve evidence and hold suspects until the public police arrive.

In Britain, street patrolling is being performed today by the public police, private security privately employed, private security employed by municipalities, unsworn but uniformed personnel hired by municipalities, constabularies with jurisdiction in particular places such as parks or housing estates, and community volunteers (Bayley 1994; Johnston 1994). In many places, these varied forces work side by side, sharing offices, radio frequencies, information, and plans.

Private providers have one major advantage over the public police with respect to the tasks they perform—they can pick and choose. The public police, on the other hand, must provide the full range of police services, an obligation they find increasingly burdensome and have begun to take steps to reduce.

The insight that private policing exhibits a different mentality from that of public policing was formulated

originally by Clifford Shearing and Philip Stenning and has since been elaborated on by others (Shearing and Stenning 1980; Farnell and Shearing 1977; Shearing, Farnell, and Stenning 1980; Prenzler and Sarre 1998; Forst and Manning forthcoming). The consensus is that private policing is more concerned with preventing than punishing crime. Rather than deterring crime through the threat of detection, arrest, and punishment, private policing tries to regulate behavior and circumstances to diminish the possibility that crime will occur. In so doing, it focuses less on people who are behaving unreasonably and more on reasonable people who will comply with crime- and disorder-reducing directives. By emphasizing the responsibilities of all, private security tries to create an environment of discipline and order that limits opportunities for crime, reassures law-abiding people, and constrains the deviant few.

The mentality of private policing is similar to that of self-help by individuals: conciliatory rather than penal, emphasizing desistance rather than punishment, concerned with outcomes more than rules, and speedy rather than measured.

The mentality of private policing is similar to that of self-help by individuals: conciliatory rather than penal, emphasizing desistance rather than punishment, concerned with outcomes more than rules, and speedy rather than measured (Black and Baumgartner 1980).

The metaphor for private policing's distinctive mentality is gates. Private security regulates entry, limits participation, and excludes on the basis of presumptive signs of bad behavior—membership (residence, employment); dress (T-shirts, bare feet); and behavior (obscene language, skateboards, boom boxes). It can do what the public police have recently come under strong attack for doing—it can profile. It can take premonitory action on the basis of social criteria that do not have to be justified in terms of law. Unlike the public police, private police are not hampered in their regulatory actions by probable cause.

The restructuring of policing results in the substitution of banishment for incarceration. Governments can banish only by incarcerating, and that can be done only on the basis of behavior adjudicated to be illegal. Private agents can banish by regulation based on presumptive signs of deviancy and disorder.

Private security is primarily concerned with governing the future: its objective is to prevent crime. Public policing is concerned with governing both the future and the past: preventing crime and rendering justice with respect to past crimes. Its favored strategy is deterrence based on punishment because punishment promises both to prevent crime and to exact a cost for misdeeds already done. This explains why the mentality of punishment is so popular with the public as well. It is an all-purpose solution to two important concerns. Restructuring has occurred today in part because groups within the state, notably businesses, realized that they would be better protected if they uncoupled security from justice, which the public police cannot do. The new auspices and providers of security are more interested in reducing losses than in validating legal norms. Consequently, they also rely less on deterrence and more on premonitory prevention. It may also be true that when private police are called upon to do justice, they act in a less punishment-oriented way. Shearing, Stenning, and Braithwaite have all argued that private policing is more likely than public policing to act according to principles of restorative justice (Shearing and Stenning 1980; Braithwaite 1989).

We are arguing that changing the governance of security can affect the way in which justice is done. The converse may also be true: the way in which justice is done can affect the achievement of security (Bayley 1999). Restorative justice conferences seek

to produce undertakings among all parties that reduce the chances of reoffending. In the search for justice locally understood and accepted, the conferences also engage in policing. The lesson is that security and justice are intimately, linked but not exclusively through punishment.

Dichotomizing the mentalities of public and private providers of policing is, of course, too simplistic. We are not saying that all nongovernmental providers of policing exhibit one mentality and all governmental providers another. Our analysis is heuristic, describing the poles of a continuum along which the mentalities of policing can be arrayed. Private providers of policing are not always "warm and fuzzy" but can behave punitively, illegally, and brutally. Conversely, governments are learning to incorporate some of the mentalities of private policing. In the past 20 years, public police agencies throughout the world have consulted with communities about security needs, adapted their tactics to local circumstances, encouraged neighborhoods to work cooperatively with them, and proactively changed conditions that breed danger, violence, and disorder (Bayley 1994; Skogan and Hartnett 1997). Similarly, they have used the civil law to pressure landlords and other guardians of private space to control access, evict disruptive persons, improve physical conditions, and monitor behavior. Called third-party policing, these practices conform to a compliance model of policing similar to what private police do (Buerger and Mazerolle 1998; Reiss 1987).

The public police have also begun to adopt a familiar technological tactic of private police: they are using closed-circuit television to monitor behavior in public places. Electronic patrolling has moved from banks, stores, and hotel lobbies to streets, parks, and transportation hubs. Television cameras now monitor traffic flow and can detect individual violators of traffic regulations. By the mid-1990s in Britain, 550 closed-circuit television surveillance programs, involving more than 5,000 cameras, had been approved by the Home Office (Blair 1998).

It is worth remarking that the mentalities associated with private policing may have been operating in one sector of government policing for many years; namely, the policing of military personnel. Military police operate in a controlled environment with a population subject to a host of disciplinary sanctions not available to the public police. The study of military policing, long neglected, may provide valuable insights into the conditions required to institutionalize the mentalities of private policing in public policing.

Finally, public and private policing may be moving toward a division of labor where the public police increasingly specialize in investigations and counterforce operations while private police become decentralized, full-service providers of visible crime prevention. There are signs in Europe and America that this is occurring. For all the heartening signs that public police are adopting community-oriented crime prevention strategies, there are counterindications that they are focusing more on threats to society at large, such as drugs and terrorism, than on crimes directed toward individuals; that law enforcement is the tool of choice; that proactive undercover operations are gaining in importance; and that military equipment and tactics are being used more often (Kraska 1996; Kraska and Cubellis 1997). Private policing, by contrast, specializes in risk reduction, focuses on ordinary crime and disorder, stresses visibility and availability, seeks compliance rather than punishment, and eschews confrontational tactics. If this division of labor were to become structured by class, as is likely, with public policing for the poor and private policing for the rich, the consequences for social justice, equality before the law, and political stability would be serious (Bayley and Shearing 1996).

Whether we are right or wrong about this trend, the point to underscore is that the connections between who authorizes policing, who provides it, and how it is done need to be studied. Not only may they not be independent of one another, but their distribution socially has enormous political implications for the future.

Chapter 5

Explanations

After a prolonged period in which nation-states gradually monopolized policing, why have groups outside the state undertaken to develop it on their own now? The research literature on policing and the evolution of government offers many suggestions and some agreement on a few major factors. We will describe these hypotheses and then offer some comments of our own.

Hypotheses

The explanations suggested can be grouped into seven major categories: government performance, crime, economics, political character, social relations, ideas, and culture. These are discussed in declining order of importance as reflected in the literature reviewed.

Government Performance

The failure of government to provide adequate police protection is the reason most commonly cited for today's restructuring of policing (Sklansky 1999; Johnston 1992, 1999). This explanation seems intuitively correct but not very informative, because it would be irrational for people to concertedly construct new forms of policing unless the existing system was perceived to be inadequate. More helpfully, five hypotheses have been suggested about the particular ways in which the actions of government have led to policing's reconstruction.

The failure of government to provide adequate police protection is the reason most commonly cited for today's restructuring of policing.

1. Faith in the public criminal justice system has declined because it is perceived to be unable to punish criminals successfully because of a growing number of procedural rules (Braithwaite and Pettit 1990; Lunney 1989). Consequently, people doubt that it can be an effective deterrent to crime (Packer 1968). This has increased the attractiveness of more locally focused prevention systems based on regulation, where informal constraint is more important than formal law (Reiss 1984). The ability of the police to intervene in community life through premonitory regulation has also been diminished in many countries by the decriminalization of public-order offenses, such as loitering, panhandling, drinking in public, and lewdness.

2. Governments have become much more cost conscious due to declining revenue and are therefore more willing than in the past to share responsibility for crime control and other functions with private auspices (Shearing and Stenning 1980). For example, local governments in Britain and the Netherlands have tried to reduce the cost of policing by creating city watches and guards (Blair 1998). The Chief Constable of West Yorkshire even proposed in 1994 to create his own security force of Special Constables that would compete with private security companies. In Australia, a committee on workforce reform in New South Wales suggested that the police hire "Career Constables" on short-term contracts at low rates of pay and minimal training to perform general patrolling and emergency response (Anonymous 1998).

   Governments around the world have reduced the functions their police are expected to perform (load shedding). In Britain, for example,

there have been several major reviews of police responsibilities during the last decade, all recommending a reduction (Home Office 1995; Sheehy Committee 1993; Cassels Committee 1996). The Home Office Review of Police Core and Ancillary Tasks (1995) recommended giving up 26 functions.

Cost-consciousness also accounts for the rapid pace of civilianization over the past few years and for the hiring of private contractors (outsourcing) to perform tasks that were previously police functions, such as prisoner transport and radio dispatch.

3. The development of the professional police model in the 20th century narrowed the focus of public policing, disconnected it from communities, and weakened its ability to reduce risk and prevent crime (Kelling and Moore 1988; Kelling and Coles 1996; Goldstein 1990). Order maintenance gave way to crimefighting, meaning preoccupation with the investigation and punishment of criminals; deterrence replaced informal regulation (Kelling and Moore 1988; Monkkonen 1981). The separation between police and their communities was further intensified by the professionalization of social services, notably social work, psychological counseling, and family mediation. Police officers no longer are engaged in community-based crime prevention; they became specialists in law enforcement. The movement to remake public policing through community policing in the past 20 years explicitly recognizes these defects in public policing.

4. The public police are increasingly perceived to be corrupt, brutal, and unreliable, especially in less developed countries. People would rather take security into their own hands than trust discredited government police. This perception has grown in part as a result of the "democratization" of previously repressive governments that followed the collapse of the Communist bloc. Stories about official misconduct that were once suppressed are now more freely publicized.

5. Businesses, especially in North America, have felt a growing need to decrease the financial risk of being sued for failing to adequately protect their employees or customers. Concerned about legal liability, they created police forces that would focus exclusively on reducing risk to themselves (Sklansky 1999).

Crime

Crime has risen sharply in the past 40 years and with it the public's fear of crime (Prenzler and Sarre 1998). This fear has been magnified by what are perceived to be new criminal threats in some countries, such as kidnaping of businessmen and their families in Latin America and international terrorism in the United States. The world is in a "moral panic" about crime (Johnston 1992; Caldeira 1996). This moral panic may be part of the constellation of forces that are leading to the very police restructuring that it is helping to bring about.

First, with the growth of market capitalism around the world, the media have become increasingly commercialized and free of governmental control. Knowing that crime sells, worldwide media conglomerates exaggerate the threat of crime by highlighting the most sensational crimes wherever they occur (Chermak 1995).

Second, increasing competition in the policing market leads all providers, public and private, to exaggerate the danger from criminal activity. In this way the restructuring of policing becomes self-reinforcing after a certain threshold has been reached.

Third, the more people are mobilized to protect themselves, the greater their fear. Protective activity, such as installing burglar and car alarms, heightens rather than allays fear. In effect, supplying protection increases the demand for it (Loader 1997a).

For all these reasons, the public's expectations about what constitutes reasonable security have risen. But people are also convinced that risk can be reduced. They believe what providers tell them—crime can be controlled, if only policing is done right, which means by nongovernmental agencies.

Economics

Three hypotheses have been put forward under this heading.

Commercialized policing. Policing has become increasingly "commodified," a service to be bought and sold, due to the expansion of free-enterprise economic systems internationally (Sklansky 1999; Kaplan 1998; Johnston 1999). It should be noted that this hypothesis applies to only one sector of the restructuring phenomenon; namely, commercial, for-profit policing. Moreover, it is not clear why the existence of markets creates the commercialization of policing specifically. To be sure, without markets there would be no commodification. But policing has not always been as commodified as it currently is, even in market economies.

Mass private property. A particular form of property, namely, "mass private property," that has expanded in the past half-century requires a different sort of policing (Shearing and Stenning 1981). When private entrepreneurs expand facilities to which the public has access, such as shopping malls, large retail stores, cinemas, and sports complexes, the responsibility of owners to provide security grows, especially in an environment of legal liability. In this setting it is more important for policing to manage risk than to assign blame.

Drawing on the work of Spitzer and Scull, Shearing and Stenning have generated a larger principle: Nongovernmental policing expands regardless of the nature of the economic system as the size of landholdings in private hands increases, whether it be feudal manors, industrial towns, or mass-public accommodations (Spitzer and Scull 1977b; Shearing and Stenning 1981). Private policing grows as the proportion of private landholdings accessible to the public grows. It has been suggested that the mass private property hypothesis is especially relevant to the North American context, where its growth has been most extensive. Some think that this account is less applicable to Britain and Western Europe where there is a greater tradition of public ownership of space (Jones and Newburn 1999). At the same time, mass private property continues to expand in tandem with new forms of policing in many developed countries, notably those of Latin America and South Asia, suggesting that the explanatory power of the mass private property hypothesis extends beyond the North American context (Caldeira 1996; Nalla 1998).

We will not pass judgment on the validity of this explanatory account pending further empirical research into the expansion of mass private property globally. It may be that Britain and Western Europe—where it has been suggested that the mass private property principle may not hold—are the aberrations in the broader global context.

Economic development. Economic development increases criminal opportunities with respect to property crime, such as theft, robbery, and burglary, because personal property becomes more valuable as well as portable (Clarke 1997; Cohen and Felson 1979; Prenzler and Sarre 1998). Furthermore, because economic development distributes these goods more widely in the population, the consciousness of risk and the need for protection becomes more generalized.

Although we have not seen this argued as an explanation for restructuring, economic development is also known to raise expectations, which may in turn have the effect of intensifying dissatisfaction arising out of inequalities of wealth and opportunity. As people become less content with less, they may become less willing to accept the rules of what they perceive to be an unjust society. Thus economic

development increases both the quantity of goods to be readily stolen and the number of potential property criminals.

Political Character

The expansion of democracy globally facilitates restructuring (Cerny 1995; Drainville 1995; McMichael 1996; Slaughter 1997). Democratic governments can accommodate diverse centers of power, whereas authoritarian regimes cannot. Democratization facilitates restructuring by providing political space into which it can grow. As political pluralism increases, so too do the auspices that want to share responsibility for policing.

Social Relations

We found three hypotheses that explained the restructuring of policing in terms of changes in large-scale features of social organization.

Social complexity. As societies become more complex, so too do the security needs of their people. Complexity refers to increased specialization in the roles people play as well as the spatial dispersion of these roles (Durkheim 1973; Elias and Boulding 1996; Jervis 1997). Social complexity also multiplies the number of interest-based communities, which then become potential auspices for constructing security on behalf of their members. Furthermore, if social complexity, especially the separation of work from residence, decreases the willingness of people to exert informal social control, what Cohen and Felson refer to as "guardianship," then crime and disorder increase as well, outpacing the capacities of the public police (Cohen and Felson 1979; Jacobs 1962). It would be natural in these circumstances for people to use the interest communities they inhabit to provide security.

If governments are unable to meet public expectations about protection, people will look for other auspices to take responsibility. In capitalist societies, markets provide one solution by commodifying security. People buy what they need when they can afford to do so.

Modernization. Modernization of societies leads to a decline in the authority of primary social groups such as families, residential communities, and occupations (Nisbet 1969, 1975; Tonnies 1957; Wirth 1938). This leads to rising crime and disorder (Caldeira 1996; Rodriguez and Winchester 1996). If governments are unable to meet public expectations about protection, people will look for other auspices to take responsibility. In capitalist societies, markets provide one solution by commodifying security. People buy what they need when they can afford to do so. Commodified security replaces what Louis Wirth called the "little platoons" of traditional social control (Wirth 1938).

Social heterogeneity. Social heterogeneity within nation-states leads to the restructuring of policing when constituent groups, both economic and ascriptive, lose faith in the willingness or ability of government to protect them. This development is almost inevitable if people believe that they have been denied rights, among them adequate physical protection, because of their communal affiliation. The restructuring of policing on the basis of identity can be benign, enhancing safety where it was problematic, but it is inherently dangerous. Visible acts of communal self-protection often polarize social relations. Political compromise becomes increasingly difficult, the ability of government to perform declines, and people take policing into their own hands for what they feel are righteous reasons.

In a less dramatic way, restructuring may also increase when democratic countries valorize minority norms and practices out of respect for "diversity." To protect cultural heritages, groups may claim from nation-states the ability to determine what is enforceable as right and wrong. On one

hand, they may disagree with the majoritarian moral consensus about, for example, matters of dress or preventive medicine. In this case, they want government policing to be looser. On the other hand, they may define security more narrowly than government, wanting it to embody communal morality, for example, about contact between the sexes. They may feel that the criminal law is too permissive; they want policing to be tighter but under their control.

Whether based upon interest or identity, communities are simultaneously sources of social cohesion and fragmentation, of discipline and disruption. The way in which security is organized is both a reflection of the structure of societies and a determinant of it.

Ideas

Ideas about government and crime have been cited as contributors to restructuring because circumstances alone do not determine the nature of policing. How people think about things constrains what can be done.

Markets as a cost-effective alternative. During the 1980s, the idea became popular, especially in developed democracies, that governments were inherently less efficient than private auspices in providing services. In particular, markets were accepted by many people as a cost-effective alternative to government. As a result, public policing's loss of market share was viewed not as a threat to public safety but as a sensible response to proven inadequacy. Intellectual support for the marketizing of policing came from several sources. The influential economist Frederick Hayek argued that government bureaucracies, especially national ones, were less efficient than markets because they could not take advantage of local knowledge (Hayek 1989). Macrosocial policies of earlier periods, such as the New Deal, were criticized as being too generic and therefore unable to adapt to variations in circumstances across countries. Social problems were best solved by individuals working together in small arenas (Murray 1988; Osborne and Gaebler 1993). Local knowledge was essential because governing should be done, in Burchell's fine phrase, "in accordance with the grain of things" (Burchell 1991).

The communitarian movement also provided an idea that encouraged the restructuring of policing. Communitarians argued, as conservatives did, that government was too remote and impersonal to meet the needs of diverse communities (Etzioni 1983, 1993, 1996). Their solution, however, did not involve economic markets. Instead, they urged government to formally devolve responsibilities upon neighborhoods and communities so that its activities could be more closely supervised and directed by clients and stakeholders. Government would become more effective not by transcending government, but by allowing local communities to assume more responsibility for their own well-being.

In sum, powerful intellectual voices, both conservative and liberal, have called for the devolution of government services to new auspices—markets in one case, local communities in the other. Policing is one of several functions to which these analyses can be applied.

Recognizing the changed political climate, the public police responded with well-publicized schemes to demonstrate that they too were responsive to local communities and giving "value for money." Community partnerships became very popular, as did community policing. "Accountability" and "effectiveness" were watchwords, exemplified by performance audits in Australia, citizens' charters in Britain, and COMPSTAT in the United States.

Local knowledge. Independently of both Hayekians and communitarians, criminologists and police reformers discovered during the 1970s and 1980s that local knowledge was a neglected resource in policing. It was needed to specify and prioritize security needs (Trojanowicz and Bucqueroux 1990; Goldstein 1990), to diagnose problems (Goldstein 1990), to implement remedies (Bayley 1994; Goldstein 1990), and to render justice in acceptable terms (Braithwaite 1989). Localizing policing is the basis

of community- and problem-oriented policing as well as of restorative justice. They are arguably the most important, certainly the most coherent, reform philosophies to be developed in policing during the past half-century.

Culture

Whether societies are individualistic or communitarian in culture may affect the way they provide policing (Bayley 1985b). Although both sorts of cultures may restructure policing, the form that it takes will differ. Individualistic societies are more likely to restructure through commercial markets, communitarian societies through community-based mobilization (Bayley 1999).

Discussion

Reflecting on the range of explanations that have been put forward to explain the current restructuring of policing, it is apparent that there has been more conjecture than science in these offerings. Reasoning has generally been *a priori*, although often grounded in sound descriptions of trends. But the connections between these trends and policing have been assumed rather than demonstrated.

We offer three observations about the processes that have brought about the current reconstruction of security.

First, it appears to be unlikely that a single explanation for the phenomenon will be found. At the same time, because restructuring seems to be global, there may be a small number of generic factors contributing to it throughout the world. Three that may be playing a role almost everywhere are (1) fear of crime, (2) marketization of economies, and (3) the passing of a critical threshold in the creation of commercial multinational security companies. The first two points have already been discussed. With respect to the third, we are suggesting that after the commercial security industry reaches a certain size, it creates continuing demand for policing through enhancement of fear, emulation among consumers, and presumptive protection against liability.

The restructuring of policing may represent a paradigmatic shift in social organization that is not connected to any single factor. Small and essentially fortuitous changes in many places may have produced a qualitative "phase" change in policing that could not have been predicted from changes in any one of them. In complicated processes of social change, the whole may be greater than the sum of its parts.

Second, the reconstruction of policing may occur as the result of small changes in many different social arenas. Borrowing from Kuhn and Gould, the restructuring of policing may represent a paradigmatic shift in social organization that is not connected to any single factor (Kuhn 1962; Gould 1996). Small and essentially fortuitous changes in many places may have produced a qualitative "phase" change in policing that could not have been predicted from changes in any one of them. In complicated processes of social change, the whole may be greater than the sum of its parts.

Third, multilateralization evolves along different paths using different institutions and displays different mentalities depending on the relative power of governments, groups, and individuals. Countries will vary in the trajectories they follow to restructuring. In the Western democracies, national governments monopolized policing during the 18th, 19th, and 20th centuries at the expense of subordinate groups. Policing was nationalized, increasingly constructed from the top down. In the 20th century, these same democratic governments made policing available

to individuals through the creation of emergency-response systems. Indeed, legitimate self-help was limited to calling 911 or its equivalent. In this way, democratic governments made the public police serve the interests of disaggregate individuals. Later in the century, however, democratic governments became concerned that the police were not as effective in controlling crime as the public wanted. Acting on the insight that local knowledge and resources were essential to effective crime control, the police encouraged residential and interest groups to share policing responsibility with them. This was community policing, and it devolved policing authority from the government to nongovernmental groups. At the same time, nongovernmental groups themselves in many countries took advantage of market opportunities to hire their own police. This evolutionary trajectory produced policing that responded to collective needs represented by nongovernmental groups and mediated through either markets or voluntary organizations. In communitarian countries such as Japan, however, policing has always relied more upon nongovernmental structures, such as families, neighborhoods, and workplaces, to assist the government in maintaining social order (Bayley 1991). At the end of the 20th century, therefore, they had less need to commercialize policing than Western countries, although nonstate groups were free to use markets if they chose to do so.

In authoritarian countries, policing is controlled by government and its primary objective is always the protection of the regime. Authoritarian states try hard to maintain their monopoly on policing and discourage groups from acting as either auspices or providers of policing. They too, however, recognize that effective crime control requires assistance from the public. They obtain it through mobilizing groups, just as democratic governments do, but not by allowing them to participate in markets. They mobilize local knowledge and resources through coopting direction. This trajectory produces the pretense of multilateralization and a style of policing that is preoccupied with threats to governments rather than to individuals.

Although we believe that policing is being restructured around the world, the extent and form of the restructuring depend on local history and circumstances, in particular on the trajectory by which policing is already developing. Locality matters, even to generic trends such as restructuring.

Chapter 6

The Role of Government

The contemporary transformation of policing is like Topsy in *Uncle Tom's Cabin*—without anyone paying attention, "it just growed" (Stowe 1852). But Topsy is no longer a beguiling adolescent; she has become a giant that many find menacing (Forst and Manning forthcoming; Loader 1997b; Grabosky 1996; Johnston 1992). Peter Manning, for example, says:

> [T]he essence of the economic/free market paradigm, or extracting fees and profit from human misery and commodified needs, is inconsistent with the police mandate, the nature of collective goods and their distribution, and in some sense the moral bases of collective solidarity and trust that as yet bind us. (Forst and Manning forthcoming)

Echoing our concern with a growing dualistic division of labor between the public and private sectors, Rod Morgan observes:

> At present there seems to be a danger that we may end up with the worst of all possible worlds: increasingly large and centralized police services with ever-growing powers, alongside the anarchic emergence of unregulated self-help and private "police" or "security" services in the hands of sectional local interests. (Morgan 1994)

Among people who have noticed that policing is being changed dramatically, questions are being asked about whether the change is good or bad. And if it is bad, what should be done about it? For example, should government supervise what is occurring? Should nongovernmental police agencies be made publicly accountable in the way that public police agencies are? Can government regulate nongovernmental policing without stifling its creativity and efficiency? Can government regulate nongovernmental policing in the public interest when its own bureaucracies have a vested interest in preserving their monopoly? Should government encourage the restructuring of policing, especially for populations underserved by existing security arrangements? Can it do so constructively without losing the very benefits that restructuring promises? In short, what is the role of government in a restructuring of policing that is changing the governance of security?

Not surprisingly, this report does not try to answer these questions. Too little is known at this time about restructuring itself, and still less is known about the effect of alternative regulatory regimes upon it. There are many opinions about the role of government, but they tend, with a few exceptions, to be general and philosophical rather than pointed and programmatic.

What the report can do, however, is explore the kinds of public interests that governments should be concerned about as the transformation continues. Although we are unsure about the balance that should ultimately be struck between governmental and nongovernmental policing, especially because of the hybrid nature of contemporary policing, we will suggest functions that government should retain with respect to policing.

The Public Interests of Policing

Three public interests must continue to be served as the governance of security is transformed: justice, equality of protection, and quality of service.

Justice

As with the public police, nongovernmental providers may violate the law and behave in illegal ways. For example, private security personnel have denied access on the basis of race, engaged in industrial espionage, and forcibly broken the picket lines of striking workers. They have harassed homeless people in an effort to "clean up" neighborhoods and used excessive force in maintaining order in bars and sports venues. They have violated the privacy of individuals by obtaining and acting on privileged information obtained from the police. Moreover, it is not just commercial security agents that engage in such practices. Community-based providers of policing have discriminated against residents or overreached legally (Owens 1997; Ross, Smith, and Pritt 1996; Smith et al. 1997). One must never forget that the substitution of policing by states for policing by communities was an important factor in the liberation of workers, women, and minority groups from local, often customary, tyrannies.

If the distribution of policing coincides with structural divisions of race and class, the legitimacy of government itself may be jeopardized. People may be encouraged not only to take the law into their own hands for their private protection but also to defy law associated with unresponsive government. Societies that fail to pay attention to the distribution of security are playing with dynamite blindfolded.

The leverage that governments have over such behavior varies from country to country. Some countries protect human rights with laws; others do not. Some countries value human rights so highly they write them into constitutions and other fundamental laws, creating judicially enforceable standards to which all actions of government must conform. This is true, for example, in the United States where nongovernmental police are viewed as private persons under contract to perform a particular service. As such, they may be held accountable for wrongful acts under criminal, civil, and contract law. They enjoy none of the immunities allowed the public police (Sklansky 1999).

Equality of Protection

No service of government is more fundamental than protecting people's bodies and possessions. Indeed, the relationship between personal security and government is tautological: if people are not provided with protection at some minimal level, government is not considered to exist. Anarchy is the absence of enforced public safety. Public safety in democracies is considered a public good—an obligation of government to all.

Restructuring policing through markets distorts the distribution of security in favor of those who can afford it; restructuring policing through voluntary mobilization distorts it in favor of those who are creative and committed enough to organize it in kind. The former runs the risk of creating a dualistic system of policing where the poor are protected by the public police operating with a deterrent, law-enforcement mentality and the rich are protected by private police using a more consumer-responsive, regulatory mentality (Bayley and Shearing 1996; Braithwaite forthcoming).

According to Sam Walker, this is not a new problem for the United States—the rich have always been protected better and less punitively than the poor (Walker 1975). In the past several decades, various levels of American government have sponsored voluntary neighborhood policing precisely to make policing more effective and more acceptable to insecure inner-city populations. As Patrick V. Murphy, former Commissioner of Police of New York City,

has observed, "Community policing is private policing for the poor" (private communication).

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With the growth of market-based policing, there is always the danger that affluent people will become less willing to support public policing on the argument that they are paying twice for the same service. Robert Reich refers to this as the "secession of the successful," which is already occurring in the field of public education (Herrnstein and Murray 1994).

Assuming that multilateralization skews the distribution of security, what can be done about it and by whom? Even in countries where safety is regarded as a fundamental right, it may not be enforceable in law. In the United States, for example, the courts have determined that minimal levels of security are not guaranteed under the Constitution (Sklansky 1999). Nor is government liable for civil damages if it neglects to provide adequate protection, except in a few limited circumstances (Sklansky 1999).[1]

The danger arising out of an unequal distribution of public security has been considered so serious and so imminent that one British chief constable has proposed that all police providers should be made "police compliant," meaning that their services should be supervised and coordinated by the public police (Blair 1998). Policing should remain a public good whose distribution cannot be distorted by commodification. The public police, he argues, "should put itself forward, first, as the central point for interagency cooperation designed to strengthen communities and, secondly, as the center point of a coordinated system of patrol services, carried out by a mixture of police, volunteer, local authority and private sources" (Blair 1998). In other words, government may share policing, but it should not share the responsibility for it.

The rationale of devolving the practice of policing to multiple auspices and providers while maintaining ultimate responsibility for the equitable distribution of its benefits—safety and security—underlies the recent proposals for the renewal of policing in Northern Ireland (Independent Commission on Policing for Northern Ireland 1999). Specifically, the proposals call for the creation of a Policing Board that is responsible for regulating the activity of all the agencies involved in the multilateral process of governing security and not simply the activities of the public police.

A question of national sovereignty also arises in connection with the restructuring of policing. Because commercial security is sometimes provided by multinational corporations, the distribution of security within countries is shaped partially by decisions made abroad (Shearing and Stenning 1981). In some countries, it can fairly be argued that foreigners working for large multinational corporations are better protected than locals. It is one thing for government to cede policing control to domestic nongovernmental auspices and quite another to cede it to offshore interests.

Quality of Service

Nongovernmental police agencies may fail to provide the service promised. With commercial providers, competition in the marketplace should be the corrective. But this does not always happen. *Caveat emptor* is an empty admonition if information is not available to consumers about the relative quality of the service they are receiving. Voluntary neighborhood-based security programs, too, may not work as expected, serving instead the interests of a self-perpetuating few (Crawford 1995).

Nongovernment police, like public police, also engage in questionable, even reckless, practices. For example,

a private security firm in Australia offered a sophisticated course in installing burglar alarms that was taken by known armed robbers wanting to learn how to bypass electronic systems (Anonymous 1998). Private police have endangered the public in shootouts with would-be kidnapers and hijackers. They have been widely criticized for inadequately training personnel; supervision may also be lax. Some American companies have hired illegal aliens; others have failed to discipline employees who drink on duty (New York Times 1995). Finally, security companies may misrepresent their services, delivering much less than promised.

The point to this enumeration of public interests that endure in the new policing—justice, equality of protection, and quality of service—is that multilateralization affects not only the governance of security; it also affects the security of governance. Unless these interests are protected, the legitimacy of government itself may be affected. Security is both a subject of governance and a requisite for it. The public interest in policing endures despite restructuring. The important question is: How can it be safeguarded?

If the public interests of justice, equality of protection, and quality of service are to be safeguarded, government must audit what security agencies provide and monitor what is going on in a systematic way.

Discussion

From our survey of writing about accountability, we conclude that the public interest in policing can be protected if government retains three functions—regulating, auditing, and facilitating.

Regulation

Regulation comes in many forms. It involves more than enacting rules and punishing people for failing to abide by them. John Braithwaite and his colleagues have given a nuanced discussion of regulatory modalities (Ayers and Braithwaite 1992; Braithwaite and Grabosky 1986). Regulation may be done, for example, through command regulation with nondiscretionary punishment, command regulation with discretionary punishment, enforced self-regulation, and voluntary self-regulation (Ayres and Braithwaite 1992). One size does not fit all regulatory problems, and both regulatory efficacy and regulatory costs vary with the choices made.

Auditing

If the public interests of justice, equality of protection, and quality of service are to be safeguarded, government must audit what security agencies provide and monitor what is going on in a systematic way. Government must use this information to evaluate the distribution of security provided by various combinations of providers. This requires the development of a capacity that governments currently do not have, namely the capacity to evaluate the relative quality of police protection throughout its territory and across social classes and divisions. The intellectual as well as the administrative problems in doing this are daunting and require the collaborative effort of social scientists, lawyers, and specialists in public administration.

Facilitation

Providing equitable security imposes an additional and very difficult obligation upon governments. They must learn to mix and match policing services, which means they must learn how to facilitate the growth of different kinds of policing. As Peter Grabosky has said:

> Whether it is the public or private sector which carries law enforcement has become a misplaced question. One must now inquire what institutional form, or what blend of

> institutional forms, is best suited to a given task. The design and guidance of hybrid law enforcement systems is an essential task of government in the next century. (Grabosky 1996)

Governments have many instruments for mixing and matching forms of policing: subsidies, entitlements and incentives (such as tax rebates), mandated coordination, cooperative support, contracting out, delegation, and abdication of responsibility (Grabosky 1996; Bayley 1999; Prenzler and Sarre 1998). We need to know more about the costs and benefits of these mechanisms. Governments seem generous and responsive, for instance, when they talk about forming "partnerships" with nonstate police auspices and providers, but their assistance may be more stultifying than encouraging. Partnerships can be a clever way of staying in charge (Johnston 1999; Crawford 1995; Cruikshank 1999; Lacey and Zedner 1998; Fu 1993; Hou and Sheu 1994). For governments to become effective at diversifying policing appropriately, police policymakers need to study the record of government facilitation in other arenas, such as education, irrigation, communications, and electrical power (Ostrom 1990).

Given the fragmentary nature of current knowledge about the restructuring of policing, we cannot approve or disapprove of it in principle. Its advantages and disadvantages depend on social conditions, combinations of auspices and providers, the nature of criminal threats, and the feasibility of alternatives.

Conclusion

Given the fragmentary nature of current knowledge about the restructuring of policing, we cannot approve or disapprove of it in principle. Its advantages and disadvantages depend on social conditions, combinations of auspices and providers, the nature of criminal threats, and the feasibility of alternatives. We discount, therefore, the apocalyptic visions of restructuring, although we acknowledge the dangers to freedom in any form of policing. Vigilance will be the price of liberty, as Thomas Jefferson said, in the future as in the past. For this reason we also discount the view that restructuring will generate new forms of accountability on its own. It may, but governments as we know them are the only institutions that have the authority and capacity to make this determination and take corrective action as required.

Note

1. The courts have denied tort liability on three grounds: (1) they do not have the ability to make judgments about the adequacy of protection; (2) the law provides no justiciable standards; and (3) adequate redress exists through the political system (Sklansky 1999).

Chapter 7

Research Agenda

The current transformation of policing has not yet attracted the sustained scholarly attention it deserves. Although researchers have nibbled around the edges of the topic, the extent, nature, and impact of police restructuring have yet to be determined. Based upon our survey of published research and thought and our understanding of what is happening, we have constructed the following research agenda. These are the questions, grouped into four categories, that most urgently require study:

1. Foundational description: What is happening to policing?
2. Social impact: What effect is restructuring having on justice, equality of protection, and quality of service?
3. Government policy: What is government doing and with what effect?
4. Causation: What factors are shaping the reconstruction of policing and government's relation to it?

Foundational Description

1. Who is constructing and delivering policing in the modern world? Answering this requires more than counting public and private cops. It requires determining the people responsible for public safety (the auspices of policing). Because security regimes vary across time and space, the research needs to be conducted comparatively, which requires that researchers employ a common format for describing what is happening. Two approaches might be taken in answering this question. First, people in different places could be asked to identify the entity they expect to provide protection. Who are the frontline providers of policing locally, and who is responsible for them? Second, maps could be constructed showing the amount of time a cross-section of people inhabit various locations in the course of a normal day/week/month and what the security auspices and providers are in each.
2. How many nongovernmental providers of policing, both voluntary and commercial, are there, what do they do, how much do they cost, and whom do they serve?
3. How have the public police adapted to restructuring? Are the nature and scope of public policing changing? Are its functions increasing or decreasing? Are public police defining their responsibilities differently than in the past? Have they changed their geographical deployment as a result of the growth of private security?
4. How do governmental and nongovernmental policing agents interact in the field? In other words, what is the interface between auspices of both kinds and providers of both kinds? Do they ignore, hinder, or help one another? Do they plan together, coordinate operations, or exchange information?
5. To what extent is public policing being commodified; that is, being made available to private interests for money?
6. Do different providers of policing take different operational approaches when performing the

same task? In our terminology, do mentalities differ among providers of security? An important source of information would be public police officers who have worked for commercial security companies. They would be asked what they find different in operations and management between public and private police agencies.

7. With respect to the commercial security industry, several questions need answering:

   a. How many companies are there? How many people do they employ? Whom do they work for? How much does this form of policing cost?

   b. What is the degree of industrial concentration in the private security industry?

   c. Do the activities of multinational security companies vary from country to country? How much central direction is exerted by multinational companies over the operations of local providers?

Social Impact

1. How effective are the different auspices/providers of security? Especially, has restructuring produced greater or less public safety and for whom? This could be studied cross-sectionally, comparing places with different mixes of policing, or longitudinally, examining changes in criminality and disorder before and after a major shift in the nature of policing in a particular place. In both cases, great care must be taken in describing the nature of the policing mixes.

   In this connection, it is curious that no one, to our knowledge, has suggested that the recent, much-publicized decline in crime in the United States might be due to the growth of nonstate policing, especially in its commercial form. Criminologists have attributed the decrease to changes in demographics, crime patterns, gun crime, and police numbers and tactics. There are four reasons the restructuring of policing may have played a role.

   a. Multilateralization may have produced a more visible police presence. Cumulatively, the visibility of police has grown dramatically over the past decade.

   b. Crime may be reported less to the public police and more to the private police, reducing its chances of becoming an official statistic.

   c. More people may be living, working, buying, and playing in environments regulated by nongovernmental police; hence, the opportunities for crime have decreased.

   d. Formerly disadvantaged social groups, among whom crime is likely to be high, may be more intensively policed by either voluntary associations or public police redeployed away from areas covered by commercial security.

2. Who gains and loses in terms of public safety as a result of the reconstruction of policing? In other words, has the distribution of security changed as the result of restructuring? For example, Ian Loader (1997b) has suggested that multilateralization will displace crime from private to public spaces. This critical question is difficult to answer because it requires the construction of a test for the quantity of security. Public opinion surveys as well as official measures of crime and disorder could be used.

3. Does restructuring cause a decline in support for public policing among privileged groups, Reich's "secession of the successful" (Murray 1988)? Are people who are covered by commercial police protection less likely to support public expenditures for policing?

4. Are the rights of individuals more or less at risk when policing is provided by nonstate rather than state auspices/providers? Do violations of rights vary according to the nature of the policing? Generally, do the forms of misbehavior vary with the type of policing?

5. Are nonstate providers of policing more or less accountable than state police? This question has two dimensions. First: How effective is the oversight of the group that has instigated the nongovernmental policing? For example, do they pay close or only episodic attention? Are there well-understood ways of bringing problems to their attention? Second: Whose interests are represented in the operations of the new police? For example, are some people being policed without representation in the accountable body?

6. To what extent do community-based justice systems, such as mediation and restorative-justice conferences, enhance security through the undertakings they develop among participants?

Government Policy

1. What are the variations in legal conditions within which restructuring occurs from country to country? What is legally allowed and not allowed?

2. What aspects of nonstate policing are regulated by governments and in what ways? What aspects do governments think require more regulatory attention?

3. In what ways are nongovernmental providers of security held accountable for violations of laws, human rights, and contracts?

4. What is the relative effectiveness of different mechanisms in achieving accountability? In Australia, for example, Prenzler and Sarre (1998) say, "To date, there have been no controlled studies of expanded legislation to test the impact of new requirements."

5. How have the public police responded comparatively across countries to the growth of nonstate policing? It seems that some have been indifferent, others hostile, a few cooperative, and some co-opting.

6. What regulations do governments have for managing the relationship between public and private police, for example, with respect to sharing information, using facilities, reporting crime, making arrests, submitting cases for prosecution, and employing personnel?

Causation

1. What factors account for the growth of nonstate policing? In addition to the customary approach of correlating changes in policing with other measurable social factors, it might be useful to ask people what motivated them to create alternative auspices of policing or to seek other suppliers of policing.

   Historical research would also be important in determining the evolutionary paths followed by different countries with respect to the auspices and providers of policing. Chronological comparison of the changes in policing among countries will reveal likely determinants.

2. What governmental regulations facilitate or retard the development of nonstate policing?

3. What factors explain differences in the types of regulations and legal environments countries have developed with respect to nonstate policing?

4. If operational mentalities differ among police, as we believe, what accounts for them? There are several possibilities: the nature of the tasks they are assigned, the conditions in which they work, the directions given by sponsoring auspices, and their in-house professional experience.

5. Can governments manipulate the conditions required for the successful development of (a) security markets (commodified security) and (b) cooperative security auspices (community-based security)? What should government do and not do? To this end, it would be useful to study

government's experience with restructuring in other dimensions of social policy as well, such as housing, irrigation, and education.

Conclusion

It may not be easy to marshal the kind of sustained intellectual attention that current developments in policing deserve and that our agenda calls for. There are three reasons for this.

First, criminal justice education and scholarship focus almost exclusively on institutions of government. Governments are its main supporters, practitioners its primary clientele, and state agencies the main employers of its students. Perhaps this was inevitable in a field that grew out of the perception that research about the activity and effectiveness of the institutions of crime control was being neglected by traditional criminology. Criminal justice education and research thereby tied itself to the chariot wheel of the state and it remains so today.

Second, criminal justice scholarship is more concerned with institutional effectiveness than with institutional evolution. This, too, reflects its concern with public—meaning government—policy. For criminal justice social scientists, institutional variation is studied to determine the relative effectiveness of different policies, but not, except for a handful of researchers, to account for the variety itself. American historians have done better than social scientists in this regard, and for a simple reason. Because they are concerned with changes over time, their research does not take institutional forms as givens.

Third, American criminal justice scholarship is parochial and not internationally comparative. In part, this reflects its preoccupation with efficacy. Americans generally assume that policies that work in one country will not work in another owing to differences in social setting, culture, and history. They believe that social processes in the United States are unique. This deeply rooted belief overlooks the fact that the only way it can be tested is through comparative research. As a result, because American criminal justice scholars focus so exclusively on the United States, they fail to see that institutions are artifacts, created out of combinations of contemporary exigencies and historical traditions. Context for them is a given, much as water is to fish, and just as uninteresting.

For all these reasons, American criminal justice scholarship is not prepared to perceive the significance of what is occurring in contemporary policing. It is doubtful that it will able to provide the sort of intellectual support needed to guide public policy.

Chapter 8

Conclusion

Policing is changing today as profoundly as when Sir Robert Peel put the first bobby on the streets of London in 1829. The new model that is being constructed consists of two elements. First, the people who authorize policing have become separate from the people who do it. Second, the new players in policing are not part of formal government. As a result, governments, especially governments of nation-states, have lost their monopoly on policing. The change that is occurring is paradigmatic because it cannot be understood in customary terms (Kuhn 1962). The current restructuring involves more than "privatization." It involves a blurring of the boundary between the public and private. The new paradigm also involves more than decentralization or devolution because these terms apply to changes within a single institutional system. What is taking place in policing today crosses institutional boundaries. Because of the unprecedented nature of today's reconstruction, we have coined the term "multilateralization" to describe the nature of the restructuring.

What is happening to policing today is also paradigmatic because it is more than an elaboration on what has gone before. It is a fundamental transformation in the way security is governed.

In the new paradigm, the very concept of government, technically the state, becomes problematic. How can government be recognized if policing is no longer done exclusively by the public police? How should people who have been authorized expressly to police but are not employed by government be referred to? When people deliberately and legitimately construct policing, either through authorizing or providing it, are they not engaged in governance?

Of course, what has been said about the importance of what is happening depends on current trends being general and stable. Only time will tell whether we have overestimated or underestimated their significance. For this reason, it is critically important to study the structure of policing now to establish benchmarks by which to judge the extent of change in the future. Contemporary changes in policing should also be studied because policing affects human well-being so fundamentally. Failure to provide public safety fairly and equitably can affect the stability of government itself.

Finally, insights into the changing governance of security have implications for foreign policy. A country like the United States that is concerned about the expansion of democracy abroad must pay careful attention to policing. The governance of security is both an indicator of the quality of political life and a major determinant of it.

The restructuring of policing that has been described refers to a process of transferring the construction of security to nongovernmental groups within existing states. But there is another process going on, one that constitutes an equally profound challenge to nation-states. At the very moment that policing is being distributed to new groups within states, it is also being developed vigorously at international levels. Nation-states are ceding their authority to police both upward and downward. This globalization of policing has several dimensions that are not always distinguished.

First, private multinational corporations now provide policing on a worldwide basis (Johnston 1999; Patterson 1995; Zarate 1998). They are providers of transnational policing.

Second, transnational cooperation among law enforcement agencies of nation-states is developing

rapidly (Nadelman 1993; Fijnaut and Hermans 1987; Murphy 1998). National law enforcement agencies cultivate relations with colleagues abroad, undertake joint operations, exchange information, and share facilities. Pooling collective resources in an ad hoc way to meet a common threat, they are similar to the posse in America's Old West. INTERPOL was the earliest transnational institution created by this sort of transnational collaboration. Such actions encourage the presumption, undoubtedly correct, that effective policing at the turn of the millennium requires governance at transnational levels.

Third, policing is being undertaken by genuinely international institutions, such as the United Nations, the World Court, and the European Union. Functionally specific agencies, too, such as the World Bank and the International Monetary Fund, increasingly require countries to either develop or reform policing in specific ways as conditions for receiving assistance. The impulses to create supranational auspices for policing are the same as those that created existing nation-states out of previously sovereign principalities, estates, kingdoms, cities, and small countries. The common precipitator in both cases is the need to construct security at more encompassing levels (Bayley 1975, 1985b). Note that the organization of policing at international levels of government, like restructuring within nation-states, will cause conceptual confusion. Are armed forces acting under international direction considered to be police or military? What Americans call the Korean War was technically a "police action" carried out by the United Nations.

Policing today is being restructured away from nation-states by two forces: multilateralization within countries and supranationalization among countries. In both cases, policing is no longer being constructed and provided exclusively by nation-states. It is quite unclear how these forces will play out in the next few years. The possibilities are worthy of a millennium.

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