

Taking care of business: Public police as commercial security vendors

Author

Ayling, Julie, Shearing, Clifford

Published

2008

Journal Title

Criminology and Criminal Justice

Version

Accepted Manuscript (AM)

DOI

<https://doi.org/10.1177/1748895807085868>

Copyright Statement

© 2008 The Author(s). This is the author-manuscript version of the paper. Reproduced in accordance with the copyright policy of the publisher. Please refer to the journal's website for access to the definitive, published version.

Downloaded from

<http://hdl.handle.net/10072/62559>

Griffith Research Online

<https://research-repository.griffith.edu.au>



Final draft of paper subsequently published as:

Criminology & Criminal Justice
© 2008 SAGE Publications
(Los Angeles, London, New Delhi and Singapore)
and the British Society of Criminology.
www.sagepublications.com
ISSN 1748-8958; Vol: 8(1): 27-50
DOI: 10.1177/1748895807085868



Taking care of business: *Public police as commercial security vendors*

JULIE AYLING AND CLIFFORD SHEARING
*Australian National University, Australia and University of Cape
Town, South Africa*

Abstract

The article examines practices in 'user-pays' policing. It locates these practices historically as well established, with a lineage that stretches back to the beginnings of the police in Britain and earlier. The article identifies different forms of user-pays policing, the various practices they include and the regulatory issues raised by them. Consideration of the tension between a conception of policing as a public service and charging for police services suggests that user-pays policing can be, and often is, compatible with public interests and the provision of public goods. A case study of events policing within an Australian Police agency explains this further. The article concludes with a consideration of the risks that may be associated with user-pays policing and of possible future directions for police participation in the market-place as security vendors.



Today there are many and varied forms of participation in the market by the public police (we use this term to refer to state provided policing). Police are both vendors and purchasers of security and its related products (Grabosky, 2004; Ayling and Grabosky, 2006; Ayling et al., 2006). A market in crime control is far from new, as is made clear in histories of state police (Radzinowicz, 1956; Critchley, 1972), but, as Zedner points out, the scale is changing. Today's market reaches all corners of the globe rather than being constrained by local or national borders (Zedner, 2006: 83–4). This market includes both state and non-state providers of security that are engaged in both domestic policing and military activities (Singer, 2003, 2005; Avant, 2005, 2006). In exploring this market, the principal research focus has been on the activities of private security companies. Much less attention has been devoted to the activities of state police organizations as players within the market (for exceptions, see Reiss, 1988; Blair, 1998; Wood, 2000; Johnston, 2003, 2006; Crawford and Lister, 2006). What is particularly significant about the police as commercial security vendors is that, when their services are paid for by non-state entities, the police retain their legal status and the access this provides to the legitimate use of physical, including deadly, force (Stenning and Shearing, 1979; Law Commission of Canada, 2006).

In 2000 Jeremy Gans comprehensively explored the legal framework of privately paid public policing, concentrating mainly on common law jurisdictions, and examined in some depth the motivations of the parties. Building on this, we look at the prevalence and diversity of what has come to be known as 'user-pays' or 'fee-for-service' public policing today, the benefits and risks of these developments and the implications for the future of policing as a whole. As the literature on this subject is uneven and our own empirical research to date incomplete, our coverage is somewhat limited. However, we believe that it none the less provides grounds for some, albeit tentative, conclusions to be drawn.

The first part of the article deals briefly with the historical background to the practice of police selling their services to private interests. The various types of user-pays policing are then examined, drawing examples from different, mainly western, jurisdictions, with a particular emphasis on Australia. We consider how this fits with the image of public police as a public service, concluding that the two are not necessarily inconsistent. The events policing user-pays scheme of one Australian police force is used as an example of public policing for private interests and the way in which such policing can be used to serve the wider public interest. The case study also illustrates the place of user-pays in the broader context of the overall commercialization of public policing. The article then canvasses some of the risks that do and might arise, and concludes with some thoughts on the implications of police participation in the market-place as security vendors.

Background to user-pays policing

The public police as we know it had its origins in a combination of two related streams: the system of self-policing, involving constables, warders and watchmen and the community itself



(through the hue and cry and the court leet) as documented in the 1285 Statute of Winchester (Critchley, 1972: 6–7), and the private policing and prosecution business that established itself in early–mid-18th-century London. This business was conducted by ‘thieftakers’ and their recruits for personal profit, and involved the use of violence, extortion and blackmail, as well as the manipulation of specialized knowledge of the law. According to McMullan, it ‘linked the underworld of London crime, the private trade in police services and the administration of criminal justice into a mutual toleration and protection society’ (1996: 93). Today such activity would likely be thought of as state-sanctioned, perhaps even state-sponsored, corruption. Even when, in 1750, Chief Magistrate Henry Fielding undertook to rationalize and modernize existing practices and garnered some public funding for his new force of trustworthy ‘thief-takers’, later to become the Bow Street Runners (Critchley, 1972: 32–3), this remained for some time, an essentially for profit enterprise largely funded by private interests (mostly rich and powerful individuals, businesses and government institutions), and one that still sometimes operated at the margins of the law (McMullan, 1996: 93–8). When London’s public police force was progressively established by Robert Peel after 1829, there was great public opposition. However, this began to wane once those who benefited from the private enterprises that had preceded it began to see the public police as a way of shifting costs onto the public purse (Benson, 1994: 259).

According to the majority of the House of Lords in the 1924 British case of *Glasbrook Brothers Ltd v. Glamorgan Country Council* [1924] 1 All ER 579 at 587, the practice of police charging for their services dates from the mid-19th century. According to this account the public police had not been long established before a need was identified for the re- introduction of private funding for certain functions. In *Glasbrook*, fees for policing services came before the courts for the first time when a mine owner requested and was granted a long-term garrison of police at the mine to protect the mine’s ‘safety men’ (whose job was to ensure the mine was not flooded) from picketing miners. The owner refused to pay a charge levied by the police for the ‘special services’ he had requested. In the opinion of the Superintendent of the local police, a garrison was not necessary; a mobile column of police would have been adequate protection. The majority of House of Lords justices upheld the police position. The decision revolved around the concept of police ‘duty’. Police, said the majority, could go beyond the scope of their absolute obligations to the public (which were in this case to provide such force as adequate to protect life and property) and provide protection of a ‘special sort’, provided that that could be done without interfering with the fulfilment of their obligations elsewhere. In so doing, police could set conditions including a fee. The legality of charging a fee for special services was said to derive from tradition, and the fact that it was against neither the law nor public policy. However, not until 1964 was the authority to charge for policing services codified in legislation (UK Police Act 1964 s. 15(1); now Police Act 1996 s. 25).

Forms of user-pays policing

Discrete and general policing services

Today, the extent of the user-pays component of policing varies from jurisdiction to jurisdiction, as do the kinds of policing services for which fees are levied. There are still some jurisdictions where charging for services is not generally practised, such as New Zealand and the Netherlands. The policing of events organized by private interests, particularly those events intended to make a profit, is a service for which a fee is commonly charged, but this is by no means ubiquitous. Such events include sporting competitions, parades, festivals and concerts. Police also frequently require payment for:

- traffic control services where the beneficiary is a private business (film shoots, long/wide load escorts, road closures at construction sites etc.);
- guards and escorts;
- criminal history and probity checks of potential employees requested by

government and non-government agencies;

- incident and accident reports provided to insurers, solicitors and individuals;
- certain technical and forensic services (for example, photography);
- attendance at false alarms; and
- the provision of training.

An example of the last item is the courses run by the Australian Federal Police Protective Service for government agencies and other security practitioners in aggression management, bomb threat management, property security escorts and security X-ray screening and interpretation (Australian Federal Police, 2006).

Some user-pays schemes are more unusual. Northumbria Police in the UK charge fees to writers, broadcasters and film makers to whom they provide police expertise in the form of advice, premises, chaperoning, labour and equipment, in relation to the production of non-documentary material or documentaries that are not focused specifically on Northumbria Police (Northumbria Police, 2007). Similarly, a media production company paid the fulltime salary of an officer of one Australian police organization to act as adviser for the entire run of a police television drama (approximately 10 years) (Williams, 1998; Victoria Police, personal communication, April 2006). Services provided by dog units, mounted police or police bands may also be subject to payment of a fee in some jurisdictions. The sheriff's department in Grand County, Utah, charges lost and stranded hikers and rafters for the cost of search and rescue missions, a practice also undertaken in some counties of Idaho, Hawaii and New Hampshire and at some ski resorts in Washington, Oregon and Colorado (Associated Press, 2005). Some police departments have discretion to charge for whatever services they deem



to be appropriate without those services even being specified in legislation (see, for example, s. 96(2) Police Service Act 2003 (Tasmania)).

The problems caused by alcohol consumption are often one reason for user-pays initiatives. In Halton, Canada, it is a condition of liquor licences that the costs associated with any extraordinary deployment of police to ensure safety and security at licensed premises can be charged to the licence holder (Scott, 2005: 402). Pubs and clubs in some areas in England and Wales have banded together to pay for extra police patrols at busy times for their businesses, such as weekends (Borland, 2005). In the United States, the Century Council, a not-for-profit organization funded by brewers, vintners, distillers and wholesalers, pays the overtime costs for police to work undercover in liquor stores to prevent the illegal sale of alcohol to minors. Police departments in more than 40 US states and campus police in many locations within the USA have implemented this 'Cops in Shops' programme (Century Council, n.d.; Gallagher's Beat, 1994). In Michigan, defendants in drunk driving cases are required by law to pay the costs to police of processing their cases (see, for example, Ingham County's Ordinance Providing for the Reimbursement of Costs associated with Violations of Certain Offenses, adopted June 2003, Article 5).

A number of police organizations are now 'hiring out' police officers for patrol functions in specific public, private and public/private spaces (such as shopping malls and airports). Crawford and Lister (2006: 176–81) recount how, in 2000, a community on the periphery of York, England, contracted through its housing trust with local police commanders for an additional 24-hour per week community patrol service to the village, with the intention of addressing residents' concerns about a perceived lack of beat police. Such extra paid policing is not unusual in the United Kingdom. Legislation allows police to trade with other designated public authorities (s. 18 Police Act 1996), and to provide,

at the request of any person, special police services at any premises or in any locality in the police area for which the force is maintained, subject to the payment to the police authority of charges on such scales as may be determined by that authority.

(s. 25 Police Act 1996)

Large shopping complexes like the MetroCentre in Gateshead and Bluewater in Kent use contracted police (Crawford and Lister, 2006: 168–9). In Polzeath, Cornwall, the Council, businesses and residents have paid for the police overtime needed so that officers can patrol their popular beach in summer (Gibbons, 1996: 23). The Royal Devon and Exeter Hospital contracted for two officers to patrol its buildings and grounds (Gibbons, 1996: 22). Officers have also been contracted to provide focused patrols to housing estates in various locations (for example, Bierley Estate in Bradford, see Gibbons, 1996: 23–4; Broomhouse housing scheme in Edinburgh, see Mooney and Mather, 2005). In Scotland, Lothian and Borders Police Board recently approved a user-pays scheme whereby private companies such as Lothian

Buses are able to pay for additional police cover (Hamilton, 2003). In 2005 the Edinburgh Council contributed £1.3m a year over three years towards dedicated squads of police called 'youth action teams' and 'safer community units' to patrol particular areas of the city and tackle antisocial behaviour (Roden, 2005). In 2003 West Midlands Police received £30,000 for a transport liaison officer from Travel West Midlands (Hamilton, 2003).

Cities and towns having a population of over 5000 in Alberta, Canada are responsible for providing their own police services. Very often the Royal Canadian Mounted Police (RCMP) provides these services under contract (Alberta Government, 2006). In fact, the RCMP provides policing services under contract in all provinces and territories of Canada except Ontario and Quebec, and this involves almost half of RCMP uniformed personnel (Royal Canadian Mounted Police, 2006). Ontario Provincial Police also provide a contract policing service in different municipalities within Ontario (Law Commission of Canada, 2006: 4).

In some United States cities, police officers are assigned to foot beats in shopping malls, usually in addition to the mall's own private security contingent. The police in Montclair, California developed a solution to the problem of high levels of juvenile crime in Montclair Plaza, concluding an agreement with the Plaza's management for 50 per cent funding for a fulltime police officer to patrol the Plaza and give training to the private security staff. The Plaza agreed to provide the officer with an office and equipment (Geason and Wilson, 1992). As this example suggests, 'payment' for police services may well be in kind. In Cannington in Western Australia, Westfield Carousel Shopping Centre provides computer, fax, video interviewing facilities and office space in the Centre to the Western Australia Police Service (Western Australia Police Service, 2000: 14) in return for a police presence on the premises. A number of shopping malls in Victoria have in place similar agreements (Victoria Police, personal communication, April 2006). Whether this can be regarded as user-pays policing or as a form of gift to police is a question of perspective, and perhaps depends on whether it is the police or the management who instigates the arrangement (Grabosky, 2004: 73).

Off-duty services

User-pays policing has not only taken the form of officially providing on-duty police officers' services for a price. In his 1988 study of the private employment of public police in the United States, Reiss found that in many police departments the number of police officers 'moonlighting', that is, performing police duties when off-duty,ⁱ exceeded the number officially on-duty (Reiss, 1988: 2). As with other forms of user-pays policing, moonlighting police officers retain their police status and hence their powers. In some jurisdictions, such as in many parts of the United States, 'moonlighting' is officially sanctioned and only creates a problem if the opportunity to work a second job is abused (as when police 'double dip', that is, work the second job while actually on-duty). In Jakarta, Indonesia, 'moonlighting' seems to have a semi-formal status, in that it appears to be permitted provided that the officer's unit commander is informed in advance and a commission is paid to the police from the



contracted officer's wages (Anon, 2004). In Australia, as in many other jurisdictions, the taking of employment outside the police organization is strictly regulated. In general, secondary employment is allowed with the permission of the police department provided it does not involve a conflict of interest with police duties. Security work, for instance, may or may not be permissible depending on the circumstances. In 2002 the then New South Wales (NSW) Police Minister, Michael Costa, launched a series of trials at several locations in the State, wherein approved private businesses such as shopping centres would be able to 'rent' off-duty police officers who would be fully equipped and possess all their on-duty police powers. The businesses were to pay the NSW Police for this labour, which would then pay the officers' wages (and possibly retain a commission: Phillips, 2002; but see Costa (Hansard, 2002) referring to the trials as a 'not-for-profit operation'). The trials sparked controversy (Vincent, 2002), but supplementary policing was eventually included in the NSW Police Cost Recovery and User Charges Policy (December 2004) as a category of service for which charges are levied. Supplementary policing was seen by the NSW government as a way both of regulating secondary employment (Vincent, 2002) and of meeting community demands for increased police visibility (Hansard, 2002).

More permanent institutional arrangements

Sometimes there is a more permanent 'user-pays' arrangement in place. In London, as early as 1798 the Marine Police was set up to police ports along the Thames and this force was originally funded jointly by shipping interests (the West India Merchants and Planters Company) and the Government, with Ship Constables being appointed and controlled by the Marine Police Force but paid for by ship owners. In 1839, the Marine Police Force amalgamated with the Metropolitan Police to become the Thames Division of the Met (now the Marine Support Unit). Today there is no privately funded water police for the Thames but there is such a force for the British rail network. Around 95 per cent of the British Transport Police (BTP) budget is provided by the rail industry (train operating companies, the infrastructure operator Network Rail and the London Underground), with the rest conferred by government grants. Police Service Agreements between the BTP Authority and individual rail companies cover payment for 'core' policing services. Companies can also contract with the BTP for 'non-core' services and enhanced levels of core police services (Department of Transport, 2006: 57–8). In Los Angeles County the Sheriff's Department has a separate bureau that provides policing under contract to the Metropolitan Transportation Authority (MTA) that operates the public transit system (light rail and bus) and to the Southern California Regional Rail Authority, Metrolink (heavy rail).

In Western Australia (WA), the Gold Stealing Detection Unit (GSDU) of the Western Australia Police has been in existence since 1907. This Unit of around six or seven detectives is based in Kalgoorlie and charged with investigating gold stealing offences and deterring organized crime infiltration into the gold industry. It is funded entirely by members of the Western Australian Chamber of Minerals and Energy through its Mines Security Trust Account (MSTA)



(Chamber of Minerals and Energy, 2005; Western Australia Police, 2007a). The Unit also provides personal services to MSTA members in the form of regular mine site inspections and security reviews, security advice and training. The MSTA funding covers salaries, accommodation, equipment, infrastructure, travelling allowances and overtime—these costs are not included in the WA Police budget. GSDU accountability is split between the WA Police Service Executive for operational matters and the MSTA Committee for financial and administrative matters.

Also in WA, two police officers are permanently stationed at the Argyle Diamond Mine. The mining company meets the cost of providing and maintaining buildings, equipment and accommodation for these officers but not their ongoing operating costs, which come from the WA Police budget. The Argyle police officers provide services to the nearby Balgo Aboriginal community as well as to the mining operation (Western Australia Police, 2007b). In the Northern Territory of Australia, Aboriginal Community Police Officers are posted to remote Aboriginal communities that partly fund their positions by providing vehicles, accommodation, infrastructure and office space (Northern Territory Police, 2006).

University campus police in the United States provide an interesting example of what might be classified as user-pays policing, given the links that exist between some campus police organizations and local police agencies, and their legal status as police officers. The Michigan State University Police Department (MSUPD) essentially functions like a municipal police agency in the state of Michigan, with its authority deriving from the State Legislature. Each officer is fully trained as a police officer, armed with handguns, tasers and pepper spray, and MSUPD vehicles are equipped with MP5 patrol rifles. The department has a large K9 programme and operates one of only four computer forensic units in the State. It is in daily close contact and co-operation with the East Lansing Police Department, with officers assisting each other on calls and meeting weekly on administrative and investigative matters.

The two departments make use of the same radio frequencies and dispatch centre, and have a joint special weapons and tactics team. MSUPD officers are deputized to function outside of campus if needed. The MSUPD obtains most of its funding from the university out of its general appropriation from the State.

Public policing and user-pays policing: the ‘fit’

The dramatic growth of private security over the last few decades (Shearing and Stenning, 1983; Forst, 2000: 21; Stenning, 2000; Law Commission of Canada, 2002, 2006: 10; Sarre and Prenzler, 2005), together with the drive by governments across the industrialized world to integrate private business mentalities and strategies into the provision of public services, has changed the very conception of what it means to provide a public policing service today (Wood, 2000; O’Malley and Hutchinson, 2006). The traditional wisdom is that public policing is a public service; that is, a service provided by government to the public at large, to which

each member of the public has equal access regardless of income.

Having described it thus, one might expect there to be a couple of corollaries: first, that policing is a 'public good' in the economic sense of that term; and second, that policing for a private interest alone is not consistent with the notion of public policing.

The idea of policing as a public good, that is, non-rivalrousⁱⁱ and non-excludable, has been widely discussed in the academic literature in recent years (for example, Benson, 1994; Hope, 2000; Loader and Walker, 2001, 2006; Shearing and Wood, 2003, 2005; Crawford, 2006). Benson (1994), for example, rejects the idea, considering instead that policing is, like high ways, a free-access common pool; that is, a good that is rivalrous and non-excludable, and so tends to be overused by individuals (because they do not bear the full cost of personal use), resulting in congestion and consequently the need to ration it or make it 'excludable'. Loader and Walker (2006) also reject a narrow economic case for policing as a public good, stating that where policing conforms to the economic definition, it does so only to a degree. Writing about the recent changes in the nature of public policing, Crawford suggests 'we are witnessing the further residualization of policing as a public good through processes of capture, as well as the enclosure and collectivization of security as a "club good"' (2006: 112). In economic terms, a club good is one that is excludable but non-rivalrous, at least until the point of congestion occurs. Crawford argues that policing is more and more being provided through and by collective club arrangements, leaving public policing to deal with the resulting negative externalities (the displacement of crime and disorder) and to police those excluded from club membership (2006: 121)ⁱⁱⁱ.

What is clear from these analyses is that policing, including public policing, now comes in many different *economic* forms. Police departments perform a variety of functions, some of which may be classified as pure public goods, some as toll^{iv} or club goods (in Crawford's view these are 'quasi-public goods') or as common pool goods, and some as purely private goods (Fixler and Poole, 1988: 109). Where do user-pays forms of policing fit into this scheme? Is policing for a private interest consistent with notions of public policing as a public service?

There is no doubt that requiring payment for policing services can be seen as a form of exclusion. Only those who can pay can access the service. There may be, therefore, implications for the equitable distribution of services. The chargeable service perhaps fits the definition of a toll good (excludable but non-rivalrous). But sometimes, too, policing *is* rivalrous—consumption by one means less for others. It may be the case, for instance, that if a number of police attend a major privately organized event, there will be a dearth of police to attend to normal duties. In economic terms, this would be a negative externality for the public of policing the private event.

However, private interests and the public interest do not always conflict. Sometimes serving a private or otherwise parochial interest will benefit the public interest (Shearing and Wood, 2003), as when police ensure that a minority is free to go about its business, be it religious



worship or a street march. Higher interests in freedom of worship or expression are served, together with the private interest in safety and free speech. Public policing of an event may similarly have wider public interest ramifications in terms of public safety, even if it is the private promoter of the event for whom the policing is technically provided. There is every reason for the police to be interested in the policing of such events. It may provide positive externalities for the community. Thus even the provision by the police of services with the attributes of private goods, like excludability and rivalry, may be in the public interest.

In such circumstances, policing at the behest of a private interest may well be consistent with the notion of public policing as a service provided to benefit the public. A further way to reduce negative externalities is to charge for the service. Where police lack resources to perform a service in the light of other demands, charging can pay for replacement resources to be brought in to satisfy the total demand. The same may be said of many chargeable policing services other than events policing. If I ask the police for an accident report for my personal use, I am asking them to expend time and energy on an activity (locating, copying and sending me the report) that may well reduce the resources they can devote to other activities that have more widespread implications for community security (like criminal investigation). Paying for the report may enable additional resources to be found and deployed. In a sense, then, charging for a public policing service may help secure equal access to policing services for all, regardless of ability to pay.

Events policing—a case study

Some may argue that, if policing as a public service should be available to all because it is funded by the taxpayer, charging particular taxpayers extra for public policing services is both unfair and unethical. However, take a situation where a private interest is responsible for generating an activity that is capable of spawning the necessary conditions for criminal activity (for instance, by drawing together large numbers of people in a limited area) and will profit from this activity. Is it unreasonable to expect from that private interest a larger contribution to the public policing effort involved in ensuring public safety than from the general taxpayer?

Police organizations, as we have seen, have adopted a variety of approaches in answering this question. We look more closely now at one of these: the scheme adopted by Victoria Police in Australia to deal with the issue of public safety at events. Victoria Police answer the above question 'no', but with qualifications. The following information is largely based on discussions with the police involved.

The law and policy in relation to charging for police services is set out in the Police Regulation (Fees and Charges) Regulations 2004 and VPM Instruction 107–2. The Regulatory Impact Statement states the police case for charging:



The application of charges for certain police services recognises the community's right to have first call on the resources of the Victoria Police, compared with organisations or individuals who may seek to divert these public goods for private and/or commercial purposes.

(Regulatory Impact Statement for Police Regulation (Fees and Charges) Regulations 2004, section 5.4)

The qualifications referred to above come in the form of a scheme for the waiver of fees.

The Victoria Police scheme for events charging is relatively new. Although user-pays for events has been around for 60 or 70 years in Victoria, previously all income went to the State's consolidated revenue fund and the Minister responsible for justice matters made all decisions concerning waivers. Only since the introduction of the new regulations has the responsibility for waivers transferred to police. Police also now keep revenues over a certain threshold, as a result of intra-governmental agreement. That revenue is pooled centrally and submissions may be made by regional police for funding from it.

Victoria Police charges are levied in relation to sporting and entertainment events that fit within one or more of three types: first, events where admission charges are made (whether to view or participate in the event); second, events that are commercial in nature; and third, events that are commercially promoted or sponsored (reg. 4(1)). The charges are levied not only for police services at the event itself but also those utilized in the planning of the event and the supervision and support of the personnel involved. The fees charged are set out in the Regulations. Fees are imposed in relation to equipment (vehicles, dogs, horses, etc.) as well as police time, on a cost recovery basis. The revenue raised, while significant in absolute terms, is relatively minor in the scheme of overall police revenue. In 2004–5, for example, the revenue from events charging was approximately \$3.4m while the total revenue from ordinary activities was over \$1352m (Victoria Police, 2005a: App. J).

A request for assistance by the organizer of the event is not a prerequisite for police attendance and the rules on charging will apply whenever police attend an event of the specified type (unless the event can easily be policed using personnel ordinarily on duty at or near that location). Event organizers are expected to approach the police before the event to discuss the number of police officers to be deployed. But organizers are expected also to take into account police recommendations on a range of issues relating to safety, security and public order at the event. Negotiations may cover, for instance, plans for the engagement of private security, start and finish times, limitations on alcohol availability and manner of service, water provision, traffic management, setting up of barricades and space design issues. Once satisfactory discussions have been had, police will provide the organizer with a quote for the needed police resources so that 'the organizer can budget for police just like any other expense associated with the event'.



Because Victoria Police regard the policing of such events as part of their general duties, and therefore as something they have an obligation to provide, sometimes they, in their own words, ‘impose’ themselves. This may be necessary if an organizer neglects or refuses to come to the police before the event, or where the arrangements proposed by the organizer do not, to the police’s satisfaction, properly address the issues of public safety and order. Organizers may be provided with and charged for numbers of officers they may not necessarily have wanted or budgeted for because the police consider this is necessary to fulfil their public obligations. An element of compulsion therefore lies behind these commercial arrangements.

After an organizer has been provided with a quote, some can apply to the Chief Commissioner for a waiver of fees. A waiver is seen by Victoria Police as a government subsidy (Victoria Police, 2005b). If an event is profitable, waivers are not usually given. A waiver is normally available only where the event organizer can demonstrate that the imposition of police charges would threaten the viability of the event or its staging in Victoria. Waivers will also almost always be partial (an exception was the event staged to raise money for the tsunami victims in 2005 where a 100 per cent waiver was given).

In determining the eligibility to apply for a waiver (i.e. whether application of police charges would threaten the viability of the event or its staging in Victoria), the Commissioner considers not only the presented financial details, but also asks questions about whether the organizer could have done more to increase viability, better manage the event and comply more satisfactorily with police suggestions. Where eligibility is determined to exist, there is then a complex matrix of criteria applied to the question of the amount of waiver that should be given. As well as purely financial considerations, issues such as whether the event is a recurring one, what kinds of benefits it brings to the community and the effects of the identified funding deficit on the event or organizer are given weightings with a view to determining the percentage waiver that should be awarded. That percentage may then be further reduced if, for instance, unnecessary police resources were consumed because of organizer mismanagement, if the event had attracted waivers in previous years or if the organizers have not taken the advantage they should have of private security.

According to one officer we spoke to, decisions about charges and waivers ‘are not light decisions—if you make the wrong decision it affects real people ... you need to understand the event and the impact of it.’ And

such decisions can become ‘political footballs’ as well. In 2005 it was proposed that the organizers of a rural fishing competition, held annually for the previous 32 years, would, for the first time, be charged fees for the police who were to patrol the river bank for the weekend of the competition. Outrage greeted the news that the organizers could be liable to pay up to \$40,000. The organizers were incensed, too, that they did not get any choice about accepting police services or about the number of police to be deployed. Ultimately a decision

by the Chief Commissioner to waive all but \$560 of the fees was hailed as a 'reprieve', but not before the parliamentary opposition had accused the state government of deliberately engaging in a revenue-raising exercise that would put at risk many rural and regional activities across Victoria (Dalton and Sellars, 2005; Delahunty, 2005; Kingsley, 2005; Sellars, 2005).

Victoria Police's user-pays scheme for events makes an interesting case study for two reasons: first because, although cost recovery is the proclaimed primary purpose of the scheme, other factors play a part and, second and related, because of the place user-pays occupies in Victoria Police's future strategic planning.

While the charging of fees for the policing of events is indeed about cost recovery, an important underlying objective (and a reason behind many of the extensive negotiations between police and organizers) is to educate event organizers about how to manage events from a security perspective and how to improve their management over time. An important element here is the 'responsibilization' (Garland, 1996; O'Malley and Palmer, 1996) of organizers so that they will manage events in ways that limit demands on police resources. This is also part of the rationale for reducing waivers progressively for recurring events. If the organizer learns how to ensure better public safety and security, the reasoning goes, the event should become increasingly selfregulating so that fewer and fewer police resources will be required. An organizer who is reluctant to learn and thinks it is cheaper to pay for public policing than to implement police recommendations will find they are paying more and more for policing because of the reducing percentage of waiver. In other words, police are here engaged in engineering solutions to the deficit in policing resources with which they grapple every day. The scheme is an example of Cheng's 'structural' methods of regulation in that it establishes:

mechanisms or procedures that push citizens [in this case, event organisers] toward compliance by making the undesirable behavior less profitable or more troublesome ... Unlike fiat, structure does not regulate undesired behavior directly through ex post penalties. Rather, it regulates indirectly and ex ante by subtly shaping the physical, social, or other arrangements that enable the behavior to occur in the first place. Its philosophy is more preventive, rather than reactive.

(Cheng, 2006: 655, 662)

That is not to say that all is 'smooth sailing' in these responsibilization attempts. Resistance to the payment of user fees is found not only among the public (as in the fishing competition example earlier), but also among police themselves. Charging sometimes makes life more difficult for local police who are seeking to build partnerships within their communities, and who see community events as a part of their 'patch' rather than anything discrete or special. Many argue that user-pays and community policing are not happy housemates.



However, the events policing fees scheme and user-pays more generally is at present established policy, and is centrally managed and decided upon. It sits within a broader context of an increasingly financially aware and business-savvy policing organization. The Victoria Police organization has 14,000 staff and approximately \$1.4bn in annual government funding. As one officer put it, 'We're a large business.' While there is little government support for general commercialization in the policing arena, and certainly not for user-pays as a principle for day-to-day or 'core functions' policing, it is evident that Victoria Police appears to be cautiously positioning itself for a more business-oriented future. The organization already engages in some activities of a clearly commercial nature—for instance, it breeds its own dogs and sells any surplus. In the last few years, research has been conducted within Victoria Police into the best way to manage both income generation and expenditure. A variety of business 'tools' (consisting of decision-making frameworks and templates to analyse work, output and cost flows and the impacts of changes) have been created and some have been at least partially implemented as part of an 'integrated management framework'.

Police officers are being trained as business managers, and recruitment of persons with prior business experience is ongoing. Victoria Police seems to be ahead of many other policing organizations in its willingness to consider innovative solutions to the question of police resourcing for the future, with user-pays being only one element. It is however, not alone, as evidence from locales such as Canada's Ontario Provincial Police makes clear (Wood, 2000).

Risks and future directions for user-pays policing

While there may be clear public benefits to user-pays policing that benefits private parties directly, the practice is not without risk and concerns. Risks can be categorized as relating to efficiency, equity and legitimacy.

One efficiency-related risk is of neglect of public policing because of the demands of private policing. Police simply do not have the resources to do everything that the public thinks they should be doing. Choices are constantly made about work priorities—discretion is an essential feature of public policing. Some police forces, for example, have withdrawn from responding to home alarms unless on-site verification of criminal activity has taken place (this in the case in our home town of Canberra, for instance, and also in Las Vegas and Salt Lake City in the United States).

The policing of private interests, whether those involve events, special services like escorts or services to a particular industry such as provided by the GSDU in WA, consumes resources that may not always be replaceable. Similarly, fees may not always adequately cover the costs of replacing those consumed resources.

Police acceptance of private sources of funding also carries with it risks that public safety and security may be sacrificed to private agendas. In 'marketing' security services, police could be

regarded as acting like private security firms. The problem with that, of course, is that private security owes its primary allegiance to the paying client. When police are faced with the choice between investigating an alleged fraud on a large company that is willing to contribute towards the cost of the investigation (say, by providing overseas travel) and investigating an alleged fraud of a smaller company that is unable to pay, the risk that police will choose to provide a better service to the former is not an imaginary one. After all, apart from the possibility of personal benefits for involved police officers, there is a revenue benefit for the organization and possibly also a reputational benefit if the case is a high profile one.

There is a risk, too, that the reputation of the police organization may suffer. In some countries, such as Australia, the tradition of taxpayerfunded public policing is a long and honoured one; anything different provides fertile ground for suspicion and speculation that corruption may be afoot. Transparency of user-pays processes is therefore essential to protect the legitimacy of police.

Police in many jurisdictions deal with the risks to efficiency, equity and legitimacy that are presented by user-pays policing in a variety of ways, including through limits on the types of services they will charge for, the amounts of the fees that are levied, and qualifications on charging (such as the Victoria Police waiver scheme). Often they will develop detailed policy guidelines covering these and other issues. However, the very variety of user-pays formats on a global scale suggests that there is still plenty of scope for new arrangements to arise carrying their own risks, such as types of policing that sit on the ambiguous border between public and private security.

Some bodies, particularly in the United States, are already occupying this border area. The city of San Francisco in California hosts an organization separate from the police department, known as Patrol Special Police (SFPSP). SFPSP officers are appointed and regulated by the Police Commission, trained at the Police Academy to the standards of peace officers (the same standard as a police reservist) and supervised by the San Francisco Police Department. Once designated by the Commission as the 'owners' of a certain beat or territory, they are funded entirely by businesses and residents who contract for their services within that beat or territory. Services provided include patrol (including patrolling the private property of businesses that have hired them), escorts and alarm response, but they also respond to regular police calls within their area. This special force has a long history, dating from the gold rush days of 1847 when merchants established it to tackle the activities of Barbary Coast criminals. One might question whether the SFPSP is best described as user-pays policing, as corporate sponsorship of a police service or as private security providing an outsourced service.

As Shearing (1992: 402) points out, policing has had both a public and a private face for as long as public and private aspects of the social world have been recognized. But for most of

the time since public policing came into being, these have, in the main, been regarded as separate spheres, capable of co-operation and conflict but still discrete ventures. However, borderarea forms of policing such as discussed earlier represent a blurring or merging of the two faces that has been ongoing for some time^v. Where public and private security meet and mix like this, the complex questions of responsibility and accountability that already exist in relation to commercial involvement by public police are magnified. Who is responsible if a privately paid but publicly trained and commissioned officer misbehaves or is negligent? Indeed, what are the scope and limits of such an officer's duties and powers? To whom is he or she accountable? Where do the legal rights and liabilities lie? The risks that public/private forms of policing will result in greater inefficiencies and inequities in the distribution of policing services to a society increase even further as the soup is stirred and the ingredients (public policing, private security) lose their distinct identities.

Conclusion

User-pays or fee-for-service policing is a common and longstanding phenomenon in many jurisdictions. Charges are levied by police for a variety of different services, ranging from the simple provision of information, to special policing services provided for one-off events or on a longer term basis, to services to a particular industry or sector provided by a specialist body of public police. A critical implication of user-pays, per se, is for police resourcing. Charging fees for public policing services to private entities enables police to recover at least partially the costs of providing them.

Just because public policing now encompasses newer economic forms like user-pays does not *necessarily* detract from its nature as a public service. As we have argued, there is no necessary disjuncture between addressing local or private concerns and more general or public ones. User-pays policing can be, and often is, compatible with public interests and the provision of public goods. When this is the case there may be sound reasons for supporting it. User-pays policing does, none the less, raise the possibility that private interests might have more influence on service provision than is appropriate. The charging of fees for service may also be an early step in moving towards a more extensive commercialization of public policing. It may even result in the wholesale transformation of public policing into private policing, such as occurred when the UK port constabularies in Harwich, Felixstowe and Tilbury were sold in their entirety to port companies (Hinds, 1994: 185).

Some authors have warned of potential negative effects of this 'commodification' of policing, that is, of its packaging and promotion as a thing that can be traded (Loader, 1999; Newburn, 2001; Murphy, 2002; Crawford and Lister, 2006). These include the risk that it will create inequitable or 'tiered' policing, with taxpayer funded public policing constituting 'a second tier form of provision, more geared to coercive law enforcement and the residual policing of those left behind' (Crawford and Lister, 2006: 184; see also Loader, 1999: 383–4). Loader

(1999: 383) also suggests that police budgets may suffer in circumstances where a market in police services encourages the affluent to spend on paid services and to resent subsidizing through their taxes the provision of services to those who cannot afford to pay (see also Crawford and Lister, 2006: 184). Resulting inequities in the delivery of services would inevitably endanger the legitimacy of public policing itself.

Crawford and Lister remark that 'Left to its own devices, the market will foster competitive tendencies among plural providers that are unlikely to fit with broader conceptions of policing as a universally available "public good"' (2006: 186). Our Victorian case study, however, suggests that when it comes to selling their own services, not all police are leaving the market to its own devices, nor are they necessarily interested in competing there. Charging can be used by police in some circumstances as a market regulator, a means of engineering the market-place: forcing private interests to consider more seriously their consumption of police resources and how they can consume less by minimizing the risks to safety and public order of their activities. For police, this represents a way of obtaining much needed resources with which to continue to do public policing, not as a residual service but as their main game. Requiring people to take more responsibility for the law enforcement aspects of their actions enables police to retreat gradually from involvement in private policing, rather than pushing out into that market as competitors. So Victoria Police can be regarded as involved in a balancing act: supporting events (particularly those with a strong community benefit), through being 'on the ground' and maintaining order, while also making those persons organizing these events progressively take more responsibility for their conduct. Victoria Police utilize a combination of informal police training (negotiations and recommendations), charging and graduated reductions in waivers to do this.

In some jurisdictions, such as Australia, careful thought is being given to the appropriateness of police involvement in various types of commercialization. Without clear government support, commercialization of the public police is bound to proceed only slowly. Furthermore, it seems that adopting a business culture is not easy in policing organizations where techniques for business analysis, strategy formulation and risk management are not built into officers' training.

Caution with respect to their own activities in the market-place is a sign that police may be heeding commentators' warnings about the risks of commodification. But, despite that caution, it seems likely that increasingly hybrid forms of policing will continue to appear (albeit at different rates in various cultural contexts). These may encompass not only co-operation between, but a merging of, the public and private faces of security. As Swanton (1993: 8) forecast some time ago, the career paths of those in the 'protection domain' (by which he meant both public police and private security) frequently cross each other, with police often taking up careers in private security once retired from the police service, and private security increasingly being formally entrusted with more public policing powers (this is happening in the UK, for instance, through accreditation of private security firms and other



businesses under the Police Reform Act 2002). Commercialization of public policing services may well make these crossovers more common by equipping the various public and private policing bodies with knowledge and experience relevant to the others. New forms of policing will challenge conceptions of state centrality in the 'protection domain' and raise questions about the extent of state regulation that is needed and about the appropriate loci of accountability and responsibility for the services provided.

Notes

The authors acknowledge the support of the Australian Research Council (DP0450247). They would like to thank Lucy Strang for her research assistance, Professor Peter Grabosky for his valuable comments on an earlier draft and Victoria Police for its assistance.

References

Alberta Government (2006) *What Is Alberta's Provincial Police Service? and Who Pays for Policing in Alberta?* Available at <http://www.solgen.gov.ab.ca/policing/default.aspx?id=917> and http://www.solgen.gov.ab.ca/organization/justice_system.aspx?id=2383 (accessed 17 May 2007).

Anon (2004) 'Moonlighting Common among Police Officers', *Jakarta Post*, 29 November. Available at http://news.indahnesia.com/item/200411292/moonlighting_common_among_police_officers.php (accessed 17 May 2007).

Associated Press (2005) 'Utah, Other States Mulls How to Handle Search-and-Rescue Costs', *USA Today*, 20 June. Available at http://www.usatoday.com/news/nation/2004-06-20-funding-searches_x.htm (accessed 17 May 2007).

Australian Federal Police (2006) *Security Services and Training*. Available at http://www.afp.gov.au/services/protective/information_security (accessed 17 May 2007).

Avant, Deborah D. (2005) *The Market for Force: The Consequences of Privatizing Security*. Cambridge: Cambridge University Press.

Avant, Deborah D. (2006) 'The Marketization of Security: Adventurous Defense, Institutional Malformation, and Conflict', in Jonathan Kirshner (ed.) *Globalization and National Security*, pp. 105–42. New York: Routledge.

Ayling, J. and P.N. Grabosky (2006) 'When Police Go Shopping', *Policing: An International Journal of Police Strategies and Management* 29(4): 665–90.



Ayling, J., P.N. Grabosky and C.D. Shearing (2006) 'Harnessing Resources for Networked Policing', in J. Fleming and J. Wood (eds) *Fighting Crime Together: The Challenge of Policing Networks*, pp. 60–86. Sydney: University of New South Wales Press.

Benson, Bruce L. (1994) 'Are Public Goods Really Common Pools? Considerations of the Evolution of Policing and Highways in England', *Economic Inquiry* 32(2): 249–71.

Blair, I. (1998) *The Governance of Security: Where Do the Police Fit into Policing?* Surrey: Surrey Police.

Borland, Ben (2005) 'Pub Tycoons Offer to Pay for Extra Policing', *Scotsman Evening News*, 16 February. Available at <http://news.scotsman.com/topics.cfm?tid=585&id=178362005> (accessed 26 November 2007).

Century Council (n.d.) *Cops in Shops*. Available at <http://www.centurycouncil.org/underage/cops.html> (accessed 17 May 2007).

Chamber of Minerals and Energy (2005) *Annual Report 2005*. Perth: The Chamber of Minerals and Energy.

Cheng, Edward K. (2006) 'Structural Laws and the Puzzle of Regulating Behavior', *Northwestern University Law Review* 100(2): 655–717.

Crawford, Adam (2006) 'Policing and Security as "Club Goods": The New Enclosures?', in J. Wood and B. Dupont (eds) *Democracy, Society and the Governance of Security*, pp. 111–38. Cambridge: Cambridge University Press.

Crawford, Adam and Stuart Lister (2006) 'Additional Security Patrols in Residential Areas: Notes from the Marketplace', *Policing and Society* 16(2): 164–88.

Critchley, T.A. (1972) *A History of Police in England and Wales*, 2nd edn. Montclair, NJ: Patterson Smith.

Dalton, S. and P. Sellars (2005) 'Boys in Blue Send Events into the Red', *Weekly Times*, 2 March.

Delahunty, H. (2005) 'Delahunty Calls on Minister to Give Guarantees', 24 March. Available at <http://vicnats.com/news/default.asp?action=article&ID=2269&WorkDate=1/03/2005&Archived=true> (accessed 17 May 2007).

Department of Transport (2006) *Review of the British Transport Police: Refocusing BTP*, June. London: Department of Transport. Available at



<http://www.dft.gov.uk/foi/responses/2007/may2007/btpreviewreport/> btpreviewreport (accessed 17 May 2007).

Fixler, Philip E., Jr and Robert W. Poole, Jr (1988) 'Can Police Services Be Privatized?', *Annals of the American Academy of Political and Social Sciences* 498(July): 108–18.

Forst, Brian (2000) 'Privatization and Civilianization of Policing', in C.M. Friel (ed.) *Criminal Justice 2000, Volume 2: Boundary Changes in Criminal Justice Organizations*, pp. 19–79. Washington, DC: National Institute of Justice/NCJRS.

Gallagher's Beat (1994) 'Justice for Sale?', *Police Review* 13 May: 26.

Gans, Jeremy (2000) 'Privately Paid Public Policing: Law and Practice', *Policing and Society* 10(2): 183–206.

Garland, David (1996) 'The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society', *British Journal of Criminology* 36(4): 445–71.

Geason, Susan and Paul R. Wilson (1992) 'Administrative and Security Systems', in S. Geason and P.R. Wilson *Preventing Retail Crime*, pp. 61–72. Canberra: Australian Institute of Criminology. Available at <http://www.aic.gov.au/publications/crimprev/retail/asst.html> (accessed 17 May 2007).

Gibbons, Sarah (1996) 'Sponsored Beats', *Police Review* 104 (26 July): 22–4.

Grabosky, P.N. (2004) 'Toward a Theory of Public/Private Interaction in Policing', in Joan McCord (ed.) *Beyond Empiricism: Institutions and Intentions in the Study of Crime*. Advances in Criminological Theory, vol. 13, pp. 69–82. Piscataway, NJ: Transaction Books.

Hamilton, Jane (2003) 'Rent-a-Cop Plan for City Gets Go-Ahead', *Scotsman Evening News*, 11 February. Available at <http://news.scotsman.com/topics.cfm?tid=580&id=170332003> (accessed 26 November 2007).

Hansard (2002) 'Supplementary Policing', Questions without Notice, NSW Legislative Council, 14 March. Available at <http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LC20020314017> (accessed 17 May 2007).

Hinds, Stephen (1994) 'Private Policy and Policing: Does Private Enterprise have a Role in Delivering the Output of Public Safety and Security?', in David Biles and Julia Vernon (eds)



Private Sector and Community Involvement in the Criminal Justice

System: Proceedings of a Conference held 30 November–2 December 1992, Wellington, New Zealand. AIC Conference Proceedings No. 23. Canberra: Australian Institute of Criminology. Available at <http://www.aic.gov.au/publications/proceedings/23/Hinds.pdf> (accessed 26 November 2007).

Hope, Tim (2000) 'Inequality and the Clubbing of Private Security', in Tim Hope and Richard Sparks (eds) *Crime, Risk and Insecurity*, pp. 83–106. London & New York: Routledge.

Johnston, L. (1992) *The Rebirth of Private Policing*. London: Routledge. Johnston, L. (2003) 'From "Pluralization" to "the Police Extended Family": Discourses on the Governance of Community Policing in Britain', *International Journal of the Sociology of Law* 31(3): 185–204.

Johnston, L. (2006) 'Diversifying Police Recruitment? The Deployment of Police Community Services Officers in London', *Howard Journal of Criminal Justice* 45(4): 388–402.

Jones, Trevor and Tim Newburn (2006) 'Understanding Plural Policing', in Trevor Jones and Tim Newburn (eds) *Plural Policing: A Comparative Perspective*, pp. 1–11. Abingdon, UK: Routledge.

Kempa, M., P. Stenning and J. Wood (2004) 'Policing Communal Spaces: A Reconfiguration of the "Mass Private Property" Hypothesis', *British Journal of Criminology* 44(4): 562–81.

Kingsley, T.A. (2005) *Police Charge Fishing Competition*, 10 March. Available at <http://www.abc.net.au/centralvic/stories/s1320515.htm> (accessed 17 May 2006).

Law Commission of Canada (2002) *In Search of Security: The Role of Public Police and Private Agencies*. Discussion Paper. Ottawa: Law Commission of Canada.

Law Commission of Canada (2006) *In Search of Security: The Future of Policing in Canada*. Ottawa: Law Commission of Canada.

Loader, Ian (1999) 'Consumer Culture and the Commodification of Policing and Security', *Sociology* 33(2): 373–92.

Loader, Ian and Neil Walker (2001) 'Policing as a Public Good: Reconstituting the Connections between Policing and the State', *Theoretical Criminology* 5(1): 9–35.

Loader, Ian and Neil Walker (2006) 'Necessary Virtues: The Legitimate Place of the State in the Production of Security', in J. Wood and B. Dupont (eds) *Democracy, Society and the Governance of Security*, pp. 165–95. Cambridge: Cambridge University Press.



- McMullan, J.L. (1996) 'The New Improved Monied Police: Reform, Crime Control, and the Commodification of Policing in London', *British Journal of Criminology* 36(1): 85–108.
- Marx, Gary T. (1987) 'The Interweaving of Public and Private Police Undercover Work', in C. Shearing and P. Stenning (eds) *Private Policing*, pp. 172–93. Newbury Park, CA: Sage Publications.
- Mooney, Chris and Adrian Mather (2005) 'Scheme Finds the Way to Beat Crime', *Scotsman Evening News*, 20 January. Available at <http://news.scotsman.com/topics.cfm?tid=580&id170332003> (accessed 26 November 2007).
- Murphy, Christopher (2002) *The Rationalization of Public Policing in Canada: A Study of the Impact and Implications of Resource Limits and Market Strategies in Public Policing*. The Police Future Group, CACP, Electronic series No. 1. (Summary available at <http://crpr.icaap.org/index.php/crpr/article/viewArticle/11/11>) (accessed 26 November 2007).
- Newburn, Tim (2001) 'The Commodification of Policing: Security Networks in the Late Modern City', *Urban Studies* 38(5–6): 829–48.
- Northern Territory Police (2006) *Aboriginal Community Police Officers*. Available at <http://www.pfes.nt.gov.au/index.cfm?fuseaction=page&p=75> (accessed 17 May 2007).
- Northumbria Police (2007) *Selling Services*. Available at <http://ww2.northumbria.police.uk/ePolicing/web/wms.nsf/AllContentDocs/POL001181?OpenDocument> (accessed 29 September 2006).
- O'Malley, Pat and Steven Hutchinson (2006) *Converging Corporatisation? Police Management, Police Unionism, and the Transfer of Business Principles*. Ottawa: Department of Sociology and Anthropology, Carleton University.
- O'Malley, P. and D. Palmer (1996) 'Post-Keynesian Policing', *Economy and Society* 25(2): 137–55.
- Phillips, Richard (2002) *Australia: Labor Trials 'Rent-a-Cop' Plan*, 26 February. Available at <http://www.wsws.org/articles/2002/feb2002/carr-f26.shtml> (accessed 17 May 2007).
- Radzinowicz, L. (1956) *A History of English Criminal Law and Its Administration from 1750: Cross-Currents in the Movement for the Reform of the Police*. London: Stevens & Sons.
- Reiss, A.J. (1988) *Private Employment of Public Police*. Washington, DC: National Institute of Justice.



- Roden, Alan (2005) 'Police Squads to Blitz Street Yob Culture', *Scotsman Evening News*, 17 August. Available at http://edinburghnews.scotsman.com/edinburgh.cfm?id_1796972005 (accessed 26 November 2007).
- Royal Canadian Mounted Police (2006) *Contract Policing*. Available at http://www.rcmp-grc.gc.ca/ccaps/contract_e.htm (accessed 17 May 2007). Sarre, Rick and Tim Prenzler (2005) *The Law of Private Security in Australia*. Sydney: Lawbook Co.
- Scott, Michael S. (2005) 'Shifting and Sharing Police Responsibility to Address Public Safety Problems', in Nick Tilley (ed.) *Handbook of Crime Prevention and Community Safety*, pp. 385–409. Cullompton: Willan Publishing.
- Sellers, P. (2005) 'Reprieve on Police Bill', *The Weekly Times*, 16 March.
- Shearing, C.D. (1992) 'The Relation between Public and Private Policing', in M. Tonry and N. Morris (eds) *Crime and Justice: An Annual Review of Research*, vol. 17, pp. 399–434. Chicago, IL: University of Chicago.
- Shearing, C.D. and P.C. Stenning (1983) 'Private Security and Its Implications: A North American Perspective', in A. Rees (ed.) *Policing and Private Security*, pp. 16–44. Canberra: Australian Institute of Criminology.
- Shearing, C.D. and J. Wood (2003) 'Governing Security for Common Goods', *International Journal of the Sociology of Law* 31(3): 205–25.
- Shearing, C.D. and J. Wood (2005) 'Nodal Governance, Denizenship and Communal Space: Challenging the Westphalian Ideal', in Steven L. Robins (ed.) *Limits to Liberation after Apartheid: Citizenship, Governance and Culture*, pp. 97–112. Oxford: James Currey Publishers.
- Singer, P.W. (2003) *Corporate Warriors: The Rise of the Privatized Military Industry*. New York: Cornell University Press.
- Singer, P.W. (2005) 'Outsourcing War', *Foreign Affairs* 84(2): 119–32.
- Stenning, Philip C. (2000) 'Powers and Accountability of Private Police', *European Journal on Criminal Policy and Research* 8(3): 325–52.
- Stenning, P. and C.D. Shearing (1979) 'Search and Seizure: Powers of Private Security Personnel', study paper prepared for the Law Commission of Canada, Ottawa, Minister of Supply and Services Canada.



Swanton, Bruce (1993) 'Police & Private Security: Possible Directions', *Trends and Issues in Crime and Criminal Justice*, no.42. Canberra: Australian Institute of Criminology.

Victoria Police (2005a) *Annual Report 2004–2005*. Melbourne: Victoria Police.

Victoria Police (2005b) *Managing the Delivery of Police Services to Sporting, Entertainment & Other Events: Your Questions Answered*. Melbourne: Victoria Police.

Vincent, Michael (2002) 'Police for Hire', transcript of ABC AM programme of 30 January. Available at <http://www.abc.net.au/am/stories/s469180.htm> (accessed 17 May 2007).

Western Australia Police (2007a) *Commercial Crime: Gold Stealing Detection Unit*. Available at <http://www.police.wa.gov.au/AboutUs/SupportServices/CrimeInvestigation.asp?CommercialCrime> (accessed 17 May 2007).

Western Australia Police (2007b) *Argyle: Argyle Police Station*. Available at <http://www.police.wa.gov.au/LocalPolice/KimberleyDistrict.asp?Argyle> (accessed 17 May 2007).

Western Australia Police Service (2000) 'Cannington Police Office', *Newsbeat* 8(Summer): 14.

Williams, Brett (1998) 'Playing the Part, Understanding the Realities', *Police Journal Online* 79(11). Police Association of South Australia. Available at <http://www.policejournalsa.org.au/9811/12a.html> (accessed 17 May 2007).

Wood, Jennifer (2000) 'Reinventing Governance: A Study of Transformations in the Ontario Provincial Police', PhD Dissertation, Centre of Criminology, University of Toronto, Toronto.

Zedner, Lucia (2006) 'Policing Before and After the Police: The Historical Antecedents of Contemporary Crime Control', *British Journal of Criminology* 46(1): 78–96.

Endnotes

ⁱ There are a number of different activities that might be and are in the literature called ‘moonlighting’, including:

- taking secondary employment when off-duty—no police permission sought;
- taking secondary employment when off-duty with police knowledge or permission, officer involved arranges this and keeps the income;
- taking secondary employment when off-duty with police knowledge or permission—officer involved arranges this but police organization gets a commission;
- taking secondary employment when off-duty under the auspices of the police department—police organization arranges this and pays the officer involved (may keep a commission).

Secondary employment may be limited to employment involving policing duties.

ⁱⁱ That is, its consumption by one person does not prevent it being available for consumption by others.

ⁱⁱⁱ Security clubs tend to display themselves in geographical space as enclaves, such as gated communities or other ‘mass private property’ (Shearing and Stenning, 1983). As Kempa et al. (2004: 573) point out, the clubbing of security in these ‘communal spaces’ has the effect that public police are left to deal with not only the displaced but also the spaces between enclaves that the displaced inhabit, termed ‘conduits’.

^{iv} Like a club good, a toll good is excludable but non-rivalrous. The difference lies in the mechanism employed to exclude others—a toll payment (as on a highway) or the formation of a club (for instance, to play golf)—both mechanisms work to ensure that the utility derived from use of the good by an included individual is maximized.

^v Shearing (1992: 409ff.) identifies the RAND Corporation report of 1972 examining private security in the United States and the follow-up study by the Hallcrest Corporation in 1985 as the beginning of a reassessment of the role of private security in policing (including public/private policing partnerships and privatization of public policing functions) that is still ongoing. See further, for example, Marx (1987); Johnston (1992); Jones and Newburn (2006).