

The Privatization and Civilianization of Policing

by Brian Forst

This essay examines recent shifts toward privatization and civilianization in policing. It focuses on the nature and dimensions of the shifts, their precedents and causes, their advantages and dangers, and their effects on five critical dimensions of policing: effectiveness, cost, equity, choice, and legitimacy. These shifts, which have occurred over just 30 years or so, are contrasted with the centuries-long evolution of public policing and reliance on sworn officers to protect public safety that culminated in the 1960s.

Following a review of historical precedents that shaped the boundaries between public and private security resources and between sworn and civilian alternatives, the essay examines a variety of prospective policies and reforms in both the public and private domains aimed at minimizing the potentially harmful aspects of privatization and civilianization: improving private security service through licensing and bonding of agents and agencies; reducing problems associated with public monopolization of policing through improved accountability systems and accreditation; improving procedures for screening, training, and managing civilian specialists; making more effective use of civil remedies for harms in both the public and private sectors; and finding ways to clarify roles and improve coordination among the public, private, and civilian components of policing.

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Overview

Policing is widely regarded as an exclusively public-sector activity conducted by sworn officers, but a large and increasing share of the aggregate demand for public safety and security is being handled by the private sector and by civilians. As recently as 1965, there were more sworn police officers than private security personnel and vastly more sworn officers than civilians—the number of sworn officers surpassed the number of full-time civilians employed by law enforcement agencies by 8.3 to 1 (Shearing and Stenning 1981, 203; Cunningham and Taylor 1985, 112; U.S. Department of Justice [DOJ], Federal Bureau of Investigation [FBI] 1966). Within 30 years, the number of private security personnel soared to about triple the number of sworn officers, while the ratio of sworn officers to full-time civilians in law enforcement agencies had declined similarly by a factor of 3, to 2.6 to 1 (Mangan and Shanahan 1990; Reaves and Goldberg 1998).

A corresponding shift to privatization in nonpersonnel resources—including such target-hardening and detection devices as closed-circuit surveillance systems, sophisticated alarm systems, and so on—has been no less dramatic.¹ These substantial shifts have occurred rather suddenly by most historical standards. It had taken centuries for public policing to establish dominance over privately paid security agents, and less than three decades to reverse the trend.

This essay examines the dimensions of these shifts, their causes, and their effects on five critical dimensions of public safety: effectiveness, cost, equity, choice, and legitimacy. Recent trends toward privatization and civilianization are contrasted with the centuries-long movement toward reliance on sworn officers to protect public safety that culminated in the 1960s. The essay explores the implications of the privatization and civilianization trends in terms of the utilitarian dimensions of effectiveness and cost, and in terms of nonutilitarian considerations such as equity and legitimacy. A variety of prospective policies and reforms aimed at minimizing the potentially harmful aspects of privatization and civilianization are examined in both the public and private domains: improving private security service through licensing and bonding of agents and agencies; reducing problems associated with public monopolization of policing through improved accountability systems and accreditation; improving procedures for screening, training, and managing civilian specialists; making more effective use of civil remedies for harms in both the public and private sectors; and finding ways to clarify roles and improve coordination among the public, private, and civilian components of policing. The essay concludes with a look to the future of privatization and civilianization, including an identification of

critical issues related to current trends and an examination of directions that appear most promising for improving service in both the public and private domains of policing.

Definitions

We begin by defining what is generally meant by the terms central to the matters at hand: policing, public safety, private security, privatization, and civilianization.

Policing can entail a countless assortment of functions and services, ranging from conventional law enforcement responses in the form of criminal investigation and arrest to crime prevention activities and attempts to improve more general quality-of-life aspects of the community. Policing has been defined generally in terms of its domestic peacekeeping role. A core distinguishing characteristic has been identified by Egon Bittner (1980, 460): In the domestic domain, the police alone are given the authority to use nonnegotiable coercive force.² The term *police* typically refers to sworn officers working as members of the executive branch of government rather than to private security agents or agencies. *Public safety* encompasses more than just policing, including also fire protection, emergency vehicle service, and a variety of public health protection functions. *Private security* refers to a myriad of nongovernmentally provided services and products used to protect the lives and property of commercial and residential patrons against crime.

Privatization occurs typically on both the revenue-raising side and on the spending-and-production side, without any government involvement. However, it can exist on the production side alone, as frequently occurs when public funds are used to purchase the services of private agents. When it occurs on both sides, private citizens or institutions raise the funds for services that might otherwise be provided publicly and determine how they will be allocated. This includes a myriad of self-help approaches to protecting private property and personal safety, including the following:

- Hiring of security guards and private investigators.
- Installation of surveillance, lighting, and alarm systems.
- Use of citizen foot patrols and block watches as well as escort services for senior citizens and university women.
- Citizen-band radio automobile patrols and radio-alert networks for taxis, buses, and commercial vehicles.
- Carrying of concealed weapons by private citizens.

When privatization occurs on the production side alone, Federal, State, or local governments may contract with private sources for such specific services as:

- Court security.
- Prisoner custody.
- Computer and communications system maintenance.
- Training.
- Laboratory services.
- Radio dispatching.
- Video surveillance.
- Traffic and parking control (Elliott 1991, 62).³

Private security has been defined as “services other than public law enforcement and regulatory agencies that are engaged primarily in the prevention and investigation of crime, loss, or harm to specific individuals, organizations, or facilities” (Green 1981, 25). It typically includes the work of security guards, corporate security and loss prevention personnel, alarm and surveillance specialists, private investigators, armored vehicle personnel, manufacturers of security equipment, locksmiths, security consultants and engineers, and people involved in a variety of related roles from private forensic laboratory scientists to guard dog trainers and drug testing specialists (Cunningham, Strauchs, and Van Meter 1991, 2).

Civilianization refers to a law enforcement agency’s hiring of nonsworn personnel to replace or augment its corps of sworn officers, typically with the aims of reducing costs and improving service. Civilians are employed as communications specialists, criminalists (crime scene technicians, forensic laboratory scientists, etc.), computer specialists, lawyers, and a host of other support positions.

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The Dimensions and Origins of Privatization and Civilianization

Trends in privatization and civilianization

The shifts toward privatization and civilianization that occurred toward the end of the 20th century have been both sudden and sharp, especially when viewed over the nearly 200 years since the creation of the first metropolitan police department in London. Exhibit 1 displays more precisely the dimensions of the shift, in terms of the ratios of sworn officers to civilians employed by law enforcement agencies and the ratios of private security industry personnel to sworn officers over the period 1965 to 1995 (Shearing and Stenning 1981, 203; Cunningham and Taylor 1985, 112).

Exhibit 1. Sworn officers, civilians, and security officers: 1965–95

	1965	1975	1985	1995
Sworn officers per civilian	8.3	5.0	3.9	2.6
Security officers per sworn officer	0.9	1.9	2.4	2.7

Sources: Cunningham, Strauchs, and Van Meter 1991, 3; U.S. Department of Justice, Bureau of Justice Statistics 1990, 1993, 1997.

Privatization

The number of persons employed in private security jobs began to surpass the number in sworn officer positions in the 1960s, and this numerical advantage continued to grow in the years that followed (Cunningham, Strauchs, and Van Meter 1991, 2). Mangan and Shanahan (1990) estimate about 2 million members of private security organizations in 1990; the Bureau of Justice Statistics estimates fewer than one-third as many police officers for the same year, some 600,000 (Maguire and Flanagan 1991). By the mid-1990s, Sears employed 6,000 security guards (Office of International Criminal Justice 1995), more than the Los Angeles Police Department had sworn officers.

Civilianization

While some tradition-bound police executives have been reluctant to transfer a variety of support functions to civilians,⁴ it has become increasingly clear that civilians tend to perform certain specialized roles more effectively than sworn

officers, who are selected and trained as generalists and then rotated from one assignment to the next accordingly. Sworn officers serve typically in patrol and traffic assignments and as investigators. Civilians serve in greatest numbers as telephone call-takers and dispatchers (Shernock 1988, 290).⁵ They serve also as crime scene and forensic lab technicians, information system and database specialists, lawyers, planning and research specialists, budgeting and finance specialists, administrators, and clerks, as well as in a host of other support capacities. In sheriff's departments, more than a third of all civilians serve in support of jail operations (Reaves and Smith 1995, ix). Civilians have been found to be a source of lower costs primarily through lower pay, reduced training requirements, and smaller overhead requirements (consisting mostly of reduced fringe benefits) (Schwartz et al. 1975, viii, 15–16).⁶ Estimates from New York City place the average cost of a civilian at one-third to one-half that of a sworn officer, even in jobs of approximately equal skill levels (Harring 1981, 27).

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Civilians have become employed to a greater extent, both absolutely and proportionately, in large metropolitan police departments than in smaller departments (Schwartz et al. 1975, vii).⁷ They tend to be used more widely in departments in the West than in the East (Reaves and Goldberg 1998, 4), and in greater proportions in municipal and county departments than in State police agencies (Reaves and Smith 1995, ix).

Costs

As the numbers of sworn officers, civilians, and private security personnel have varied, so have the respective costs associated with each category. Laband and Sophocleus (1992) estimate total private-sector spending on protection against crime at \$300 billion annually, about three times the amount spent on the entire public criminal justice system.

Historical landmarks, roots of recent trends

The history of policing reveals varied patterns of emphasis on solving crimes, preventing crimes, and providing other services. It is useful to consider these patterns with an eye toward the respective roles of the public and private sectors during various stages in the evolution of modern policing.

Early protection systems

Policing, like most other functions of modern government, was once exclusively in the domain of private enterprise. Posner (1981, 223–224) has noted that the policing of homicides in ancient Athens was primarily a family matter, with entry into the security market restricted; individuals without families were not well protected. Families continued to be the primary source of protection for centuries afterward. Prior to the Norman Conquest in 1066, villages protected themselves against criminals and nomads by organizing family men who raised a hue and cry when attacked. Captured offenders were typically subjected to tribunals that determined the applicable sanction: public humiliation, torture, banishment, or death.

The origins of a public policing function were established under the Norman aristocracy that evolved in England from the late 11th until the 13th centuries. This system operated under a pledge (or “frankpledge”) arrangement, led by a constable who delegated to “tythings” the primary responsibility for responding to crime, generally 10 families to a tything and 10 tythings to a constable. Within each English county (“shire”), the constables reported to a sheriff (“reeve”). The constables and sheriffs operated within a loose, quasi-governmental system that served the lords and independent peasant landowners in the area, supported by taxes collected by William the Conqueror and his successors.

The pledge system eventually was replaced by a “watch system” in English towns during the 13th century. Justice systems developed around a justice of the peace who supervised and adjudicated, a constable, his assistants, and night watchmen. The policing function was thus placed early on in the judicial branch of government.

Growth of cities and the need for urban protection

The Industrial Revolution attracted droves of people into factory towns and cities in the late 18th and early 19th centuries, overwhelming the watch system and Britain’s predominantly private, loosely organized “Associations for the Prosecution of Felons” (Elliott 1991). Sir Robert Peel, Secretary of the Home Office, served as chief architect of the design of a coherent and effective public response. Peel created the forerunner to the modern urban police department with the passage of the London Metropolitan Police Act of 1829. His design for the London Metropolitan Police Department (MPD) was modeled largely after the writings of Jeremy Bentham and others who argued for a force of peace officers to prevent crime. The officers later became known as “bobbies” in a tribute to Peel. Although corruption was not completely eliminated, the

MPD replaced a system of predominantly corrupt constables and their henchmen with carefully selected officers trained in restraint and outfitted in quasi-military navy blue uniforms, committed to serving the public 24 hours daily (Hart 1951; Radzinowicz 1948–68; Manning 1995, 379–380).

The British had thus created an innovative protective institution that pushed the boundary of policing squarely into the public domain. The source of the MPD's power was the English Constitution. Police behavior was determined explicitly by rules of law. Peel's creation of a professionalized policing operation served not only as an effective response to the extraordinary pressures of the Industrial Revolution and the severe problems associated with urban unrest, but also as a boost to the legitimacy of the public sector as the primary domain of protection against crime and disorder.

Policing in the United States

The United States took much longer to develop an effective public policing service. Crimes in colonial America had been handled differently depending on the setting. In the countryside, the top law enforcement officer was a fee-for-service sheriff, paid by the number and types of criminals caught, subpoenas served, and tax dollars collected. Towns also used a fee-for-service system to pay constables working for the court to serve subpoenas and make arrests. The constable in turn hired and delegated responsibilities to a team of night watchmen. Meanwhile, as the West expanded, cattle theft and other crimes were handled either by a quasi-public hired marshal or by private "vigilance committees," popularly known as "vigilantes."

Municipal policing in the United States in the 19th century

The need for a more public form of policing in the United States grew substantially in the 19th century as immigrants from Ireland, Germany, and Italy poured into the cities. The population of New York City jumped from 33,000 in 1790 to some 150,000 within just 40 years. Race riots ensued, with major upheavals in New York in 1834, Philadelphia in 1837, and St. Louis in 1850. The prevailing system of constables and night watchmen soon proved itself to be incapable of responding adequately to such large-scale urban crises. Militiamen were called on to contain many of these disturbances, with only limited success.

The influx of people brought more serious crime, more vice, and a host of related urban security problems, and the militia had not been created to deal with such matters. Cities in the United States responded in part by borrowing aspects of Peel's more effective policing model from across the Atlantic. The

Boston Police Department cobbled together a superficial imitation of the London MPD model in 1838, less than a decade after Peel's creation, and similar departments were set up in New York in 1844 and Philadelphia in 1854. These early urban police departments grew substantially during the 19th century. While the U.S. population more than doubled from the 1860s to the early 1900s, the population of police officers more than tripled, with the rate per 1,000 residents increasing from 1.3 officers per 1,000 in the mid-1860s to 2 officers per 1,000 by 1908 (Monkonn 1992, 554).

The primary similarities between the London MPD and its U.S. counterparts were in form, not substance. London's officers were civil servants created by the British Constitution, sworn to keeping peace by peaceful means. The U.S. Constitution, in contrast, makes no explicit mention of police. Police departments in the United States hired their officers locally through a system of ward bosses operating under mayoral patronage. Municipal police in the United States operated with considerably more informal discretion and less formal authority than Peel's officers. They were not given the training, effective supervision, or job security that were part and parcel of policing in London's MPD. They were typically dismissed when their ward chief or mayor failed to win reelection. Both systems were public and the officers uniformed, but the systems differed dramatically from one another in effectiveness and legitimacy.

Corruption, brutality, and incompetence

The U.S. system of municipal policing developed into a body of police with an inclination to patrol the election facilities to help secure the tenure of their patrons, more in some cities than others. The police also established reputations for being especially tough on immigrants and minorities. Before long, policing in most large cities became associated with corruption, brutality, and incompetence. Despite salaries about twice the level of the average factory worker in 1880, police routinely took payoffs from saloonkeepers, pimps, and gamblers in return for selective nonenforcement, and from peddlers and small business owners in exchange for protection. Free meals from restaurant owners became the norm in many areas. It soon became evident that navy blue uniforms alone did not stand for either integrity or effectiveness in policing.

These early police departments were nonetheless quite different from the constable and watch systems they replaced, and in some ways better suited to deal with problems inherent in urbanization. They were organized in hierarchies, with militaristic command and control systems, and with telegraph equipment linking precincts to central headquarters in the 1850s and call boxes on the streets by 1867. The police were moved from the judicial to the executive branch, with the courts

providing virtually no control over police operations. Constables became servers of court orders; sheriffs became jailkeepers. The fee-for-service approach of the prior system was replaced by a system of salaried employment, which offered new incentives for crime prevention and order maintenance absent under the earlier system.

The functions of policing in the United States expanded substantially during the latter half of the 19th century. The police became responsible for much more than making arrests: They took in the orphaned and homeless, shot stray dogs, enforced sanitation laws, and inspected boilers and fire escapes. In some cities they even took the annual census (Bayley 1983, 1125; Monkonnén 1992, 554). New York City police officers cleaned up after horses in the streets. As the need for public welfare and public works grew, and prior to the creation of agencies designed to handle these needs, municipal police came by default to assume an incoherently broad variety of activities.

Despite this extraordinary expansion of responsibilities, some of the core functions typically associated with modern policing remained relegated to the private sector. Pinkertons, founded in 1850, became the primary protector of trains and their passengers; this agency also maintained the only national crime record system for the 75 years prior to the creation of the FBI's Uniform Crime Reports system.⁸ A host of other private property protection and investigative agencies emerged afterward, including Brink's in 1859, Wells Fargo, and Burns. When a criminal investigation was needed, the police department hired private detectives, as did private citizens and other institutions. Bounties remained the standard means of inducing the capture of wanted suspects.

The Reform Era (1890–1930)

By the end of the 19th century, the inadequacies of early municipal police departments had become a significant political issue. Confronting the problems of corruption and incompetence in urban police departments was a core element of the Progressive Movement by the 1890s. The Lexow Committee, established to investigate corruption scandals in the New York City Police Department in 1894, recommended major department reforms. Theodore Roosevelt was appointed president of the New York City Police Commission the following year, providing a platform from which he established a reputation as one who acted to clean up politics, largely by replacing a system in which police were handmaidens of corrupt ward bosses with a civil service employment system. He also acted to limit the role of police to that of crime control. The Progressives called for improved screening to make officers better qualified and formal training to make them more knowledgeable and competent. Roosevelt acted to impose those reforms during his 3 years as de facto New

York police commissioner.⁹ Substantive elements of Robert Peel's reform of public police were thus eventually adopted in the United States.

These reforms occurred neither overnight nor without frequent setbacks. The Boston Police Department became affiliated with the American Federation of Labor and struck in 1919, and rioting and looting followed. Governor Calvin Coolidge mobilized the state militia, fired the police, and then replaced them. The recommendations of the Lexow Committee for police reform were still echoed some 30 years later in recommendations by the Cleveland Crime Commission in 1922, the Missouri Crime Commission in 1926, and the Illinois Crime Commission and President Herbert Hoover's Wickersham Commission in 1929. Public police were still viewed with skepticism, and with good reason.

The "Professional" Era (1930–80)

Public policing became more professionalized under many of the reforms of the Progressive Era. Improved screening and training helped to ensure that those sworn to serve the public were fit for the task. Civil service protections helped to reduce temptations to control election outcomes and served to distance the police from political influences. Restricting the functions of public policing to issues directly related to crime control helped to provide municipal police departments with a sharper sense of focus on a primary mission.

Emphasis on effectiveness became one of the hallmarks of the Professional Era of policing.¹⁰ Police leaders began promoting departmental accomplishments through an expanding and influential network of newsprint and electronic media as they came to combine elements of scientific management with the systematic measurement of police effectiveness. This emphasis was not unique to policing, but the police were surely ahead of many other institutions, public and private, in embracing the measurement of performance as a hallmark of excellence and as evidence that police were professionals.

August Vollmer, J. Edgar Hoover, Orlando W. Wilson, William H. Parker, and other icons of professionalism transformed the public view of police and, perhaps more significantly, policing's view of itself, from one grounded in informal custom and ties to local institutions to one based on formal procedure grounded explicitly on utilitarian considerations of justice. To protect against corruption, these pioneers of professionalism sought to distance the police from the community.¹¹ As crime rates declined steadily from the inception of the Uniform Crime Reports in 1931 until the early 1960s, these champions of professionalism appeared to have found the magic bullet to crime control: a strong, effective, thoroughly professional system of public police.

The elevated status of the police contributed mightily to the dominance of public police over their private counterparts. “Police professionals” had created a climate in which policing became widely regarded as a legitimate State monopoly. According to one authority, by mid-century, “Policing was now simply assumed to be public. . . . Questions about private police and about the relationship between public and private policing simply did not arise” (Shearing 1992, 408).

Professionalism passes on

The Professional Era of policing, which had built its reputation on widely publicized victories over notorious gangsters, faced a more daunting test starting in the mid-1960s—a crime explosion coupled with severe urban unrest. By most accounts, “professionalism” failed that test. A major contributing factor to the eruption of crime was the emergence of baby boomers—children born after the return home of military personnel from World War II—into the peak offending ages of 15 to 24. For the decade starting in 1963, the homicide rate doubled and the robbery and burglary rates more than tripled, with large increases in virtually every other crime category. Meanwhile, riots broke out in New York in 1964, in the Watts area of Los Angeles the following year, in Newark and Detroit in 1967, and in Washington, D.C., in 1968 following the assassination of Martin Luther King, Jr.

These developments created demands on municipal police departments that were well beyond the limits of their capacities to respond effectively, especially in the inner cities, where the increases in crime tended to be extreme. Most crime rates remained at the elevated levels of 1970 throughout the 1970s and 1980s. Although homicide rates declined through most of the 1990s, they remained significantly higher than in virtually every other industrialized nation.

Urban riots continued episodically through the 1990s, fueled frequently by overly aggressive, insensitive, and brutal policing behaviors. Three conspicuous examples are the Metro-Dade, Florida, Police Department’s killing of a black motorcyclist and subsequent coverup in 1979, the Philadelphia Police Department’s bombing of the MOVE headquarters in 1985, and the Los Angeles Police Department’s beating of Rodney King in 1991 (Skolnick and Fyfe 1993). Police brutality was, of course, not unique to the Professional Era of policing; it appears to have been more common in earlier times. But these more recent acts were met with a public reaction that had been unknown even as recently as the 1950s. It

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was becoming increasingly clear that a style of policing that had been popular especially among white middle-class Americans and among much of the police force was one that was capable of brutalizing large segments of the population. Even in the absence of brutality, professional policing was viewed by large segments of the minority community as aloof, often disrespectful, and apparently mean spirited.

Professionalism did not invent brutality, but the ironic distancing of *public* police from the community generated alienation and mutual disrespect. The notion that police were the experts contributed to police arrogance, a sense that members of the community were inferior. Effective use of technology and emphasis on efficiency need not interfere with a healthy relationship between the police and the public, but in many jurisdictions the leaders of the Professional Era managed to replace a reputation for friendly service with a cool, detached one and thus served to damage that relationship. Police in many jurisdictions further alienated the public by spending less and less time on the street.¹² There is nothing inherently wrong, and much right, about the idea of police working to achieve the status of “professional,” but the brand of professionalism preached by the most prominent spokesmen for the Professional movement and practiced by their minions clearly contradicted the most fundamental we-the-people aspects of democracy. The bubble had burst. The police had succeeded in restricting their mission to crime control, only to discover that their ability to control crime was severely limited and often hindered by the chasm of mistrust induced by “professionalism.”

Community policing

By the mid-1980s, although many citizens quietly responded to deficiencies in public policing through a variety of private means, it had become clear to some scholars and practitioners that a different approach to public policing was needed. The Professional model was revealed as ill suited for the areas where crime was most serious, and research was revealing that it was ill suited for other areas as well:

- In 1973, Police Foundation researchers reported finding that saturating areas in Kansas City with random patrol squad cars had no deterrent effect on the amount of crime in the area (Kelling et al. 1974).
- In 1982, researchers working in Flint, Michigan, reported finding that officers patrolling on foot had a much higher rate of nonconfrontational contact with citizens, and a much lower rate of confrontational contact, than motorized patrol officers; calls for service and crime in the foot patrols also declined (Trojanowicz et al. 1982).

- In 1985, Police Foundation researchers working with the Houston and Newark Police Departments reported finding that a variety of interventions that brought the police closer to the community—including miniprecincts, foot patrols, and door-to-door police outreach contacts—tended to reduce fear, increase satisfaction with police service, and increase the perceived quality of life (Pate et al. 1986).

The general idea for a new style of policing was to return to much of what was good about an earlier, more truly public style of policing. This meant getting closer to the community, not only to improve relations between the police and community—a worthy end in itself—but also to become more familiar with the problems that were unique to specific areas and develop contacts that would help the police, in *partnership* with the public, both to prevent and solve crimes.¹³

It meant also an expanded view of what public policing should be about: not just law enforcement, but crime prevention and fear reduction. A few police chiefs, including Lee Brown, chief of the Houston Police Department in the mid-1980s and then commissioner of the New York Police Department in the early 1990s, took it a step further: The police should aim for no less than working to improve the quality of life in the community, so that people can once again enjoy and feel safe in public parks and facilities, and walk down the street without being subjected to the signs of crime—graffiti, abandoned vehicles, and broken windows (Brown 1989; Wilson and Kelling 1982).

A host of other characteristics came to be associated with the public-spirited, bridge-building motif of community policing: more officer autonomy and less centralized organizational hierarchy; greater reliance on the informal exercise of discretion and less on formal rules and regulations; and a shift from a mode of random patrol and rapid response to calls for service from a central precinct station to one involving greater use of foot and bicycle patrols and miniprecincts. Above all, the community policing movement amounts to a return to fundamental democratic principles of governance: that the police *serve* the public, that they are *accountable* to the public, and that the public has a *voice* in determining how the police will serve them.

The community policing movement has been met with considerable resistance from some quarters, much of it based on legitimate concerns. First, the concept has a fad quality; it is easily trivialized. Many, perhaps most, police departments have embraced the form and rhetoric of community policing and largely ignored its substance. Second, although corruption has not yet revealed itself to be a problem unique to community policing, the risk that corruptible police who are closer to the public will succumb to corruption pressures, especially in cities with traditions of corruption, cannot be ignored. Third, high-crime areas

are often devoid of the social organization generally associated with definitions of “community.” Field experiments have revealed that poor inner-city areas tend not to show the gains found in other areas after community policing interventions are applied: improved satisfaction with police service, reduced fear of crime, and elevated perceptions of quality of life (Skogan 1990, 1666–167). Fourth, for all the rhetoric about the potential crime-reducing ability of strengthened police-public partnership, little evidence has come forth indicating a systematic effect of community policing interventions on crime rates. Declining crime rates in the 1990s have been attributed largely to other developments: a smaller proportion of the population in the crime-prone ages of 15 to 24, tougher sentencing policies, a maturing of drug markets, and record low rates of unemployment.

In short, community policing offers the potential to improve the delivery of service by the police and make it more authentically public. It does not promise that they will be able to prevent or respond effectively to every sort of future problem of crime and disorder. It does present opportunities to make policing more nearly consistent with fundamental principles of democracy: public service, accountability, and the citizenry’s voice in setting and changing policy. It is an approach to policing that can be effectively used by the police and by private security agents as well.

The resurgence of private protection

The Professional Era of policing is being superseded by community policing largely because it presented to the public the ill-conceived view that the police, not the public, are the primary line of defense against crime. This illusion has had regrettable consequences: Both the police and the public were all too willing to accept the idea that the public was primarily a pawn in the matter. The heroic images portrayed by the FBI’s “Gang Busters” and by “Dragnet’s” Sergeant Friday were elixirs for a public fearful of crime, a public eager to relieve itself of responsibility for maintaining order and enforcing informal rules of behavior through age-old forces for policing lapses in social conformity: consistent use of parental discipline, inducements toward mannerly behavior, use of shame, and so on.¹⁴

As the police have demonstrated that their powers in dealing with crime and threats of terrorism since the 1960s have been quite limited and as pressures to control public spending have increased, reliance on age-old informal inducements to conform to social norms has not reemerged in a systematic fashion. More tangible private-sector responses have materialized in their place. Private expenditures for security equipment, personnel, and services have soared—in office buildings, subways and other public transportation systems, shopping

centers and warehouses, universities and schools, hospitals, and large apartment complexes and condominiums. Passenger and baggage screening at airports are routinely handled today by private security firms under contract with the airlines, with local police called in only for emergencies (*Economist* 1997; Newman 1997; Stewart 1985). The proportion of homes with alarm systems increased from 1 percent in 1975 to 10 percent in 1985 (Gest 1995), with no signs that the trend has abated in the years since.

Privatization also has occurred in the areas of investigative services, perimeter safeguards, surveillance systems, risk management, and armed courier and armored car services (Becker 1995; *Economist* 1997). Private investigation alone now encompasses services that range from the investigation of disability claims and marital infidelity to the delivery of legal papers (“process serving”), to criminal investigations aimed at undermining the prosecutor’s evidence and solving sophisticated computer crimes.

Citizens and organizations, public and private, have come to recognize that their municipal police departments have limited capacities, and they have taken matters into their own hands. They have hired private agents for specific security services, and do other services themselves, as noted earlier.¹⁵ Laws permitting the carrying of concealed weapons by private citizens became increasingly popular in the 1990s, especially in the South. Clearly, the police no longer monopolize public safety. Indeed, even police departments now contract out many functions previously done internally.¹⁶

Some communities, aware of the inefficiencies in providing conventional police services, have bypassed their police departments altogether and contracted out portions of public protective services to private agencies. State and local government spending on private services mushroomed from \$27 billion in 1975 to some \$100 billion in 1987, with another \$197 billion of Federal expenditures for private security services in 1987 (Cunningham, Strauchs, and Van Meter 1991, 2). Los Angeles County awarded some 36 contracts for guard services in the early 1980s at an estimated 74 percent of the cost of the county policing alternative (Savas 1987, 183).¹⁷ Other municipalities have gone even further, experimenting with all-private police forces, and have found them to deliver services at lower costs and with no decline in quality of service.¹⁸

While most police departments have grown modestly since 1975, the private security industry has exploded. No single factor can be identified as the primary cause of the shifts to privatization and civilianization over the past 30 years, but a few factors stand out as leading candidates: the 1960s crime explosion that overwhelmed public resources, the growth of specialization throughout the economy, an increased ability of the middle class to turn to private

alternatives, and a decline in the popularity of public-sector solutions to domestic problems generally.

These developments have not been unique to the United States. A 1988 survey in the United Kingdom found 239 patrols operated by private firms on behalf of local authorities (*Police Review* 1989). Britain and Canada had twice as many private security agents as public police by 1990 (Fielding 1991; Toronto Police Department 1990). Similar trends have been reported in Australia, Switzerland, Bavaria, and elsewhere (Rau 1989; Elliott 1991).

Nor are private firms unique to policing. Private correctional institutions constituted only 19 percent of all juvenile correctional facilities in the United States in 1950; they grew to 41 percent of all such institutions by 1989 (see McDonald 1992, 378).¹⁹ During the same period, inmates held in private centers grew from zero to 7 percent of the total Federal prisoner population (Bronick 1989). Privatization has occurred as well in the delivery of ambulance service, fire protection, libraries, sewerage, trash collection, street maintenance, legal services for indigent defendants, and alternatives to adjudication, such as mediation and diversion programs. Lopez-de-Silanes, Shleifer, and Vishny (1995) have estimated from recent censuses of governments that the fraction of 12 such services contracted out by 3,043 U.S. counties increased from 24 to 34 percent from 1987 to 1992.

Did the arrogance associated with the Professional Era of policing—leading eventually to the promotion of a kinder and gentler style of policing—contribute as well to the growth of the private security industry? Perhaps, but the industry would certainly have grown anyway. There is no clear indication that the transition to community policing has slowed that growth appreciably; the rapid development of shopping malls in the 1980s and the hiring of security personnel that accompanied that development was not a direct product of police arrogance. Regardless of whether police arrogance played a major or minor role in stimulating the private security business, however, community policing's bridge-building motif is by all appearances more hospitable to private security than the ivory tower approach of Professionalism (Walsh and Donovan 1989).

Privatization of protective services is, in any case, not new. Protection from crime and disorder was once exclusively a private matter. The recent trend toward privatization follows centuries of what might be referred to as the "publicization" of police services.

The movement back to the privatization of policing is perhaps best explained by its parallel to a general decline in the willingness of voters to incur higher

taxes and support government expansion, and a specific decline in their willingness to see their tax dollars leave their communities. Such sentiments are not unique to conservative Americans. According to the mainstream management scholar Peter Drucker (1988, 26):

Government has become too big, too complex, too remote for each citizen actively to participate in it . . . we no longer believe, as did the “liberals” and “progressives” these past hundred years, that community tasks can—nay, should—be left to government.

Such sentiments have been voiced as well by Vice President Al Gore, who, in heading the National Performance Review, asks how Americans can be expected to trust and respect government when, on average, they believe it wastes 48 cents of every tax dollar it collects (Gore 1993, 1). Gore (1993, 1995) envisions a government that will come to rely increasingly on privatization, point-of-service vouchers, inter- and intra-agency competition, and the creation of performance-based organizations that can be managed like private corporations.²⁰

The civilianization of police departments

As police departments contracted out for private services largely in the interest of efficiency, they also moved to civilianize positions in the department that had been filled previously by sworn officers, for many of the same reasons. It had become clear that, despite widespread reservations about the suitability of civilians for work that had traditionally been done by sworn officers, civilians taking switchboard calls, dispatching patrol cars, and collecting evidence at crime scenes would free up officers for the critical work of policing the streets. Some traditionalists had resisted this movement in the 1960s and 1970s, despite the fact that most sworn officers viewed jobs in the back office as inferior, less than real policing. By the 1980s and 1990s, that resistance had largely evaporated, as civilians had proved themselves more than competent in the positions for which they were hired.²¹ The critical task of dispatching patrol units in response to calls for service, done almost exclusively by sworn officers in the 1960s, was done almost exclusively by civilians by 1990.

Significant reforms in the delivery of public policing services typically follow failure of the prevailing system to deal effectively with newly emerging threats.

History of public and private policing: Lessons learned

What significant patterns are revealed from this brief account of the history of public and private policing? One is that sweeping changes in policing trends have emerged typically as manifestations of broader societal movements. The Reform Era of policing grew out of the larger Reform Era that transformed the corrupt political machines of the 19th century into institutions that were held more widely accountable. Police “professionalism” reflected in part a desire of police to coattail onto technological advances that were transforming society at large. The community policing movement of the 1980s was largely an outgrowth of trends in consumerism, excellence in service delivery, and “empowerment” crusades of the times.

The shift back to privatization in policing also corresponds with a larger dissatisfaction with government services and rising taxes. Elsewhere in the criminal justice system, especially in the correctional area, privatization has taken shape, with much of the same controversy that has accompanied the privatization of policing services. Fire and ambulance services have been privatized in many communities, and people are turning increasingly to alternatives to public school systems—private schools, with and without public subsidy in the form of vouchers, and home schooling. At the Federal level, serious consideration is

being given to the privatization of the Social Security system (Dentzer 1996) as well as to genuine privatization of the mail delivery and air traffic control systems, public housing, and government printing operations (Hage, Cohen, and Black 1995).²²

Even in responding to serious crimes, public services have often faltered in the presence of overwhelming obstacles, leaving no choice but for citizens to fend for themselves.

The second major pattern is this: Significant reforms in the delivery of public policing services typically follow failure of the prevailing system to deal effectively with newly emerging threats. The creation of the London MPD and uniformed officers in major U.S. cities in the early and mid-19th century were responses to breakdowns in the constable and watch system following the Industrial Revolution’s flood of immigration to urban centers in search of jobs. The Reform Era of policing was largely a response to public disgust of rampant police corruption. Community

policing emerged as central elements of police professionalism revealed themselves to be not only ineffective but often counterproductive, stimulants of frustration and anger in minority communities. August Vollmer’s ([1936] 1971) and Orlando Wilson’s (1938) visions of professionalism in policing surely were not intended to promote arrogance, insensitivity, and brutality, yet professionalism

nonetheless became a cloak within which those evils came to masquerade. Proponents of subsequent policing movements would certainly do well to ensure that their good intentions are not similarly corrupted.

The third major pattern has to do with the resilience of private solutions to problems of crime and disorder. In the absence of a corps of sworn officers, or when the government fails to provide effective protection, private protective services tend to fill the void, for better or worse.²³ The central functions of policing—preserving domestic peace and order, preventing and responding to crimes—have always been conducted first, foremost, and predominantly by private means. Even during periods in which the number of sworn police officers exceeded the number of paid security personnel, the vast majority of activities and expenditures associated with crime have been private. Most crimes still are not reported to the police; in 1996, only 42.8 percent of violent crimes and 34.8 percent of personal thefts were reported to the police (Ringel 1997).

The exception is in the domain of very serious crimes. The highest concentrations of sworn police officers relative to private protective service personnel have tended to be in the activity of responding to homicides, robberies, and other serious felonies. The more commonplace demands for policing services have always relied more heavily on private solutions, as has the primary responsibility for preventing serious crimes. Even in responding to serious crimes, public services have often faltered in the presence of overwhelming obstacles, leaving no choice but for citizens to fend for themselves. A prominent example is the failure of the Los Angeles Police Department to deal effectively with the riots in Los Angeles following a Simi Valley jury's acquittal of police officers charged with beating Rodney King. The anarchic private responses that spring forth under such breakdowns are often sharply at odds with conventional notions of justice, reminiscent of the gun-slinging scenarios that characterized the fabled Wild West during the 19th century.

Assessing Public and Private Alternatives

We have witnessed the evolution of public policing to a position of dominance over private alternatives by the 1960s, and then a pendulum swing back toward privatization. Has the pendulum swung too far in the direction of privatization? What should be the basis for making such an assessment? By 1996, about \$4 were consumed in the private sector of the U.S. economy for every dollar consumed in the public sector;²⁴ meanwhile, roughly \$2 were spent for private security resources for every dollar spent on public policing. Do those numbers correspond to ones we might derive from a thoughtful prescriptive calculus?

Can we envision a more stable and coherent system, one that doesn't swing from one extreme to the other?

The developments described above evolved with varying degrees of deliberation as to the appropriate role of police and the degrees to which each aspect of policing should be provided publicly or privately. The absence of deliberation has had its consequences. The most serious problems in policing appear to occur when police departments operate in a reactive mode rather than one that anticipates and heads off significant problems before they overwhelm existing police capacities.

A more contemplative approach would begin by identifying each aspect of policing that might be delivered publicly or privately and asking how public and private approaches to the delivery of each aspect can be expected to affect each of the following:

- The overall quality and quantity of services delivered.
- The costs of delivery.
- The distribution of services to low-, medium-, and high-income citizens.
- The ability of citizens to choose among alternative service delivery strategies.
- Public perceptions about the extent to which the police are fulfilling their constitutional mandate.

Such a framework is considered in the following section.

A word of caution is needed against the temptation to ask about the overall relative superiority of privatization or civilianization to the alternatives. The varieties of private security forces and modes of civilianization are too vast—as are the varieties of public police agencies—to permit meaningful global generalizations about the relative effectiveness, costs, and overall superiority of the public or private sectors. The broad range of private security alternatives includes well-trained and well-paid agents, often current or former sworn officers who operate in coordination with municipal police departments; plant guards whose job is simply to call the police when they observe suspicious activity; and vigilante groups and ganglike organizations that often compete with local police for the control of neighborhoods.²⁵ Even the least formally organized persons operating in a private security capacity have the authority to arrest that is granted to ordinary citizens, although the laws governing that authority are murky.²⁶ Similarly, civilianization in a particular department may be warranted for certain positions but not others, depending on the needs of the department and community, the skills of the sworn officers, local labor market conditions, and other

factors. Meaningful comparisons require a parsing of the specific application in a particular setting, and in terms of particular goals.²⁷

Economic constructs

We can begin the process of coherent assessment by considering the implications of the shifts toward privatization and civilianization in light of basic frameworks for analyzing the alternatives. The utilitarian approach of neoclassical economics offers several constructs that can help provide bases for assessing public and private alternatives for the provision of goods and services: the distinction between public and private goods, the principal-agent model and the role of incentives for each category of personnel, the notion of economies of specialization, and the notion of externalities.

A public good (or service) is one for which the benefits are nonexcludable and indivisible; they accrue to society at large rather than to specific individuals who may wish to pay for the good.²⁸ To the extent that police deter crimes, all citizens will benefit. Other examples include the court and correctional systems, national defense, and freeway construction. The level and quality of such goods and services are determined through political processes. A private good is one for which the benefits accrue only to those who pay for the good. Examples include automobile ownership and the viewing of motion pictures. The level and quality of these goods and services are determined through the market economy.

Domestic security confers both private and public benefits on individuals. People who pay for private security do so in anticipation of benefits that justify the costs. Improved locks and alarm systems confer benefits directly on those who pay for them. The community as a whole, on the other hand, generally experiences benefits from having a safer environment to a degree that justifies the public expenditures for police departments. Police officers patrolling parks, streets, and other public places confer benefits on all who may wish to frequent those places.

Dependence on private funding for the policing of public places can, however, present a “free rider” problem: Policing such areas through reliance on private support will be underfunded to the extent that some individuals renege on their obligation and let others pay for the service. Private citizens can overcome free rider problems privately by setting up homeowner organizations or similar quasi-public institutions with voting and dues-paying arrangements to select and acquire specific levels and types of security resources. Thus the free rider problem does not require that the government must provide the public good, only that it or a quasi-public counterpart serve as collection agent for its provision.

Policing approximates a pure public good most nearly for extremely serious crimes. The highest concentrations of sworn police officers relative to private protective service personnel have tended to be associated with responses to homicides, robberies, and other serious felonies. More commonplace demands for protection against crime, and crime prevention in particular, have always tended to rely more heavily on private solutions.

The principal-agent model serves as another useful construct in weighing public and private alternatives as well as the question of civilianization (Stiglitz 1989; Grossman and Hart 1983; Ross 1973; Ritter and Taylor 1997). This model is used to examine alternative contractual arrangements and systems of accountability between an employer (principal) and worker (agent), with an eye toward arrangements that induce the worker to operate most effectively in the interests of the organization.

The partitioning of public and private policing services can also be understood in terms of economies of specialization, the concept that public and private security resources are best used respectively in various domains in accordance with the relative efficiency of each alternative. Crimes against business are typically investigated by private security personnel, rarely by sworn officers. Corporations generally have the resources and incentives to do so immediately and in a focused manner. The prospect of their waiting for officers from the local police department to deal effectively with serious episodes of computer crime, fraud, and industrial espionage is generally viewed as unacceptable. Trivial cases are more prone to be passed on to the police in many settings. Department stores have been found to exploit economies of specialization by skimming affluent shoplifting cases for civil recovery and shipping poorer shoplifters off to the criminal justice system (Davis, Lundman, and Martinez 1991, 406).

“Economies of specialization” does not imply that a particular job should be filled by the person who can do it best; rather it implies that for a given budget, the allocation of people to jobs should aim to produce the highest level of productivity. Thus, sworn officers should serve as patrol officers and detectives even if they are somewhat more effective serving as dispatchers than civilians, because the aggregate level of effectiveness is likely to be higher when the officer serves in the position for which it is more difficult to find a suitable civilian substitute. Times of shrinking police department budgets have been found to be ones in which economies of specialization have especially favored the civilianization of support positions (Crank 1989, 176).

Another construct from economics that can help to inform our assessment of change is that of externalities, the impact of one person’s or institution’s behavior

as a producer or consumer on the well-being of another, typically a neighbor or bystander. Externalities may be positive (known as “external economies”), as with general deterrent effects of police activities. Other positive externalities might be when a household without a firearm benefits from the deterrent effect of firearms in a sufficient number of other households in the area or when the owner of a car without a hidden radio-transmitter device used for retrieving stolen vehicles benefits from the deterrent effect of such devices in enough other cars (Ayres and Levitt 1998, 43–47).²⁹ Or externalities may be negative (“external diseconomies”), as when innocent people are injured in a police car chase, detained by a police search, annoyed by the intrusive behavior of a private detective, or disturbed by the accidental discharge of a neighbor’s weapon or the existence of a neighbor’s barking watchdog.³⁰ External diseconomies imposed by any particular protective arrangement may be at least partly offset by external economies.

Negative externalities are a market imperfection that governments are often called on to correct. Typical solutions include taxing those who impose costs on others, regulating the activities that cause external diseconomies, requiring those who impose them to compensate directly those who are adversely affected, and internalizing the diseconomies by inducing those who cause them to incur the costs directly.

Nonutilitarian aspects of privatization and civilianization

Shifts to privatization and civilianization can also be weighed in terms of inequitable allocations of essential public safety resources, the public’s perception of the legitimacy of police in a jurisdiction, effects on the police culture, and conflicts of interest associated with moonlighting police officers.

Private security systems and the poor

One of the ironies of private security is that it is least affordable by the very neighborhoods that tend to need it the most. Wealthy communities are generally willing *and* able to tax themselves more for public police and to purchase more private protection. It is no coincidence that wealthy communities tend to experience lower rates of burglary, larceny, and robbery despite a greater abundance of potential loot.

One important type of private security resource is the burglar alarm system common in both commercial and residential areas. The benefits of alarm systems are both direct and indirect, as are the costs. The direct benefit is reduced burglaries and other crimes that often accompany burglary, either through the deterrent value of discouraging burglaries or through the enhanced ability to catch crimes

in progress. Indirect benefits include peace of mind, avoidance of the need to remain on the premises to protect one's property, and any external benefits to neighbors associated with the perception that buildings in the area are protected.³¹ The direct costs consist of the initial outlays for installation and the utility charges for maintenance. Indirect costs include the costs of false alarms imposed on the police—a cost that is shared by citizens who do not have the systems³²—and a decline in the quality of life associated with signs that perpetually remind us of a need to protect ourselves, even when the dangers may be modest (see Hakim, Rengert, and Shachmurove 1996).³³ Some have argued that these security systems may be inferior to architectural designs and urban configurations that discourage crime without such costs (Brantingham and Brantingham 1990; Clarke 1992; Flusty 1994).

Residential surveys and ethnographic studies have demonstrated that private alarm systems can be an effective deterrent,³⁴ but what about a downside of their use beyond cost: their limited availability to the poor, who are typically at greatest risk of victimization and least able to afford such resources? Privatization has been less controversial in the area of prevention than in the control of crime, but as police have come to take on additional responsibility for prevention, it seems in order to consider what should be done in areas where private spending on alarm systems and other forms of crime detection and prevention has been limited by a dearth of resources. Hakim, Rengert, and Shachmurove (1996) have devised one creative solution: The costs of false alarms and problems associated with inaccessibility of the systems to the poor can be handled simultaneously by imposing a system of fines for repeat false alarms, in amounts no less than an approximation of the average cost of each such call,³⁵ using the resulting revenues to subsidize the installation of alarms and other prevention systems for the poor. An alternative solution would be for private security agents, rather than sworn police officers, to respond to all automatic alarm calls so that the consumers of those services bear the costs. The problem of inequitable distribution of home protection would be solved by providing such families with the means to pay for such resources, perhaps in the form of vouchers—much as food stamps are currently provided to help those families pay for basic subsistence goods. Such subsidies can simultaneously support the effectiveness, cost, equity, and choice goals.

One might be tempted to argue that opportunities to conserve scarce police resources through privatization are greatest in the domain of protecting commercial establishments. Businesses are, after all, better able to cover the costs of protection than are poor residents of a community. This argument, however, may apply more appropriately to wealthy than to poor neighborhoods. It overlooks the typical response of businesses everywhere to crime and its costs. It is well known that high crime rates in many neighborhoods have induced higher

prices, lower quality goods and services, and eventually, the emigration of commercial institutions out of those places (Wilson 1987). The allocation of sworn police officers to poor neighborhoods should not be restricted to public streets and residential areas. At current margins, the returns to public safety and public welfare may actually be higher for additional allocations of sworn officers to protect commercial establishments in poor neighborhoods than to other alternatives.

Legitimacy

If any single concern is paramount, it is that of *legitimacy*. The sworn oath of police to serve the public at large confers on them an intrinsic legitimacy.

Two elements of the police mandate give rise to this legitimacy. The first derives from the process by which officers are screened, trained, and then solemnly sworn to serve the public, warranted alone by the awesome authority to use deadly force.³⁶ The other, more significant, element derives from the fact that under the Constitution the police serve the state—the public at large, not specific individuals. A fundamental precept of this Adamsian government-of-laws-and-not-men notion is that it breeds impartiality.³⁷ Bayley and Shearing (1996, 596) have noted that the great significance of public police in democratic nations is that they are “accountable to every citizen through the mechanisms of representative government.”

Private security personnel do not have such a broad and profound mandate. They have, however, been dealt an *extrinsic* legitimacy from a clientele that has experienced specific limitations in the service of sworn police: resource constraints for the provision of basic services, inability to provide various specialized services and products, and unreliable or otherwise insufficient responsiveness to particular needs. Privatization serves largely to complement public policing in the delivery of specialized services, but it has come to serve as a substitute as well, filling voids in basic service left by police departments that have been swamped by overwhelming demands and a variety of other justifications for lapses in service delivery.

Ironically, the police have lost legitimacy the most in places where crime rates are highest and effective private alternatives are unaffordable—in the inner cities. Inner-city residents have experienced a multitude of lapses, originating in a lack of respect by the police and manifesting as the inconsistent application of force. Municipal police have acted too often far beyond the level

The police have lost legitimacy the most in places where crime rates are highest and effective private alternatives are unaffordable—in the inner cities.

appropriate to achieve compliance. At the other extreme, high crime rates and low rates of reporting crimes to the police in inner cities suggest that the police have more often been unresponsive when some show or threat of force was needed. The community policing movement is showing signs of restoring some of this lost legitimacy to urban police departments (Skogan 1990; Kelling and Coles 1996); community policing alone, however, may prove to be insufficient.

The weighing of equity and legitimacy against utilitarian aspects of privatization and civilianization is not a matter of either public or private decisionmaking alone. As a practical matter, the allocation of public and private security resources in any area, and the extent of civilianization in any department, is the result of a loose interplay of a complex mix of political and private decision processes. Expenditures on private security resources are largely the product of a combination of perceived inadequacies in public protection and the ability of people to purchase protective goods and services in the private sector. The combination of public and private resources in any neighborhood is determined by the level and mix of crime, the quality and quantity of public policing service, the availability of appealing private alternatives, and the wealth and political power of the people in the neighborhood. Private decisions tend to be based primarily on utilitarian considerations, and the political domain is typically left to handle matters of resource inequity and legitimacy.

Effects on police culture

One of the less obvious problems of privatization has to do with the negative effects it may have on public policing. While much of the impact of privatization on public policing is surely positive—including opportunities for information sharing, realization of economies of specialization, and the effects of healthy competition—other effects may hurt policing. Police morale is not boosted by the perception that the work of sworn officers is less valued by society than that of corporate security officials and private investigators, a perception corroborated by the six-figure salaries of some corporate security personnel. Losing capable sworn officers to private concerns is likely to harm both the morale and effectiveness of the remaining corps. Certain elements of the police culture are negative and deserve to be shaken up; nonetheless, some competitive effects of privatization may be unhealthy to the morale and effectiveness of public policing.

Moreover, much of police work is intangible and social, involving unpredictability and quaintness, requiring unique skills of persuasion and guile, depending on public trust, and relying on symbols to motivate behavior (Manning 1977). To the extent that privatization shifts emphasis from these values of loyalty and

craft to flawed measures of accountability may be to guarantee that the essential intangibles will be neglected, it may work to diminish the capacity of the police to control crime and contribute to the preservation of peace and order (Forst and Manning 1999).

The effects of civilianization on the police culture are also mixed. Civilians can contribute to overall effectiveness and thus elevate the status of police departments and serve to professionalize core policing functions by relieving sworn officers of distracting support activities. On the other hand, some sworn officers are bound to resent the placement of civilians in positions that are perceived to compromise sensitive information, interfere in sworn officers' exercise of discretion, and disrupt operations (Wilson 1968, 153; Guyot 1979, 253; Shernock 1988, 299; Crank 1989, 167).

Conflicts of interest

Many sworn police officers work part-time in security positions. Although many departments prohibit such arrangements,³⁸ some 150,000 police officers moonlight as private security agents (Reiss 1988).³⁹ These officers are better trained than most of the alternatively hired guards. But special problems do arise when the establishments where these officers work part-time are in the officer's full-time police jurisdiction: risk of corruption, questions of liability (especially coverage for injury and sick leave), conflict of interest and favoritism, problems of reduced effectiveness on official duty due to diminished capacity associated with private workloads, and questions about whether uniforms, publicly issued resources, and publicly financed training should be used for the benefit of private interests (Senna and Siegel 1993; Stewart 1985).

What distinguishes police from every other institution is that we give them the unique power to use coercive force in situations in which, according to Egon Bittner (1974, 30), "Something-ought-not-to-be-happening-about-which-something-ought-to-be-done-NOW!" (See Klockars 1985, 16). Moonlighting may compound the already fragile ability of police to use this power wisely by serving to deter sworn officers from curbing the excesses of private police. Those who lack resources to buy their own private police may lose all faith in sworn officers who cannot respond to the complaint, "You're the police. Why aren't you protecting me from this rent-a-cop?"⁴⁰

Measuring performance

What primary aspects of policing can be identified to permit a comprehensive assessment of the ability of public, private, and civilian alternatives to contribute to these key aspects of police performance: effectiveness, cost, equity,

legitimacy, and choice? Egon Bittner (1980) has identified three primary domains of policing: criminal law enforcement, regulatory control, and peacekeeping. The law enforcement domain includes both responses to calls for service and discretionary enforcement activities associated with the control of crimes of consent: prostitution, gambling, and drugs. It also includes undercover operations to avert violent street crimes and fencing of stolen property. The regulatory control aspect includes traffic management and the control of specific licensed activities, such as vendor licenses, permits to carry firearms, taxicab licenses, and hotel registration. The peacekeeping domain includes order maintenance activities, such as crowd control, complaints against disorderly neighbors, dealing with mentally ill and suicidal individuals, control of youthful disorders and gang activities, and coordination with public works agencies to repair street surfaces and faulty lighting and to remove abandoned vehicles. It also includes responding to emergencies and disasters. Few peacekeeping functions are in response to crimes, but most do involve an element of latent conflict and the prospect of a criminal offense, particularly in urban areas (Fyfe 1995; Wilson and Kelling 1982).

One can further distinguish between operational and support activities of police departments as aspects suitable for privatization and civilianization. The three domains identified by Bittner represent *operational activities*. Typical police department *support activities* include human resource management, call-taking and dispatch operations, vehicle maintenance, forensic evidence analysis, information systems management, research and strategic planning, and financial management.

Walsh and Donovan (1989, 191) offer yet another categorization of policing tasks that have been performed by a private security agency serving a Brooklyn highrise apartment complex:

- Law enforcement activities, mostly responding to calls involving complaints (43 percent of all tasks).
- Miscellaneous services to residents, such as assisting elderly persons with packages, providing escorts during evening hours, and giving street directions (20 percent).
- Crime prevention activities, such as checking parking garages, stairwells, and other public areas for suspicious persons, events, and vehicles (17 percent).
- Service for management (10 percent).
- Administrative duties (10 percent).

These activities are not typical of private security agencies. They resemble more closely the sort of activities that are commonly performed by community-oriented patrol officers in municipal police departments.

Exhibit 2 lists the primary services provided by police departments, grouped by major function: law enforcement, regulatory control, peacekeeping, community service, and support. The extent to which each of these is currently performed by unsworn agents varies from setting to setting. The extent to which each *should* be done by private or civilian alternatives can be assessed in terms of the extent to which each type of resource satisfies each criterion for assessing policing: effectiveness in protecting and serving the public, cost, equity, legitimacy, and choice.

Effectiveness and equity ought to be the most critical criteria for assessing performance for the activities for which the most is at stake, issues that present

Exhibit 2. Primary functions and services of policing

<p>1. Law enforcement</p> <ul style="list-style-type: none"> Respond to telephone calls for service Respond to automatic burglar alarm calls Enforce vice laws Undercover enforcement Crimes of violence Fencing of stolen goods 	<p>3. Peacekeeping (continued)</p> <ul style="list-style-type: none"> Prisoner escort Respond to emergency, disaster Coordination with public works Miscellaneous crime prevention activities Target hardening: surveillance systems, alarms
<p>2. Regulatory control</p> <ul style="list-style-type: none"> Traffic management Firearm permits Vendor, taxi licenses Hotel, restaurant control 	<p>4. Community service</p> <ul style="list-style-type: none"> Give directions Miscellaneous bridge building, support activities
<p>3. Peacekeeping</p> <ul style="list-style-type: none"> Crowd control Noise complaints Manage special events Handle mentally ill, suicidal individuals Disorderly juveniles 	<p>5. Support</p> <ul style="list-style-type: none"> Human resource management Call taking, dispatch Forensic evidence analysis Vehicle maintenance Information systems management Research, strategic planning Financial management

immediate threats to life and limb. For such activities, carefully screened and well-trained individuals are essential, people who know what to do in a variety of routine yet serious situations and who can be trusted to exercise discretion wisely for situations that fall outside the routine. Sworn police officers are generally most appropriate for such circumstances, despite the higher costs that are typically incurred.

Regulatory functions would seem also to call primarily for sworn officers, largely on grounds of legitimacy. These functions are more susceptible to danger of corruption, and success in the careers of sworn officers is more critically tied to absence of wrongdoing than is the case with privately hired employees, who are generally more inclined to move from one job to another. Although corruption is certainly not unknown to sworn officers in many police departments, most citizens would probably prefer police officers over contract employees for regulating activities that affect public safety and order.

Enforcement of vice laws, similarly, is inherently and primarily a matter for the police, again primarily on grounds of legitimacy, since these are laws against acts that have no immediate victims of predation. Although trafficking in illegal goods and services often imposes substantial costs on the neighborhoods in which it occurs, the absence of a victim who might ordinarily purchase protection against a crime of violence or immediate property loss places the primary burden of enforcement of vice laws and investigation of vice crimes squarely on sworn police officers. The indirect costs imposed by vice crimes on affected neighborhoods are generally dealt with through private means.

On the other hand, target hardening (e.g., the installation and maintenance of locks and surveillance and alarm systems) and related crime prevention activities lend themselves more naturally to service from the private sector, principally in the interests of effectiveness, cost, and, in the case of security systems, choice. Responding to burglar alarms may also lend itself more to private means than under current practice. Private agents protect individuals and private property, while sworn officers police public places. Target hardening is already a predominantly private matter, and police departments are seeking and finding ways of reducing responses to false alarms.

Since 1960, police departments have also been moving generally in the direction of civilianizing many of the support functions listed in exhibit 2 to reduce costs and improve effectiveness. Steps in this direction include hiring less expensive personnel to handle call taking and dispatch and employing specialists to perform such activities as information systems management and administration of finance and accounting functions.

The very existence of questions about when private policing solutions may be superior to public solutions suggests that in such ambiguous circumstances, *both* solutions may be in order, with the respective roles to be worked out as unique local conditions dictate. Examples of ambiguous circumstances are enforcement of parking codes, animal control, security for special events, funeral escorts, prisoner escorts, public housing security, and small-town policing. The best mix of sworn, civilian, and private solutions in these domains is bound to vary from community to community, depending on existing police workloads, the quality of local government, extent of income inequality, and other factors.⁴¹

In any case, communities do not have to continue providing for their security needs as they have historically. By considering each aspect of those needs and asking how the various public and private alternatives satisfy each criterion—effectiveness, cost, equity, legitimacy, and choice—communities are likely to find ample opportunities to improve the delivery of those services.

Strengths and weaknesses of privatization

Specific advantages presented by the private security alternative to a force of public officers include the following, the first four of which are common to private-sector goods and services generally:

1. Public agencies are shielded from competitive inducements to maintain the levels of service quality and quantity that are demanded of a private agency under the credible threat of replacement if the buyer of the agency's services fails to receive desired levels of service.⁴²
2. Management can more easily dismiss individual personnel who fail to conform to agency standards (Klockars 1985, 42).⁴³
3. Governmental accounting procedures are biased against efficient resource allocation.⁴⁴
4. Private organizations have strong incentives to respond to specific and diverse user needs, suggestions, and complaints and can often do so more quickly, without the requirement for such communications to wend their way through cumbersome municipal bureaucracies.⁴⁵
5. Private security agencies tend to be more receptive to innovation and risk than municipal police departments (Sparrow, Moore, and Kennedy 1990, 202–208).

6. Private agents have the authority to stop and challenge any person, without probable cause, for trespassing in a designated private area,⁴⁶ and they can make arrests without having to give *Miranda* warning information to arrestees (Walsh and Donovan 1989, 195; Jacobs 1983, 1141).
7. Municipal police departments may be able to reduce patrols in areas covered privately, thus freeing up resources for other public needs (Jacobs 1983).
8. The delivery of many police services and specific police functions (such as vehicle towing and laboratory analysis of forensic evidence), like the production of services in other sectors, is subject to economies of scale—an approximate size that minimizes costs per unit of service delivered—that private organizations are more likely to achieve than public (Poole 1978, 28).⁴⁷

These advantages suggest that private security agents can serve to complement sworn police officers, filling gaps in public service. A central aspect of this concept is that the police are saddled with an open-ended and hence more daunting task than are security guards: protecting public places (Sherman 1995, 339). The private security industry may thus be able to serve citizens both by meeting specific private needs at the margins where public streets and private property converge and by providing a counterweight to public policing authorities, reducing monopoly powers and political influences that have been known to breed inefficiency and corruption.⁴⁸ Similarly, civilians can fill gaps in public service by enabling law enforcement agencies to more effectively realize gains from economies of specialization and in relieving sworn officers of mundane, time-consuming tasks.

Private security agents are not generally bound by the same set of constraints that are imposed on sworn police officers. They enjoy the powers to arrest, to search for and seize evidence, and to file criminal charges in court, but they are not held to due process requirements routinely followed by the police, such as those specified in *Mapp v. Ohio* (367 U.S. 643 [1961]). This latitude offers private agents a degree of immunity from the criminal or civil liability charges arising from false arrests that sworn officers must often face.⁴⁹ Unlike sworn officers, who are bound to file criminal charges when probable cause exists, private security personnel have discretion to prosecute offenders under either civil statute (advantageous to stores in cases involving affluent shoplifters) or criminal statute (generally used for poor offenders), thus raising questions about equal protection and due process (Davis, Lundman, and Martinez 1991).

Affluent voters have been willing to tax themselves for police services in their communities at prevailing margins and to augment those funds with private security expenditures targeted to specific needs. However, many have been less

than thrilled to see their tax dollars leave their immediate communities to go elsewhere within the jurisdiction. Obviously, a private citizen has substantially more control over funds spent on private protection services than over funds aimed at public police that must traverse convoluted governmental processes, and it should not be surprising that they would vote accordingly. Many suburbanites have little interest in helping the inner cities with financial support that they would prefer to see spent for suburban needs, public and private. Many of these people choose simply to stay away from dangerous neighborhoods downtown; they tend to prefer to restrict expenditures on police and private security resources to their own communities, even though the crime risks are typically much lower. As good jobs have left urban centers over the past 20 years, it has become all too easy for upper and middle-class voters to separate themselves from the problem of inner-city crime (Wilson 1987). Federal and State expenditures on policing can be more readily distributed to inner cities than local expenditures, but political pressures often intervene to thwart even those redistributions.

Thus one of the acute problems of privatization has been to allow areas most in need of protective services to go without them, which only adds to the vulnerability of the residents of those neighborhoods to crime and disorder. The Metropolitan Police Department of Washington, D.C., fell under extreme financial stress in the mid-1990s under Mayor Marion Barry; meanwhile, neighborhoods in many of the city's affluent Northwest area protected themselves privately with elaborate security systems and guards. At the same time, suburbs surrounding the city experienced low crime rates and well-financed police departments. Police departments operating within the metropolitan areas of New Orleans, Detroit, Richmond (Virginia), and other places with extremes of inner-city crime in the general vicinity of wealthy suburbs have come to experience similar disparities in protection.

Maldistribution of resources is by no means the only problem associated with the privatization of policing. Another is that a private corporation and its employees can be difficult to supervise, especially when contracts are awarded to different companies periodically. This can become a noxious matter when private agents have access to sensitive information. Although public officials occasionally violate privacy, as

Bar bouncers and bodyguards are rarely known for their reputations as civil libertarians, and an expansion of these uncontrolled and often overly aggressive branches of the private security industry would not bode well for the goal of a more civil society.

The fundamental issue here is that of legitimacy. Police officers take an oath of office in which they swear to serve the public at large; they are neither narrowly nor tentatively employed.

in the 1996 case of White House personnel rifling through some 400 FBI security files of political opponents without legitimate justification (Gergen 1996), the potential for such violations could be greater when private agencies have access to such information. Government employees can be held to a higher standard. They are accountable not only to the highest level of political authority but also to the public, in ways that private individuals are not (*Washington Post* 1996).

Another potential problem with privatization derives from one of the most basic aspects of our criminal justice system: The adversarial system of legal procedure reduces the role of vengeance by interposing the

state in the place of the victim as the offender's legal opponent. This is viewed by many as a fundamental weakness of our system of justice, one that depersonalizes the process and moves those most directly harmed by crime off into a role of prosecution resource, imposing an excessive burden of uncompensated crime and justice costs on the victims. The police have long been known to view our legal system with suspicion and hostility (Skolnick 1994, 181–197, 213–220),⁵⁰ and this feature of our system surely contributes to the breach between the police and legal cultures. Several scholars have noted that this cultural divergence lies beneath episodes of police brutality delivered as “curbside justice,” the act of using dirty means to achieve what some view as worthy ends (Klockars 1995, 330–340; Skolnick and Fyfe 1993, 106–112).

This has been a problem primarily with sworn police officers rather than private security agents, and the privatization of policing does not alter this basic Constitutional principle of our justice system. Yet, the extra-legal retributive behaviors that have become a too-familiar feature of our policing culture could conceivably become more widespread under further privatization. The police officer is insulated from the victim through several layers of mid- and upper level police management and a mayor's office; in a properly functioning department, abuses in the use of force may result in job loss and difficulty finding another job in policing. The security agent working directly for a client victim, on the other hand, may be more inclined to do the client's bidding for brutal tough justice, especially when his job security may be strengthened by the activity.⁵¹ Bar bouncers and bodyguards are rarely known for their reputations as civil libertarians, and an expansion of these uncontrolled and often overly aggressive branches of the private security industry would not bode well for the goal of a more civil society.

Perhaps the most difficult problem of private security personnel is that the potential for incompetence and misbehavior is enormous. The screening for many private hirings is often lax and the training nil. Poor screening has been known to result in the hiring of private security personnel with criminal records (Williams 1991, 475).⁵² Security guards may receive guns without having received adequate instruction on their usage.⁵³ They may receive uniforms and be assigned beats to patrol when they are unprepared for even routine situations.⁵⁴ Poorly managed agencies and unscrupulous operators have been known to go bankrupt or otherwise fail to honor contractual assurances that their services and products—alarm systems, locking devices, and so on—are up to par (Stewart 1985, 762). And guns purchased privately primarily for security purposes have been found more often to result in the death of a household member than that of an intruder.⁵⁵

The fundamental issue here is that of *legitimacy*. Police officers take an oath of office in which they swear to serve the public at large; they are neither narrowly nor tentatively employed. Although some officers clearly do not choose to follow the oath as earnestly as others, most are likely to take the oath seriously as a commitment to public service over self-interested behavior.⁵⁶ Few private security agents are bound by solemn vows to serve the public.⁵⁷ Such a commitment may not only serve the public more effectively, it also may produce the side benefits of contributing to the building of character.

Strengths and weaknesses of civilianization

Police departments have become increasingly reliant on civilians to perform critical tasks as the needs of these departments have become increasingly diverse and specialized. Certain positions have lent themselves especially to civilianization: telephone call taking and patrol dispatch, crime scene specialists and criminalists, lab technicians, specialists in computers and information systems, lawyers, behavioral scientists, administrators, database specialists and clerks, and planning and budgeting specialists. We have noted that civilians are generally less costly and sometimes more effective than sworn officers in the same positions.

Variation in the extent to which different departments rely on civilians is substantial (Reaves and Goldberg 1998). Some of these differences may be warranted according to the unique needs of the department, the skills of the sworn officers, local labor market conditions, and other factors. Differences from one department to the next may be attributable to other factors as well, such as the strength of police unionization in the area and the quality and reputation of the civil service system in the jurisdiction.

Prospective Policies and Reforms

A host of reforms have been proposed to minimize the potentially harmful aspects of privatization and public monopolization. These include licensing and bonding arrangements for the private security industry; community-oriented and problem-oriented strategies and accreditation for law enforcement agencies; and the use of civil remedies for harms in both the public safety and private security sectors.

Dubious prospects

Many of the contemporary prescriptions for improving public safety are clearly questionable. Cries for substantially more police are simultaneously among the most popular and most dubious of the recent solutions proposed for dealing with the problem of crime. Borne largely of the widespread public misperception that the risk of being victimized by serious crime is much higher than it really is—an illusion that few politicians have shown the courage to dispel—these cries have led to such extraordinary measures as a \$13 billion allocation of Federal funds for police under the Violent Crime Control and Law Enforcement Act of 1994. The funds have been tied in principle to the expansion of community policing activities, but the link is tenuous and difficult for the Federal Government to monitor and enforce. Complaints that the allocations of these funds are more closely related to political pork than to the expansion of specific community policing interventions have not been effectively refuted; much of the Federal bounty goes to relatively well-financed, low-crime areas. It is not uncommon for a police department to enlist a consultant from a nearby university or think tank to help fashion a proposal that suggests a substantive awareness of community policing, and then to use the funds to finance whatever activity the police department actually cares to support. In flagrant cases the grant may not be renewed, but throughout the recent history of such largesse, attempts to recover the spent funds have been extremely rare.

A second dubious claim is based on skepticism of the market economy: that the profit motive of the private security industry is generally incompatible with the goals of policing—reduced crime and disorder, increased public safety (see, for example, Shearing and Stenning 1981).⁵⁸ What this argument lacks is a coherent justification, moral or otherwise, for the alleged incompatibility. How is it that the pursuit of satisfying the public's demand for security is inferior when done for profit than when done through government? Can market imperfections in the delivery of such services—especially, inequitable distribution of police resources—be effectively dealt with? Do the social costs of those imperfections exceed the costs associated with inefficiencies that accompany monopoly in

the governmental delivery of those services? Why is the activity of satisfying demands for security any less worthy of profit than that of, say, satisfying the demand for food, housing, clothing, or health care? Can the prospect of profit be viewed as benign compensation for the commitment of scarce capital resources and risk of financial loss and bankruptcy not faced by the public sector?

Need for public-private cooperation

There are, on the other hand, several promising avenues for improving policing generally and for responding to the demands raised by a burgeoning private security industry. One is in the area of coordination between public police and private security agents. Extrapolating data from the 1990s suggests the presence of some 800,000 sworn police officers and perhaps 2.5 million contract guards and proprietary security forces by the year 2000. Given the vast coordination problems even among the 19,000 police departments in the United States, can we really expect personnel to learn to work effectively with one another across the ostensibly greater public-private divide?

The opportunities for mutual gains from improved coordination for both police and private security agencies are substantial, especially in the sharing of investigative expertise and intelligence information. Several promising developments suggest that an enlightened approach to cooperation between public and private police has already begun to take place in some quarters. In 1985, the New York Police Department (NYPD) formed a committee to look into the prospect of improved coordination with private security networks in the city. The result, the Area Police-Private Security Liaison Program, established a variety of working ties between the public and private domains:

1. The NYPD kept security directors informed about local crime trends and patterns, wanted persons, and lost and stolen property, information that was disseminated throughout the private security sector.
2. Private security directors, in turn, informed police of internal crimes, shared knowledge of plant and personnel protection, and advised the police of other pertinent onsite observations.
3. Police commanders and security directors met monthly, division managers met quarterly, and line police officers met informally at other times, often daily, with their private counterparts.
4. The NYPD routinely disseminated information about recent patterns of crime, along with sketches, photographs, and descriptions of active offenders.

These alliances appear to have improved working relations and mutual respect of the police and private security communities in New York. Several solved crimes have been attributed to these activities (Voelker 1991). In San Diego, coordination between police and store security personnel was found to smooth substantially the processing of shoplifting arrests in the mid-1980s (West 1993, 54). Similar cooperative efforts have been reported in Dallas, Chicago, Tacoma (Washington), and Montgomery County (Maryland) (Williams 1991, 476).

Special problems of coordination present themselves in volatile circumstances in which the potential for large-scale disorder exists. Examples include security maintenance at the Olympic Games and dealing with the aftermath of police brutality, as in the case of the 1992 Los Angeles riots and the 1980 Miami riots (Skolnick and Fyfe 1993).

Accreditation, bonding, and licensing

Many personnel working as private security agents and guards are inadequately screened, trained, and supervised to ensure effective police work. One solution to the need for improvements in the quality of both public and private policing services is to encourage accreditation in both domains. Precedents exist for both with the Commission on the Accreditation of Law Enforcement Agencies for police departments in the United States and the British Security Industry Association for the professionalization of the private security trade.

A related solution would be to require that private security firms carry general liability insurance, or that security personnel be bonded following a minimum level of training and certification, with the amount of training and size of bonding dependent on the degree of risk associated with the nature of the job.⁵⁹

Others have suggested the prospect of licensing private security firms (see, for example, Stewart 1985, 764). Most States currently license guard and patrol firms, and about half require the registration of guards (U.S. DOJ, Bureau of Justice Statistics 1988, 66). Jacobs (1983) has observed that existing licensing institutions are underresourced and ineffective; license revocations are extremely rare. He warns that more restrictive licensing provisions would impose costs that would be passed on to the consumer, making private security services even less accessible to poor citizens than they already are (Jacobs 1983, 1141). Economists have long noted that licensing arrangements juried by prevailing experts in the field, in the name of protecting consumers, typically do more to serve producers by restricting market entry.⁶⁰ The licensing solution thus presents a time-worn conundrum that transcends policing: Can licensing arrangements be devised that improve the quality of private services without making them less affordable?

Dealing with moonlighting

The solution to the moonlighting problem and the associated conflict of interest problems noted earlier is simple: Prohibit it. About one-fifth of all U.S. police departments already prohibit the practice, and others could join suit. At the very least, police departments should not allow their officers to wear their uniforms while employed outside, nor to use such departmental equipment as squad cars, weapons, and radios, nor to accept employment from liquor stores or from burlesque houses or other disreputable establishments.

Parapolice

One novel variant of civilianization is the creation of “parapolice” officers, modeled along the lines of the paramedic and paralegal practitioner in related domains. Parapolice have been used in a variety of routine, peripheral activities typically requiring direct service to citizens, such as helping victims of rape, domestic violence, and child abuse; in door-to-door community policing outreach programs; and in specific criminal investigation activities. Parapolice typically wear uniforms to gain acceptability in the community, but they are not authorized to use force; they carry no weapons (Skolnick and Fyfe 1993, 255–257). The parapolice option, a middle ground between the sworn officer and the civilian, may offer a bit of the best of both worlds in circumstances calling for a specialist: a highly competent, relatively inexpensive alternative who is not regarded as inferior to either the police or the public.

Inner-city redevelopment and public safety

The wholesale flight of businesses from inner cities that accelerated in the late 1960s and early 1970s was due primarily to the fears, risks, and extraordinary costs associated with the explosion of crime during that period. The prospect of a return of commerce to those areas depends no less on increased levels of protection, public and private. One would expect two developments to be critical for such protection: (1) that municipal police departments decentralize their operations so that sworn officers have the autonomy to identify the specific needs of each area for which they are responsible; and (2) that some substantial portion of the business development created, perhaps under some sort of enterprise zone arrangement,⁶¹ would consist of private security institutions—for-profit, nonprofit, and volunteer—to preserve and protect the return of wholesome living conditions in our urban centers. Such developments could be essential for the redevelopment of our inner cities, regardless of how the redevelopment is facilitated.

Other prospects exist to confront the problem of inner-city crime and the paucity of resources to deal with it. The inequitable distribution of private security

resources might be diminished if private citizens or institutions were to receive spending authority for security systems and guards, akin to food stamps and school voucher programs. It would be necessary, of course, to deal with potential abuses of such a proposal, including fraud and any negative effects on public policing, but such prospects certainly merit serious consideration.

Emergence of communitarian alternatives

One development that may bode well not only for policing but also for meeting many contemporary challenges is the emergence of communitarian alternatives to social problems. Spawned by the writings of Amitai Etzioni, Mary Ann Glendon, Jane Mansbridge, and others, the communitarian movement emphasizes limitations in both governmental and market solutions to many vexing issues of public policy; it explores solutions that blend the strengths of each major sector, including the building of partnerships between public and private groups and experimentation with the creative use of various forms of cooperation (Etzioni et al. 1991).

Centerpieces of the communitarian agenda include inducements to volunteer work, the emphasis of sense of responsibility and deemphasis of sense of rights, and wider use of informal social sanctions to induce ethical behavior: shame as a stick and positive reinforcements as carrots to encourage community-minded behavior. The communitarian manifesto holds that “our first and foremost purpose is to *affirm the moral commitments of parents, young persons, neighbors, and citizens*. . . . If communities are to function well, most members most of the time must discharge their responsibilities because they are committed to do so, not because they fear lawsuits, penalties or jails” (Etzioni 1993, 266; emphasis in the original).⁶²

Although these notions do not resolve questions about the optimal mix of public and private solutions to problems of crime and community order, they do suggest a common-sense framework for addressing such matters. Public and private solutions to specific crime problems may occasionally ignore larger community interests, but if they are not complemented by systematic and purposeful activities that build community participation they will do little to achieve larger crime prevention and order maintenance goals. The police will be more effective when they have succeeded in building positive ties to the community, including private security agents working for individuals and institutions within the community. They can work to encourage citizens to protect themselves through crime prevention and to provide information to the police to facilitate the solving of crimes. Private security agents are responsible primarily to those who pay for their services. One cannot expect these agents to take

the lead in community building. It is not unreasonable, however, to ask their patrons to be mindful of the external benefits and costs of the behaviors of these security agents; if they are not, court litigation may fill the void.⁶³

Conclusion: Critical Issues and Promising Directions

Where should policing go from here? What does the future hold for the future of privatization and civilianization? What are the most critical concerns about the direction of current trends? What policies can serve to minimize the harms associated with current and future practices? In particular, what should be done in areas where the need for improvement is greatest, in high-crime settings?

If we have learned anything, it is that certain questions—such as whether privatization and civilianization are good or bad and whether we need more or less privatization and civilianization of policing—are too simplistic and sweeping to warrant serious answers. These issues are more effectively approached by focusing more precisely on how various forms of privatization, civilianization, and use of sworn officers used in a variety of roles can better serve the public.

This much is clear: The notion that either our corps of sworn police officers or the expanding array of private security agents alone is uniquely equipped to protect society and maintain order without the other has no credible support. Neither the public nor the private sector is endowed with attributes that ensure that policing in either domain will be automatically superior in every respect to the alternative. Neither has revealed the capacity to respond effectively to the variety of social trends that characterize our contemporary landscape, trends that suggest the inevitability of more crime and disorder in many segments of society—changing demographics, increased use of guns by adolescents, the decline of family, expanded exposure of youth to violence, and vast disparities in education and wealth. The public and private sectors alike have demonstrated extraordinary accomplishments, as well as more than ample capacities for ineffectiveness, waste, preferential treatment, and corruption.

Recent trends in policing and private security are likely to continue for some time to come, in spite of questions about their appropriateness to emerging social problems. As we enter the 21st century, with substantial increases imminent both in the absolute and relative size of the population in the crime-prone ages of 15 to 24, it is doubtful that each major segment of our society can be served adequately by current methods of policing: sworn, civilian, and private. As society changes, so must policing.

Acceptable solutions to satisfying the public's needs for security are bound to consist of a widely varied mix of public and private alternatives: sworn officers serving in a variety of roles, civilians working as specialists in police departments, private firms hired under contract by police departments and municipal governments to serve well-defined security and support needs, subsidies for poor people to have access to resources that make their environments safer, security guards and specialists hired to protect commercial interests, citizens serving voluntarily to protect their communities (typically in coordination with the police), and citizens augmenting and substituting public protection with a range of goods and services to protect private property and provide personal protection. Such a panoply of options working simultaneously is virtually certain to serve to fill gaps in service that more limited alternatives cannot accomplish.

Debate over the appropriate mix of options, a mix that adequately satisfies the extraordinary variety of the public's security needs, has been too often contaminated by deep faith in either governmental or market solutions, combined with equally deep suspicion of the other sector.⁶⁴ A more coherent and effective resolution is likely to result from thoughtful consideration of the extent to which each option contributes to each aspect of our need for security—in terms of how effective, how equitable, how economical, how legitimate, and how much it permits freedom of choice. If a single question can be asked about privatization and civilianization, it is this: How best can the public's need for protection against crime be served? Related questions include: Under what circumstances and for what tasks are the police best equipped to deal with the public's need to be protected against crime? Under what circumstances and for what tasks are civilians best equipped? Under what circumstances and for what tasks are private security personnel best equipped? How can these arrangements be effectively and fairly financed?

The great contemporary challenge confronting public safety in the United States is not primarily about whether privatization and civilianization are good things. It is about how best to serve the public's need for protection against crime generally and, in particular, how to shape and coordinate our resources and energies to secure the safety of those quarters of society that are least able to afford effective security, public or private. Wealthy communities can afford to take care of themselves both publicly and privately, and they do so. Poor people, especially minorities living in areas with the highest concentrations of crime, cannot. Sworn police officers must be made available in sufficient numbers and with effective systems of accountability to ensure that those areas are adequately served and protected.

Scholars can help in several ways. Much more research is needed on the effectiveness and costs of sworn officers, civilians, and private alternatives operating

in basic roles to prevent and respond to crime. Research is needed as well to assess more thoroughly how alternative systems of accountability, both formal and informal, that aim to improve efficiency, effectiveness, and integrity actually enhance the ability of police to accomplish their primary mission, to serve and protect the public. And research is needed to assess more thoroughly the extent of disparities in service by sociodemographic status, region, and other factors.

The 1980s were marked by intense suspicion of the ability of governments to respond adequately to public needs and often blind faith in market solutions. The 1990s have witnessed a search for more eclectic solutions to matters of public and private policy, approaches that emphasize voluntarism and greater cooperation among institutions in the public and private sectors. The popularity of the community policing strategies in municipal police departments in cities throughout the democratic world is a hopeful manifestation of this enlightened spirit of partnership. Such approaches to maintaining domestic peace and order appear to be more open to diverse and flexible approaches to problems of public safety, ones that may be both more effective and more humane. This trend is likely to induce a healthier debate and, in turn, produce superior solutions for the coming millennium.

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Notes

1. Laband and Sophocleus (1992) estimate total private-sector spending on protection against crime at \$300 billion annually, about three times that spent on the entire public criminal justice system.
2. Bittner's distinction follows Max Weber's (1954) characterization of the state as the institution that holds a monopoly of legitimate use of violence in the area under its control.
3. Cunningham and Taylor (1985) found specific policing tasks to be performed more efficiently by less costly private security agents: guarding public buildings, enforcing parking regulations, and maintaining court security. Similarly, Benson (1998) reported substantial improvements in the recovery of bad checks after the Kentwood (Michigan) Police Department contracted out the investigation of bad checks to private agents.
4. While only 4 percent of all sworn officers served in technical support positions nationwide in 1993, more than one-third of all sworn officers in the Long Beach and Dallas Police Departments served in such positions (Reaves and Smith 1995, ix, 13, 22).

5. Some police departments, including those in Baltimore, Glendale (California), Houston, Miami, New York, Peoria, and San Diego, make extensive use of civilians in field operations (Reaves and Smith 1995, 25–34).
6. In 1993, the median number of training hours per new officer ranged from 640 (16 weeks) for municipal police departments to 800 (20 weeks) for State police agencies (Reaves and Smith 1995, ix).
7. Reaves and Goldberg (1998, 3) report civilians at more than 25 percent of all full-time personnel in police departments with more than 1,000 officers in 1996, and at less than 15 percent of full-time personnel in departments of all other sizes.
8. Trivia: “Pinkerton’s agents” is the answer to Paul Newman’s question, “Who are those guys?” asked as his character, Butch Cassidy, was fleeing from an especially persistent band of pursuers in the movie “Butch Cassidy and the Sundance Kid.”
9. The post of commissioner was officially created in 1901.
10. Manning (1999, 453) describes the continuing use of effectiveness measures as a triumph of rhetoric over substance and, more fundamentally, a triumph of managerial economics over public administration:

These changes in policing, especially the metaphoric tendency whereby policing is conceived as an economic institution, are part of the overall movement toward privatization of control, reduction of government supervision in favor of the market and private governments, and the use of the media and the market to substitute symbolic imagery for direct forceful authority. The present appeal to market forces for reform, analogous to deregulation, is a retrograde step with regard to civic control over police command and police accountability.

11. Patrick V. Murphy, New York City Police Commissioner in the early 1970s, referred to this distance as “stranger policing . . . the occupation of conquered territory by an alien army.” Murphy elaborated that under stranger policing, “it is permissible for officers to hide in their radio cars with windows rolled up, communicating not with the community but only with each other, the dispatchers at headquarters, and their own private thoughts” (Deakin 1988, 231).
12. Much of this was a product of increased administrative demands and more time in court. Savas (1982, 24) observes, however, that much was due to effective union pressure; while the New York Police Department grew from 16,000 to 24,000 officers over a recent 25-year period, the total hours worked actually declined due largely to increases in leave and vacation time.
13. Akerlof and Yellin (1994) have noted that the police have mostly alienated inner-city residents and that gangs have been more successful than the police in winning over the hearts and minds of many urban minority communities. Akerlof and Yellin’s work is significant for providing a coherent theoretical framework for community policing.

14. Judith Martin's (1996, 55–56) observation is instructive:

Between them, etiquette and law divide the task of regulating social conduct in the interest of community harmony, with the law addressing grave conflicts, such as those threatening life or property, and administering serious punishments, while etiquette seeks to forestall such conflicts, relying on voluntary compliance with its restraints. . . . [T]he danger of attempting to expand the dominion of the law to take over the function of etiquette—to deal with such violations as students calling one another nasty names, or protesters doing provocative things with flags—is that it may compromise our constitutional rights. For all its strictness, a generally understood community standard of etiquette is more flexible than the law and, because it depends on voluntary compliance, less threatening. . . . That we cannot live peacefully in communities without etiquette, using only the law to prevent or resolve conflicts in everyday life, has become increasingly obvious to the public.

15. Services include citizen foot patrols and block watches, escort services for senior citizens and university women, citizen-band radio automobile patrols, and radio-alert networks for taxis, buses, and commercial vehicles.

16. Court security, prisoner custody, computer and communications system maintenance, training, laboratory services, radio dispatching, video surveillance, and traffic and parking control are among these services.

17. Colby (1995, 121–122) has reported that municipalities in Los Angeles County and Cook County (Chicago) have also contracted with their respective county sheriff's departments for policing services at lower costs.

18. Senna and Siegel (1993, 234) report such results for Reminderville, Ohio; Elliott (1991, 62) reports similar results for Oro Valley, Arizona, and Kalamazoo, Michigan. Walsh and Donovan (1989, 187) report increased levels of safety, reduced levels of fear, and improved quality of life with private security services over public police services for Starrett City, a residential community of 46 high-rise buildings in Brooklyn, New York. "Substantial savings" were reported in *Urban Innovation Abroad* (1980) following the contracting of police services in some 30 villages and townships in Switzerland. Hilke's 1992 survey of more than 100 studies of privatization generally found cost reductions in the 20- to 50-percent range.

19. As with policing, prisoners were held in private facilities in England and elsewhere in Europe until the 19th century (McDonald 1992, 379).

20. Vice President Gore's sentiments are not unprecedented. The 1955 Office of Management and Budget Circular A-76 states that "it has been and continues to be the general policy of the government to rely on competitive private enterprise to supply products and services it needs."

21. Similar trends have been reported in England and Wales (Jones, Newburn, and Smith 1994, 169).
22. The Congressional Budget Office has estimated that \$1 billion could be saved over a 5-year period by replacing the construction of new public housing with a system of vouchers; an official with the U.S. Department of Housing and Urban Development estimates that the vouchers would also expand by some 300,000 units the stock of housing options available to current public housing tenants (Hage, Cohen, and Black 1995, 44).
23. Privatization has been stimulated by government withdrawals from, or breakdowns in, other sectors as well. Education is a conspicuous example.
24. Gross domestic product in the United States was \$6.74 trillion in 1994, 67.3 percent of which consisted of private consumption expenditures; \$1.41 trillion (18.6 percent) was consumed by the government sector and \$1.12 trillion (14.7 percent) consisted of gross domestic investment (*Encyclopedia Britannica: 1999 Book of the Year 1999*, 736).
25. Examples include a faction of Oakland's Black Panthers that sought to create armed private security services to the community in the late 1960s and men loyal to Louis Farrakhan in Washington, D.C., in the mid-1990s. See Akerlof and Yellin (1994) for a discussion of the issues associated with the competition between police departments and gangs for control of inner-city communities.
26. The law stipulates that private persons are authorized to make arrests only in the case of felonies that occur in their presence (Jacobs, 1983, 1140). More generally, the Supreme Court has not acted to constrain State and local governments from delegating powers to private agents since 1920 (McDonald, 1992, 406); it allowed the Federal Government to delegate broad powers to private actors in its decision in *Carter v. Carter Coal Company* (298 U.S. 238 [1936]).
27. Nalla and Newman (1991) have noted, in a similar vein, that comparisons of private and public personnel are flawed by definitional questions: Which categories of private security personnel should be included? Which categories of police personnel? Sworn officers only? They argue that the inclusion of State and Federal tax collectors and regulators in the public police numbers produces less divergent assessments.
28. Demsetz (1970) argues that indivisibility of benefits need not impede the private production and delivery of public goods, leaving nonexcludability as the sole distinguishing characteristic of public goods.
29. Ironically, private security systems may signal that particular locations have more valuable property to protect, hence residents with such systems may be *more* prone to break-ins than neighbors without clear evidence of having such systems (Hui-wen and Png 1994, 96; Lacroix and Marceau 1995, 72).
30. The police impose external diseconomies as well, as when innocent people are harmed in car chases. External diseconomies imposed by both types of police may be

partly offset by external economies. One may feel safer when his or her neighborhood is known to have protected itself, or when a police precinct is just around the corner.

31. Miethe (1991) reports finding that homes are unaffected one way or the other by the existence of an immediate neighbor's alarm system.

32. Hakim and Buck (1991) have estimated that about 95 percent of all alarm activations are false. Alarms accounted for some 15 percent of all dispatches of squad cars in New York City in 1981; 98 percent of those calls were false (Cunningham and Taylor 1985).

33. Flusty (1994, 34, 36), focusing on declining esthetics in Los Angeles, puts it more dramatically:

Expanding private encroachment into the public realm is catering to, and exacerbating, paranoid demands by gradually decomposing communities into fortified agglomerations of proprietary spaces. In the process, sections of the city have become a patchwork of contiguous interdictory spaces, subjecting citizens' mobility and permissible range of behavior to ever more restrictive oversight and control. The cumulative spatial and aesthetic effects of paranoid privatization are already being manifested across broad landscapes, turning the streets into prickly space hemmed in by crusty and slippery edges. . . . In short, Los Angeles is undergoing the invention and installation, component by component, of physical infrastructure engendering electronically linked islands of privilege embedded in a police state matrix.

34. Hakim, Rengert, and Shachmurove (1996) report that the benefits to a small township in 1990 exceeded the costs by a "conservative estimate" of more than \$200 per installed home security system.

35. Hakim, Rengert, and Shachmurove (1996) estimate the average 1996 cost of each false alarm in Tredyffrin Township, in Southeastern Pennsylvania, at about \$70.

36. The sacred vow of service is akin to the relationship of medieval knights to the empires they served. See Wambaugh's *The Blue Knight* (1972) for further parallels. One particularly significant difference is that knights were sworn primarily to their kings rather than to the empire.

37. The notion did not originate with John Adams. The following is from Aristotle:

A social instinct is implanted in all men by nature, and yet he who first founded the state was the greatest of benefactors. For man, when perfected, is the best of animals, but, when separated from law and justice, he is the worst of all. (1943, 55)

38. Reiss (1988) estimates that some 20 percent of all police departments prohibit moonlighting.

39. Cory (1979, 40) also reports results of a 1975 study of Cleveland: Between 20 and 35 percent of the local police officers were found to work second jobs in private security.

40. Thanks to James Lynch for this point.

41. Landes and Posner (1975, 32), focusing on efficiency rather than equity and choice, have argued that society tends to rely on public enforcement more in cases where the cost of enforcing an individual claim is high relative to the value of the claim, and that, in general, these matters tend to sort themselves out automatically: “[S]ociety has left enforcement to the private sector in areas where private enforcement is clearly optimal.”

42. Privatization that grants exclusive rights to a particular security agent is less likely to yield gains in efficiency than other types of privatization, since a primary purpose of privatization is to derive the benefits of competition. Replacing government monopoly with private monopoly fails by this fundamental standard.

43. Johnston (1992, 55) observes that many public police agencies protect not only ineffective sworn officers but large, often inefficient, civilian staffs as well.

44. Because governmental accounting convention treats the full cost of a capital outlay as an expenditure in the year incurred rather than as an investment whose cost is spread over the life of the asset, the public sector tends to underinvest in capital resources. Public resources are inefficiently allocated also in year-end use-it-or-lose-it spending binges of authorized government budgets.

45. Although systematic evidence of actual successes has not yet been well documented, community policing aims specifically to overcome this problem in large municipal police departments. A prominent example of a specific, well-defined goal of private security is that of corporate loss prevention. A company’s director of security or loss prevention is typically held accountable to a straightforward bottom-line criterion: The reduction in theft and safety losses to the company should exceed the marginal costs associated with those reductions to an extent that exceeds the company’s standard rate of return on investments (Becker 1995, 655–656).

46. Sherman (1995) notes that public police once exercised trespass powers illegally, especially in small communities where offenders could be run out of town; they rarely do so today.

47. Many police departments exploit such economies by contracting out specific services, often to multiple private contractors.

48. McCrie (1988) notes that among some 13,500 private security firms in the United States, no single firm controls as much as 10 percent of the market.

49. However, the reverse may hold when the services of private agents are contracted by public authorities. Under *West v. Atkins* (487 U.S. 42 [1988], 55), private parties may become state actors when their activities violating constitutional rights are authorized, encouraged, or approved by the government. Moreover, public servants receive certain constitutional immunities against civil suits not generally available to private agents (Rosenbloom 1998, 6–7). Rosenbloom (pp. 4–15) argues that such asymmetry may have a chilling effect on the willingness of private agents to act on behalf of the state.

50. Manning (1999, 99) summarizes these considerations in identifying one of the postulates of the police culture as follows: “The legal system is untrustworthy; policemen make the best decisions about guilt or innocence.”

51. Nozick (1974, 12) has observed that the “morally objectionable” transactions that give rise to overly aggressive private protection providers may thus induce a return to the state’s monopoly control over protection.

52. The same problem has been known in the hiring of public officers as well, as in the case of the notorious hiring binge of the District of Columbia’s Metropolitan Police Department in 1989–90.

53. Private security agencies have two strong incentives *not* to arm their employees: heightened liability risks and higher insurance premiums when their guards are armed. One of the largest private security firms, Guardsmark, estimated that just 3 percent of its uniformed personnel were armed in 1985 (Cunningham and Taylor 1985, 20).

54. Kakalik and Wildhorn (1977) found that most of the security guards they sampled were unaware that their arrest powers were no greater than those of an ordinary citizen. Most had received less than 2 days of training prior to taking responsibility in their assigned positions.

55. Arthur Kellermann and colleagues (1993) report that the likelihood of death due to either homicide, accidental or otherwise, or suicide is on the order of four times higher in homes with guns than in homes without guns, other factors held constant.

56. Skolnick and Fyfe (1993, xvi) make the point effectively:

Cops are not supposed to be security guards on the public payroll who, like bouncers in a rough-and-tumble bar, are on hand to mete out punishment as they see fit. Rather, in a free society, especially in the United States, where police derive their authority from law and take an oath to support the Constitution, they are obliged to acknowledge the law’s moral force and to be constrained by it. Any sensible and reflective police officer will understand that when a cop reaches above the law to use more force or coercion than is necessary to subdue a suspect, he or she undermines the very source of police authority.

57. This is not to suggest that private security agents have generally lower levels of commitment to service. Many bank guards, Brink’s and Wells Fargo drivers, and other private security agents have given their lives in the service of protecting others.

58. Shearing (1992, 425) adds to these notions the spectre of “giant corporations . . . sites of governance” operating in global markets that “challeng(e) the boundaries of states and the very notion of the state as a basis for political organization.” In a similar vein, Flusty (1994, 38) asserts, “As with most private enterprises, supranational corporations (SNCs) are autocratic organizations accountable to profitability and, at most, to select shareholders.”

A related claim is that society would be better off if police resources were shifted from the prevention and control of street crime to that of white-collar crime. Although such claims are often supported by utilitarian arguments that the costs of white-collar crime are much greater than those associated with street crime, they appear to be borne not so much of utilitarian concerns as they are of an egalitarian concern that it is fundamentally unjust for public resources to target street offenders while crimes committed by the more affluent are largely ignored. Posner (1972, 376–379) observes that fewer of these crimes would go unpunished if government restrictions against private enforcement were relaxed.

59. Cunningham and Taylor (1985) note that several States already require that security firms carry general liability insurance or bonding insurance.

60. Adam Smith ([1776] 1937, 128) observed more than 200 years ago: “People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices.”

61. The enterprise zone concept is a proposal for improving the quality of life in our inner cities. Popularized by former Representative Jack Kemp in 1980 (R–N.Y.), the basic idea is to use the market economy to restore vibrancy to areas that once thrived commercially and culturally, through two primary vehicles: tax credits to facilitate capital investments and the elimination of regulations that needlessly restrict commerce in poor areas. The concept has been supported by both ends of the political spectrum, from former President Ronald Reagan to Harlem Democrat Charles Rangel. Its success depends, perhaps more than anything else, on stable social organization (Sviridoff 1994).

62. Etzioni (1988, 12) views deontology—importance of duty—as the essential philosophical foundation of communitarianism.

63. Buerger and Mazerolle (1998) have proposed a variant of communitarian policing that they call “third-party policing,” focusing on the places that community guardians control. The central idea is to promote collective responses to persuade or coerce nonoffenders to act outside their routine activities to make crimes more difficult to commit.

64. Drucker (1995, 61) observes that the amount or size of government is not the central issue:

We need *effective government*. . . . For this, however, we need something we do not have: a theory of what government can do. No major political thinker—at least not since Machiavelli, almost 500 years ago—has addressed this question. All political theory, from Locke on through *The Federalist Papers* and down to the articles published by today’s liberals and conservatives, deals with the process of government: with constitutions, with power and its limitations, with methods and organizations. None deals with the substance. None asks what the proper functions of government might be and could be. None asks what results government should be held accountable for.

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