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Law Enforcement Bulletin



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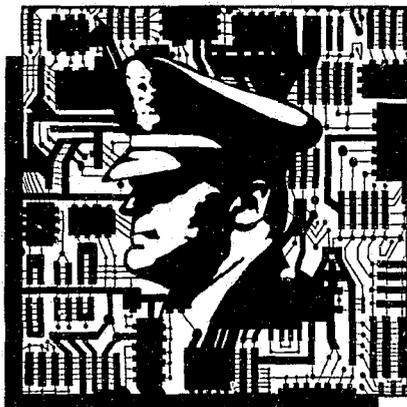
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The Cover: Voyager symbolizes one example of the advantages and absolute necessity of planning for the future. The Editor wishes to thank the FBI's Office of Planning, Evaluation and Audits and the Behavioral Science Instruction/Research Unit for helping to prepare this issue.

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Public Law Enforcement/Private Security

A New Partnership?



By
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and
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As the industrialized nations of the modern world move deeper into a cultural/technological metamorphosis that has come to be known as "the information society," institutions are being inevitably and significantly affected by the transformation. Nowhere is this more evident than in the field of law enforcement.

Since the late 1960s, American law enforcement has passed through major changes that are not only healthy but also irreversible. Changes over the past two decades, besides leading to dramatically higher salaries and benefits for

law enforcement personnel, have produced law enforcement agency accreditation standards, the use of highly sophisticated technology, and probably most important of all, an air of professionalism. This professionalism is especially visible in the area of policy setting.

Gone is the stereotype that police are the guarantors of the socioeconomic status quo. Today, the police are recognized as being artful practitioners on the leading edge of major social issues. As such, police are in the front-line delivery of public services associated with the mentally ill, the homeless, abused children, battered spouses,

and victims of racial and religious intolerance.

Evolving Issues

Through this law enforcement metamorphosis, it is important to remember a basic premise of organizational ecology: Organizations are dependent upon and affected by changes and evolutions in other organizations in their immediate environment or sphere of influence. This is the case with law enforcement where private security has emerged as a major player in the safeguarding of Americans and their property.

In the area of resources alone, the growth of private security has expanded from what was estimated in 1969 as less than 300,000 employees in an industry whose national product in the United States was calculated at \$2.5 million¹ to an industry which has grown to an estimated \$18 billion employing close to 2 million people. This is twice the size of public law enforcement. Moreover, according to a 1984 survey of the National Institute of Justice, public law enforcement resources have remained relatively flat, with a significant percentage of law enforcement agencies showing an effective decline in personnel, despite growth rates in population and crime.²

A number of complex and evolving related trends may be contributing factors in the explanation for the phenomenal growth of private security at a time when public law enforcement growth has stagnated. Such trends as taxpayer revolts, automation, transferral of functions, stagnant economic growth, terrorism, inner-city problems, financing of local services, and immigration/emigration readily come to mind. Regardless of the possible reasons, the fact remains that private security will continue to have an impact upon and implications for society, in general, and public law enforcement, in particular.

Ironically, the emergence of the private security industry that now numerically and financially far exceeds its public counterpart occurred without much influence from or interaction with public police. In fact, until recently, there was a mixture of disdain and concern that the emergence of private security was

threatening the professionalism of policing. Many officials complained that the absence of adequate private security standards was allowing the proponents of private security to confuse the citizenry that "rent-a-cops" were a better bargain than protective services provided through public law enforcement.

Police have traditionally viewed private security employees as inadequately trained and ill-paid individuals who could not find other work but were nevertheless allowed to carry a gun. Furthermore, be-

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cause these individuals looked and acted like police, there was alarm that the private security industry might even usurp important aspects of public law enforcement and erode key citizen contacts that bond police officer and citizen in a common alliance. Those fears have not been realized; however, this unfortunately widespread view, early on, did much to stifle potentially mutual and beneficial relationships between law enforcement and private security.

While the 1960s were characterized as a period of indifference toward private security, and the 1970s as one of changing perceptions and some mistrust of the industry, the 1980s and 1990s will

most likely be regarded as the era of collaboration and joint ventures between public law enforcement and private security. This is necessitated by the fact that individual and corporate citizens who are policed by public law enforcement are also increasingly becoming the clients of private security.

Scope of Private Security Duties

As pointed out in the 1984 results of a 30-month descriptive and exploratory research project of the private security industry, the scope of private security is constantly changing and goes far beyond the more traditional areas of "turf" of local law enforcement agencies.³ Proprietary or corporate security encompasses such sophisticated and diverse concerns as assets protection, loss prevention, countermeasures for industrial espionage, drug testing in the work environment, extortion, product tampering, dignitary and facility protection, and communications security, to name a few examples.

Contract or private security companies also provide guard and patrol services to business, industry and residential areas; develop, sell, lease, and monitor simple to sophisticated communications and alarms systems; provide investigative, intelligence, and bodyguard equipment and services—among other services. Additionally, a significant amount of the investigations involving credit card theft and fraud, check cases, shoplifting, embezzlement, employee theft, computer hacking, and other criminal enterprises are carried out by private security. This "de-policing" trend has necessitated new efforts in cooperation between public and private entities,

as well as the growth of new respect and understanding on the part of both.

Cooperative Efforts

Evidence of this collaboration and cooperation between public law enforcement and private security is increasingly evident. On two occasions, public law enforcement/private security "summits" have been held in the northwestern United States, where the Boards of the American Society for Industrial Security (ASIS), the State Associations of Chiefs of Police (SACOP), the National Institute of Justice (NIJ), and heads of Federal, State, and local agencies met on a common agenda with legislators, academics, and other key players. Moreover, joint committees have been formed by IACP and ASIS to address common law enforcement protocols and guidelines. In many of these endeavors, leadership and coordination have been offered

been successful in a number of joint endeavors. The organization known as the Washington Law Enforcement Executive Forum is alternately chaired by executives from public law enforcement and private security. It has successfully introduced and fostered enactment of key legislation; established its own strategic planning annex, ethical protocols, and executive strategies projects; and has been generally a model for successful public-private sector efforts. Similar organizations modeled after this organization have been started in other States.

Through efforts such as these, the stereotype of private security guards as underpaid, poorly educated, and untrained is joining that same, but outmoded, stereotype of police in the dust bin of history. Hopefully, both will be replaced by the vision of a growing partnership between police professionals and private security specialists in a highly technical and changing environ-

ment. Issues remain to be discussed and, hopefully, resolved. Paramount among these is whether the growth and expanding influence of private security constitute the emergence of a "shadow" criminal justice system. In other words, will the profit motive and loyalty to a company replace public service and accountability to a system of basic principles of law and fairness?

Several studies have reported that the dynamics of the burgeoning private security system and how it interacts with and disposes of criminal activity have never been systematically explored or documented.⁴ In fact, as Albert J. Reiss, Jr., of Yale University pointed out:

"The large majority of private security agencies do not have full legal power of arrest, yet they exercise enormous discretion over criminal matters that occur on private property. Despite this, almost nothing is known from systematic inquiry about how these private police exercise discretion over criminal matters."⁵

As an illustration, employee theft prosecuted in public court might result in a conviction and concomitant sanctions. But handled in a corporate venue, the theft might warrant dismissal and debarment from future employment within that industry, all without benefit of the extensive due process safeguards of the criminal justice system. In other instances, it might serve the corporate image of the "damaged" institution to allow quiet resignation and nonreporting of a crime, or conversely, criminal prosecution if this option is believed to be in the best business interests of the company.

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through the Federal Bureau of Investigation because these law enforcement and corporate concerns are both national and international in scope.

Another cooperative effort is occurring in Washington State where an organization constituted of law enforcement and corporate executives, including key executives from both proprietary and contract security organizations, has

ment where the collaborative effort of both benefit the common good.

A Changing Outlook

The progression toward a rapprochement between public law enforcement and private security will require work, trust, compromise, and resource investment of both parties before true partnerships materialize. Several areas involving thorny and fundamental value is-

It remains to be seen how arbitrary decisions such as these will impact long-term concepts and values of the traditional criminal justice system. As more areas of responsibilities are assumed by or transferred over to the area of private security through a combination of *realpolitik*, limited public resources, impatience with traditional systems, and growing corporate influence, the demand for more examination and discussion of these matters will grow.

Information Exchange

Nonetheless, cooperation between public law enforcement and private security must continue and, if there is one area where public law enforcement and private security have worked cooperatively for joint advantage, it has been in the area of collection and dissemination of records. The ability of both public law enforcement and private security to amass large amounts of personal data about people's personal histories, employment records, etc., poses serious liability problems during an era that has seen severe restrictions placed on the use and release of such data.

Recently, Illinois joined a number of States that now have statutes authorizing the release of criminal conviction data on a job-related basis to corporations. Although much more work needs to be done in this area, having defensible model legislation gives impetus to other States to aggressively pursue this course of action. Alternatively, in many States, thanks to cooperative law enforcement/private security initiatives, corporations are simply obtaining a release from applicants, submitting a fingerprint card, paying an established fee, and

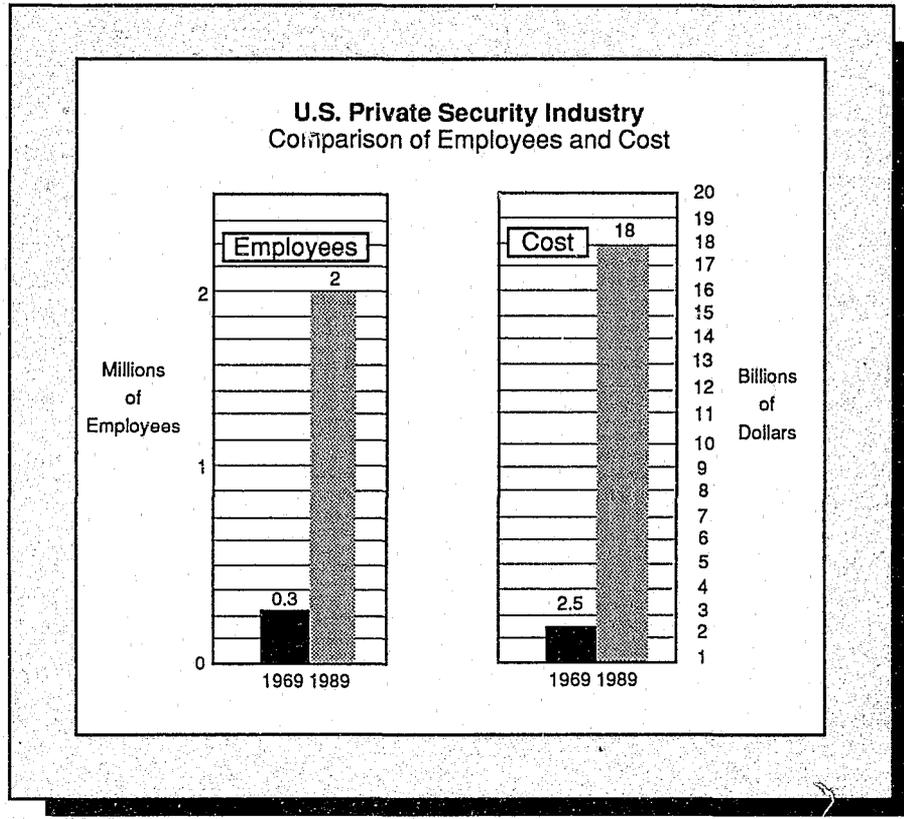
subsequently receiving a criminal history from the desired police agency. There has been no evidence of problems with these arrangements, and corporations that operate in multiple States have been willing to adjust their procedures to conform to applicable State laws.

Targeted Areas for Cooperation

Reassuring signs that joint efforts are possible are appearing with broader scope and greater frequency. As an example, one of the more significant protocols that has been developed in recent years has been joint management of product-tampering threat cases. The public is not well served when valuable time and evidence are lost because jurisdictions and corporations do not know their specific roles relative to these violations. To address this, an initiative was launched by the

Southland Corporation, in conjunction with the IACP Private Sector Liaison Committee, to draft a model protocol that could be distributed to every State, county, and local law enforcement agency in America.

For the first time, private corporations, Federal agencies such as the U.S. Food and Drug Administration, the U.S. Department of Agriculture, and the FBI, and State and local agencies cooperated not only in the review of the draft protocols but also cooperated in adopting written directives relative to this issue. Since 1986, over 100,000 copies of this protocol have been circulated throughout the United States. They are in place in State police agencies, sheriffs' offices, police departments, as well as Federal and State law enforcement groups. Affected corporations are aware of the protocols, and a num-



ber of corporate security directors have carefully built appropriate procedures into their own internal operating procedures.

Another example of emerging cooperation is in the area of drugs. Through the efforts of the State of Maryland and the chief of police for Baltimore County, a model protocol addressing the issue of drugs in the workplace has been circulated to law enforcement agencies and State chiefs associations. The purpose of the document is to make available to corporations, and especially the small business community, a straightforward pamphlet that has been reviewed by the Justice Department, the FBI, and the Drug Enforcement Administration. This initiative, which began in the fall of 1989, promises to be similar to the effort which produced the product-tampering threat protocol and is an instrument through which companies and units of government can devise a "Drugs in the Workplace" procedure.

Furthermore, there are hundreds of community-based programs that are directly benefiting community law enforcement efforts. Namely, Pizza Hut spends as much as \$136 million a year encouraging young people to improve their reading skills through its "Book It Program" organized to reduce illiteracy. "Operation Home Free," started by Trailways Bus Lines and continued by the Greyhound Corporation, allows juvenile runaways to return home at no cost. While efforts such as these are only tangentially associated with the public law enforcement and private security rapprochement, they are a harbinger of the commitment corporations are increasingly

willing to make to help law enforcement and they will serve to strengthen developing public law enforcement and private security relationships.

The commitment has even led to "role reversals" where public law enforcement is now learning from its private security counterparts. Effective business trends such as customer satisfaction, service

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orientation, subcontracting for services, specialization, joint ventures, and even advertising and public relations are being embraced by and changing the shape of public law enforcement in the United States. As an example of these role reversals, over 60 Fortune 500 companies make available their training programs to supervisors at the rank of sergeant through sheriff, chief, or superintendent. The program began modestly with such corporations as Unisys, General Telephone of California, and AT&T. Today, in 45 States, over 1,200 police managers annually receive tuition-free corporate training that would not otherwise be available through police academy budgets.

Conclusion

It is mutually incumbent upon both public law enforcement and private security to continue to estab-

lish and improve mechanisms at every level which will not only allow but encourage dialogue on common law enforcement concerns and challenges. As so aptly stated a few years ago:

"The exchanges between the policing institution and its societal surroundings help assure both its change and its stability—for the functioning of the police organizations must be kept somewhat in tune with the environment in which it operates."⁶

It is hoped that the growing mutual respect and cooperation, as evidenced by the initiatives outlined, are laying the groundwork for a future of effective law enforcement in a world that is growing increasingly complex and more demanding. Through these efforts the continuing public law enforcement/private security rapprochement will undoubtedly succeed.

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Footnotes

¹ *Rand Report*, 1972.

² William C. Cunningham and Todd Taylor, "A Preview of the Hallcrest Report: Security-Police Relationships," *Security Management*, June 1983.

³ William C. Cunningham and Todd Taylor, *The Hallcrest Report: Private Security and Police in America* (Portland: Chancellor Press, 1984).

⁴ *Supra* note 2.

⁵ Albert J. Reiss, Jr., "Discretionary Justice," *Handbook of Criminology*, 1984, p. 681.

⁶ John P. Clarke and Richard Sykes, "Determinants of Police Organization and Practice in a Modern Industrial Society," *Handbook of Criminology*, 1984, p. 456.

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