University of Nairobi

The Relationship between Public and Private Security Providers: An Analysis of the Regulation of Private Security Providers in Uganda
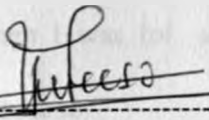
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MAY 2011

DECLARATION

This thesis is my original work and has not been submitted for award in any other university.

Signature-- Date ----2nd /06/ 2011----------------------------------

ANDREW FELIX KAWEESI

This thesis has been submitted for examination with my supervision as university supervisor

Signature ------------------------------------Date ----2 June 2011------------------------

PROF MAKUMI MWAGIRU

DEDICATION

I wish to dedicate this academic work to my family especially my dear wife Annette , my loved children Leticia, glen victor and Cleopatra for their , sacrifice, support and endurance during the long time when I was for study. It was their patience and support that made me strong to complete the course.

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ABSTRACT

This thesis is based on the fundamental conceptual premise that the public and private security are all in the business of crime prevention. If this tenet is correct, then there have to be enormous opportunities for the two groups to work together more closely to prevent crime. The possibility of working together, or even forming partnerships in the future, represents a fundamental shift in traditional concept of security provision. Using the structuralism theoretical analysis, the researcher observed that class division leads to a threat of fear and insecurity by the dominant class who in turn seek for state protection against the perceived threats to their wealth and when the state is unable to provide such required security, a vacuum is created which will be filled by private security initiatives.

The noticeable growth of private security in Uganda in the recent times has raised fears that public security would be compromised and the traditional role of public security would be eroded. The study employed both qualitative and quantitative method of research in investigating the problem. The study findings reveal that the growth of private security in Uganda is something that cannot be ignore or wished away. From the study finding the researcher observed that there is overwhelming call for partnership between public and private security for the public benefit and resource sharing. The two security providers require mutual cooperation if they are to succeed in delivering security to all people of Uganda. Effective private provision of security requires that legislative, regulatory and oversight safeguards be put in place and a culture of professionalism be engendered. This should encourage transparency and reduce opportunities for illegitimate or unethical activities and foster cooperation between private and public security.

LIST OF ABBREVIATIONS

ALRC-------------------------------------- -Australian Law Reform Commission

ATC--------------------------------------- -Authorized To Carry

ASIS -------------------------------------- American Society For Industrial Security

APS -------------------------------------- Alarm Protection Services

CCTV ------------------------------------- Closed Circuit Television

CINSM ------------------------------------ Corporate Intelligence and National   Security Model

DPC --------------------------------------District Police Commander

DRC --------------------------------------Democratic Republic Of Congo

GISES ------------------------------------Global Intelligence and Security Services

IGP --------------------------------------Inspector General of Police

LEAA ------------------------------------Law Enforcement Alliance of America

PMCS ------------------------------------Private Military Companies

PS --Private Security/ Public Security

PSAC ------------------------------------Private Security Advisory Council

PSC --------------------------------------Private Security Company

PSO --------------------------------------Private Security Organization

SAPS -------------------------------------South African Police Service

SGSIA ------------------------------------Security Guarding Services Authority

SSR ---------------------------------------Security Sector Reform

UK ---------------------------------------United Kingdom

UN ---------------------------------------United Nations

UPF --------------------------------------Uganda Police Force

US --United States

USDS -------------------------------------United States Defense System

VIP --------------------- --------------------Very Important Person

TABLE OF CONTENTS

LIST OF TABLES AND FIGURESS

CHAPTER ONE
INTRODUCTION TO THE STUDY

1.0 Introduction

The last two decades of the 20th century and the first decade of the 21st century witnessed three fundamental development in which have significantly affected the provision of security. These developments are, Globalization, Marketing and pluralism. At the domestic level, there has been a paradigm shift from the traditional public to private security provision. The relationship between private security and public security is not solely a phenomenon of contemporary interest but of modern approaches in provision of security.[1] Nowadays, the terms "private security" and "private policing" are usually used synonymously because the history and functioning of in-house security and contract security are clear similarities and the private security firms provide a range of services that may include but not limited to: protection of banks, public buildings, private homes, and shopping malls to the safeguarding of extractive industries' operations has been on increases over time. The private security industry has grown to become one of the largest employers globally it is a very large employer in the Americas, Europe and Asia and the African continent are among the largest employer.[2] This has brought new risks and challenges. For example, private military and security companies (PMSCs) often operate in weak governance zones, and this can lead to gaps in their compliance and social accountability demanded by the host states.

The growth of private security has been boosted by adoptive strategy in mixed market economies where government provision of services has not kept pace with public perception of

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[1] Andrej Sotlar (2009) *Post-conflict private policing:* experiences from several former Yugoslav countries Policing: An International Journal of Police Strategies & Management Vol. 32 No. 3, 2009 pp. 489-507

[2] Lazala Mauricio (2008) *private military and security companies and their impacts on human rights in contexts other than war.* Business & Human Rights Resource Centre, United Kingdom

an increased crime threats. The relationship between the two branches of security has co-existed for a long time although with difficulty because of the ever changing tasks the two perform. At one time, the two are aloof; and after some time, the two may work together. It should be noted however, that the security providers have got inherent conflict between the principles on which public and private security providers operate. While the public security have a democratic to provide protection and preserve law universally, private security providers, focus on providing selective risk protection to their clients based on financial incentives. Other areas of conflict include differences in training, ownership of successes and failures in case of joint operations and information sharing. There is therefore a glaring need for a total symbiotic relationship if the two are to provide complementary services to the public.

The development of private security industry in Uganda is a post colonial phenomenon. The first private security organization in Uganda was licensed in 1969 providing residential home guards and at commercial premises.[3] The firms acquired firearms form private firearms dealers licensed by the government. In 1990s, the industry grew attracting many ex-army and retired police officer who only had security experience but lacked managerial experiences. Uganda, Private Security Companies are defined by their provision of essentially defensive, unarmed services to businesses, property owners, offices and embassies. An emerging debate surrounds their new importance, though they remain distinct from private security firms which include personnel trained in security methods and equipment. The state has not surrendered the domain of security entirely, and private security should be understood in the larger context of security sector reform. Private Security Companies are private corporations aiming to maximize profit. Their business opportunities depend on clients' feelings of insecurity, and do not

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4 Johnston, L. (1999), *Private Policing: Uniformity and Diversity,* in maw by, R.I (ed), Policing across the world: Issues for the twenty-first century, London: UCL Press

automatically contribute to peace building. Private security providers make an important supplementary contribution to state security by inexpensively protecting businesses, individuals, embassies and foreign missions, thus enabling prosperity. Private security companies (PSC) also represent a significant employer, particularly for individuals not qualified for state security work. On the negative side, poor working conditions and a lack of training, education and regulation in PSCs worsen the security situation. Because profit motives are dominant, PSCs and their employees sometimes act contrary to the public interest.

Private security regulation in Uganda is placed under Chapter 303 of the police Act (Section, 72) under statutory instrument N0. 8. The police are mandated to regulate private security organisations in areas of recruitment, training and operations. Registration of PSOs in Uganda is done by the registrar of companies on the recommendation and vetting by the Inspector General of Police (IGP). In relation to the above specific guidelines provided for in the control of private security organizations' regulations (1997), the standard operating procedures issued by the police are hardly followed and the police have often noticed that PSOs have in many instances not adhered to the standard operating procedures and regulations.

1.1 Statement of research problem

In the past few decades, Uganda has witnessed a rapid growth of the private security industry. It is now an accepted fact that cannot be ignored, argued or wished away. This upsurge of private security industry however, has to a large extent remained unexamined, unregulated and largely uncontrolled by the Government. The relationship between the public security and the private security providers which ideally should be symbiotic and collaborative has turned to be antagonistic with each pursuing different security goals to the detriment of the general public security.

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The regulatory framework which was instituted to control the operations of private security organization lacks collaborative linkages between public and private security providers and to a greater extent has undermined close cooperation of the two law enforcement bodies. As a result of this weak relationship, regulation and control, private security providers according to police reports have been involved in criminal activities like bank robberies especially when escorting g cash in transit. The public security has always casted blame and attributes such incidents to lack of adequate training and weak background checks of private security. Although private security do not deny such attributions, but some believe that the cause may be linked to management weakness in the private security organizations while others attribute the weakness to individual moral background than institutional weakness. Reports have revealed that private security hire to criminals on an agreed fee or may directly participate in the crime using the company weapons or sometimes aid such crime to happen by giving information to the criminal patterning the execution. The public has expressed much concern about this degenerating situation calling upon government to intervene before it turns into a security crisis.

It is against this background that an investigation into this problem is urgently required to save the situation. The research findings will provide a conceptual framework to provider in Uganda on cooperation partnership for better security service delivery. This framework will offer a flesh start in the development of policies that will regulate the private security sector to make it more professional and efficient for the good of general public safety.

1.2 Objectives of the study

1. Examine the relationship between public and private security providers in Uganda.

2. Analyze the existing regulatory framework under which private security providers in Uganda operate.

3. Examine critical areas of security that require partnership, synergy and cooperation between public and private security in Uganda

1.3 Literature review

In this literature review, the researcher looks into the dimension, size and functions of private security as reflected in the academic field. Further, the researcher looks into scientific discussions concerning explanations for the rise in private security, the functions of private security, the relationship with the state, the relationship between public and private security and the possible societal and political ramifications of private security. After examining the scientific knowledge on the organizational and personal values dominant in the private security sector, the researcher focuses attention on the possible ethical dilemmas embedded in the rise in private security.

1.3.1 Security perspectives

In earlier times, security was understood to mean only physical security of the nation state. In that period threats to national security were understood to be purely physical threats. International discourses during the Cold War viewed Security purely in military terms. Hans Morgenthau, a realist proponent, urges that states act in the international arena with the aim pursuing their own security interests in terms of power. Security is viewed purely from the

perspective of the state and its ability to defend itself from external aggression.[4] States originally set up public security forces to monopolize the use of coercive force in society. To assert state supremacy, they sought to limit what private groups were permitted to do to preserve the peace. The belief was that the state would be able to limit private initiatives legitimately if it was strong enough to guarantee order in society.[5]

Shearing and Zuekic argue that public security has dominated policing over the last hundred years, but a shift towards private policing has taken place, particularly over the last two decades. The state recognized, however, that in a liberal democracy it cannot be all-powerful. Limits were therefore placed on what the state could legitimately do to enforce the peace. The demands for order had to be balanced against individual liberties and civil rights. The public security became subject to the limitations of due process and neutral application of the law. The state often asserts that only state structures are in a position to act as non-partisan guarantors of the public interest. It is feared that private policing will serve private interests that are in conflict with those of the public interest. The state continues to put forth this idealized conception of the public security as neutral guarantors of the public interest.

According to Barry Buzan the security of collectiveness such nation-states and regions are affected by factors like in the areas of: military, political, economic, societal and

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[4] Morgenthau. H. J., 1960. *Politics among Nations*. The Struggle for Power and Peace, 3rd edition, Alfred A. Knopf: New York. Morgenthau, H. J., 1971. The Problem of the National Interest, in: Politics in the Twentieth Century University of Chicago Press: Chicago, pp. 204-237.
[5] C Shearing, *Policing: Relationships between its public and private farms*, in M Findlay & U Zuekic (eds), Alternative policing styles: Cross-cultural perspectives, Law and Taxation, Deventer, Boston, 1993, pp 203-228.

environmental.[6] He states that military security is concerned with the interplay between offensive and defensive capabilities of the state and its perceptions on other states intentions. On the other hand, political security is concerned with organizational stability of the states, government systems, and ideology .Economic security is concerned with access to national resources, finance and markets that can sustain people's social welfare. Societal security on the other hand is about cultural values, customs and social identity. The concept of security can thus be broadly defined as freedom from danger which is physical or direct violence, and freedom from fear of social insecurity.

1.3.2 Private security

Steden and Sarre urge that terms private policing and private security are nowadays often used interchangeably. To be more specific - private policing usually refers to contract security provided to organisations by commercial providers under contract, to secure and protect their clients' assets and personnel, while private security more often refers to "in-house security" (security services provided by a company or organization to meet its own internal security needs) In Europe, the change seems to have been less dramatic but substantial nonetheless. This growth in private security has been interpreted as reflecting an adaptive strategy in mixed market economies where government provision of services has not kept pace with public perceptions of an increased crime threat.[7] It might be argued that demand has been generated by suppliers of security services who create an image of threat and by media outlet instilling fear by generating

[6] Buzan,B (1995) *Security, the state of New World Order and beyond*, In Lipchitz D, (ed) on security, New York: Columbia University Press.

[7] Steden, R. van & R. Sarre (2007) '*The Growth of Private Security*: Trends in the European Union',*Security Journal*. No. 20, pp. 222–235

crime stories that are out of proportion with reality. However, this argument does not provide a complete explanation, given objective indicators of rising crime rates, at least from the 1960s through to the 1980s.

Measuring the size of private security is problematic. First, the industry is not a clear defined homogenous group, but rather a 'multitude of industries, large and small, all related to the provision of security services, investigations, crime prevention, order maintenance and security design' The industry flows into a large variety of markets, making accurate classification and counting very difficult. Further, the quality of available official statistical sources varies considerably from country to country. Besides that, most private firms are not too keen to advertise their earning and personnel numbers.

The first major study of private security was published by De Waard who estimated that there were 592,050 security personnel in Europe in a population of 369 million. So there were 160 security personnel per 100.000 populations; for the public security the number was 375 per 100.000. However, large variations in personnel numbers existed between countries. De Waard indicated that public security still outnumbered security personnel in the European Union by a rough estimate of 2:1. [8] Cunningham argues that scholars do not agree about what constitutes private security, and various definitions have been used in prior research. Definitional differences tend to include the focus of job tasks, the influence of profit and the client, and the inclusion of products, such as the manufacturing, distribution, and installation of equipment and technology.

Kakalik & Wildhorn defined private security as all types of private organizations and individuals providing all types of security-related services, including investigation, guard, patrol,

[8] De Waard, J. (1999). 'The Private Security Industry in International Perspective', European Journal on Criminal Policy and Research, Vol. 7, No. 2, pp. 143-174

lay detection, alarm, and armored transportation. One common function across this definition is crime prevention and detection. In addition to its emphasis on crime and protection, Kakalik defines private security as those self-employed individuals and privately funded business entities and organizations providing security-related services to specific clientele for a fee, for the individual or entity that retains or employs them, or for themselves, in order to protect their persons, private property, or interests from various hazards. [9] Green argued that distinctions based on profit orientation or source of funds are not useful because nonprofit institutions, such as hospitals, airports, and schools, often hire private security. He defined private security as those individuals, organizations, and services other than public law enforcement agencies, which are engaged primarily in the prevention of crime, loss, or harm to specific individuals, organizations, or facilities.

The American Society for Industrial Security (ASIS) International, the largest association of private security professionals in the United States, has defined private security as the nongovernmental, private-sector practice of protecting people, property, and information, conducting investigations, and otherwise safeguarding an organization's assets.[10] ASIS further argued that private security has a role in helping the private sector secure its business and critical infrastructure, whether from natural disaster, accidents or planned actions.

In Canada, for many years employment in the private security industry has exceeded that of public security officers. In 2006, this was the case for all provinces except Saskatchewan. There were about 102,000 private security personnel in Canada, compared to 68,000 police

[9] Kakalik, J. S., & Wildhorn, S. (1971b, December). *Private police in the United States*. Santa Monica, CA: Rand. Retrieved from http://www.rand.org/pubs/reports/2006/R869.pdf on March 17, 2011

[10] International Association of Chiefs of Police. (2004). *National Policy Summit: Building private security/public policing partnerships to prevent and respond to terrorism and public disorder: Vital issues and policy recommendations*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.

officers, representing about 3 private security personnel for every 2 police officers Security guards made up 90% of private security personnel. The demand may also, one could argue, have been influenced by public disillusionment with traditional policing, which has been exposed from time to time to charges of corruption, neglect of victims, and overzealousness. Generally speaking, there is an apparent acceptance of the legitimacy of private security, together with an understanding of the limitations of public security and government budgets, perhaps as part of a trend towards more conservative governments seeking to reduce their role in public life.

1.3.3 The growth of private security

The question why the private security sector has expanded so fast during the last decades has been the subject of academic attention. Forst states that the 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 reserve the trend," [11] Shearing and Stenning argue that the shift to a post modern consumer society has been the force behind the growth and influence of private security sector. The state that the emergency of the private property was outmatching the pace at which public security in north America was operating in terms of resources. He argues that private security guards enjoy no excess use of power compare to the public security. [12]

According to Bayley and Shearing, future generations will look back on the current era as a time when one system of policing ended and another took its place. Policing is no longer monopolized by the public security. It is now offered by other institutions, most importantly by

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[11] Forst, B. (2000) '*The Privatization and Civilianization of Policing*', Criminal Justice, Vol. 2, pp. 19-97

[12] Shearing, C. and Stenning, P. (1981), '*Modern Private Security:* Its Growth and Implications', In Tonry, M. and Morris, N. (eds) Crime and Justice: An Annual Review of Research. Volume 3, Chicago: University of Chicago Press.

private companies on a commercial base. Viewed historically, Bayley and Shearing say it could be argued that the monopolization of policing by government is 'an aberration'.[13] Or in the words of Zedner the symbolic monopoly on policing asserted by the modern criminal justice state may just be a 'historical blip' in a longer-term pattern of multiple policing providers and markets in security. However, Zedner emphasises the symbolic dominance of public policing and argues that the shifts that have taken place acquire their significance from this loss of former symbolic dominance rather than structural change [14]

Jones and Newburn state that a 'public monopoly' has never really existed. The private security industry was relatively well established even during the 'golden age' of public policing in the 1950s. The idea of a 'public monopoly' over policing was as much 'a matter of image as of substance the idea that sovereign states could guarantee crime control to their subjects has been a myth, 'is it a powerful one'. They argue that current developments are better presented as the 'continuation of a long-term trend extending back several decades', rather than a 'seismic shift' occurring in the last years of the twentieth century. [15] Spitzer and Null identifies three key tendencies that explain the proliferation of private security industry. First the limited number of the public security to respond to corporate demands. Secondly the capitalistic corporation had a wide range of specialist security requirements and knowledge. Thirdly the private security

[13] Bayley, D.H. and C.D. Shearing (2001) *The New Structure of Policing*. Description, Conceptualization, and Research Agenda. Washington: U.S. Department of Justice, National Institute of Justice

[14] Zedner, L. (2003) '*Too much security?*', International Journal of the Sociology of Law, Vol. 32, pp. 155-184

[15] Jones, T. and T. Newburn (2002) '*The Transformation of Policing?* Understanding Current Trends in Policing Systems', *British Journal of Criminology*, Vol. 42, pp. 129-146

offered a more customer friendly services that the hard security traditional security offered by private security.[16]

Leonard G. Cooke analyzes the status of public security and the ability of the traditional police to offer the Virginia Homeland security. He argues that public law enforcement agencies have recently undertaken many homeland security responsibilities while continuing their traditional crime prevention and response activities. The public law enforcement is facing a difficult time with employee recruiting and jurisdictions lack resources to hire additional officers the local communities, cities, counties, and states face tight budgets. With the traditional resources of law enforcement institutions stretched thin, safety officials must consider other available resources to ensure homeland security.[17]

Reiner states, the deeper social changes of post modernity are transforming the role of the security institution within the whole array of security processes, because for instance the rise of public security itself was a paradigm of modernism, defined by as the project of organizing society around a central, cohesive notion of order.[18] Reiner further urges that changes in security trends emerge typically as manifestations of broader social movements

Fiscal constraints are said to be an explanatory factor for the growth of private security. The 'fiscal crisis', what is according to most commentators the result of the breakdown of post-war corporatism, refers to the budgetary limitations experienced by the state. This leads to a shortfall in public funding for public security organizations. The resulting 'demand gap' comes

[16] Spitzer, S. (1979) *The Rationalization of Crime Control in Capitalist Society*,' Contemporary Crises,Vol. 3, pp. 187-206

[17] The Police Chief, vol. 73, no. 11, November 2006. 515 North Washington Street, Alexandria, VA 22314 USA.

[18] Reiner, R. (1992) 'Policing a postmodern society', *Modern Law Review*, Vol. 55, pp. 761–781

to be filled by alternative providers: the private security sector. According to Gill the reduction in public intelligence budgets after the end of the Cold War, and the increase in private intelligence budgets is a main driving force for the emergence of powerful private intelligence companies and the blurring of public and private intelligence.[19] However, Jones and Newburn argues that, the 'fiscal constraint' argument is not convincing. First, public and private security bodies have different roles and perform different functions. Therefore, the growth in private security is not 'simply' a transfer from responsibilities from the public to the private sector.[20] Privatization of security does pose challenges to the way *both* states and markets have functioned in the modern system.

Avant further urges that public expenditure on public security has been substantially increased in the last decades. The capacity of the State is however also challenged in other ways. It is not only the fiscal limits of the state, but also the failure of the state to provide security in sufficient measure to reassure the public Crime figures, for instance, are simply too high for the public policing institutions to deal with.[21] This way, the state created a deficit in the supply of security which the market seeks to make good. But Zedner disagrees with Avant by arguing that his explanation has also its shortfalls, as the number of public security officers has increased largely during the last years and both the economic and political capital allocated to public policing is on the rise and the 'resources thesis' cannot provide a complete explanation. The

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[19] Gill, M. and J. Hart (1999) 'Enforcing corporate security policing using private investigators', *EuropeanJournal on Criminal Policy and Research*, Vol. 7, pp. 245-261
Jones, T. and T. Newburn (2002) 'The Transformation of Policing? Understanding Current Trends in Policing Systems', *British Journal of Criminology*, Vol. 42, pp. 129-146

[20] Jones, T. and T. Newburn (2002) *'The Transformation of Policing*? Understanding Current Trends in Policing Systems', *British Journal of Criminology*, Vol. 42, pp. 129-146

[21] Avant, D.D. (2005) *The Market for Force*. The consequences of Privatizing Security. Cambridge:Cambridge University Press

'more realistic and persuasive' position they propose is that growing demands by the public have stimulated the expansion of both the public and private sectors in policing [22]

Spitzer and Scull advance a more radical reading of the rise of private security sees the transformation taking place as linked to successive 'crises' of capitalism. The protection of profit, it is suggested, has become progressively more complicated, and the flexibility and malleability required under late modern conditions favour private over public provision. Put another way, the logic of late capitalism requires and feeds on the co mmodification of security a whole range of governmental services are being privatized and security is therefore just one more governmental sector that became 'a candidate for privatization[23]' Forst however, finds, this idea may be helpful in understanding some of the changes we witness, but it is simply not correct that a simple transfer of functions between public and private sectors has taken place, although some parts of the security functions have been privatized in some countries,[24]

Using Beck's idea of the 'risk society', some authors argue that the institutions of modern society are preoccupied with minimizing, preventing en managing new hazards and risks is underpinned with concerns about future risks, leading to more 'actuarial' than 'disciplinary' approach to policing. These techniques are characterized by a pragmatic emphasis on the management of risks and risky populations and crime prevention. These management techniques fit nicely into the general approach of the private security market. However, as 'risk' is seen 'everywhere', the prevention and management of risk is no longer a task that can be done by

[22] Zedner, L. (2006a) '*Liquid security: 'Managing the market for crime control*', *Criminology & Criminal Justice*, Vol. 6, No. 3, pp. 267-288

[23] Spitzer, S. (1979) '*The Rationalization of Crime Control in Capitalist Society*,' Contemporary Crises,Vol. 3, pp. 187-206

[24] Forst. B. (2000) '*The Privatization and Civilianization of Policing*', Criminal Justice, Vol. 2, pp. 19-97

governmental institutions alone; it has become pluralistic.[25] Further, as Zedner argues, by increasing the state investments in security and placing crime and risk at the top of the political and societal agenda, governments generated insecurities and a feeling of insecurity that cannot be easily be assuaged. Successive governments have created a black hole that the private security industry is only happy to plug and the state to see filled.[26]

Kempa, Stenning explain that the rise of private security is at least partly related to the declining capacity of more indirect sources of social control. Employment in a range of occupations providing 'natural surveillance' and other 'low level controls' as a corollary to their primary functions (bus conductors, railway station masters, train 14 guards, ticket inspectors etc) has been decreased markedly, removing an important source of secondary social control. As a reaction, private policing is emerging as an alternative primary form of social control, or as a formalization of secondary control. Public security is not able to fill the demand for a greater number of services, due to finite resources. [27]This decline in secondary control is further deepened by a decline in local institutions of civic engagement - churches, political parties, trade unions, voluntary organizations

1.3.4 Relationship between public and private security providers

Garland argues that the notion of a single sovereign power that could govern all social life was enhanced in the last century by the creation of a strong state apparatus and the development of a public security force which had – may it be mostly symbolic – a professional

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[25] Beck, U. (1992) The Risk Society. London: Sage

[26] Zedner, L. (2006b) 'Policing Before and After the Police', British Journal of Criminology, Vol. 46, pp.78-96

[27] Kempa, M., P. Stenning and J. Wood (2004) 'Policing Communal Spaces. A Reconfiguration of the 'Mass Private Property' Hypothesis', British Journal of Criminology, Vol. 44, No. 4, pp. 562-581

monopoly over the function of crime control. This "myth of sovereign crime control" however this proved unsustainable and the limitations of the state's ability to govern social life became more and more apparent. This resulted in a new orientation, which he labeled as the 'responsible strategy'. This new mode of governing crime involved the central government seeking to act upon crime not in a direct way through state agencies, but by activating indirectly non-state agencies, organizations and civilians. Phrases like 'partnerships', 'activating communities' or creating active citizens can be seen as characteristic of this new approach. 'Its primary concern is to devolve responsibility for crime prevention on to agencies, organizations and individuals which are quite outside the state and to persuade them to act.[28]

Spaseski observes that private policing and security constitute an integral part of overall security system in every country. He emphasized that the security system is a key element of the structure of state institutions organized on the basis of the state's Constitution. Organizationally and functionally this system involves rights, duties and responsibilities to build the security and stability essential for the successful functioning of the state (society).[29] Worldwide, private security functions as a subsystem of this overall security system. Contradictions between legislative requirements on the one hand and the practicalities of security provision on the other can lead to unintended consequences. Nowadays the provision of effective security is regarded by citizens as a high priority, and countries are willing to invest heavily to meet this demand. Experiences and perspectives of private security providers show that worldwide development of private security is being directly conditioned by the rise of liberal economies and by the processes of globalization.

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[28] Garland, D. (1996) 'The Limits of The Sovereign State. Strategies of Crime Control in ContemporarySociety', British Journal of Criminology, Vol. 36, No. 4, pp. 445-471

[29] Spaseski J., Private Security as an Integral Part of a Uniform Security System. Private Policing and Security – Relationships between the Private and Public security

Sotlar and Meško described the relations between police and private security in Slovenia as involving conflict, competition, cooperation and partnership.[30] In 2006 they conducted a survey of Slovenian police and private security officers and their managers, asking them about the forms of relationships between the police and private security companies and their employees on both individual and institutional levels. Their findings showed that security officers believed (more than policemen) that they really cooperate with police officers in a process of enabling security and law enforcement. They assessed their mutual relationship as good, and described it as a partnership. The police respondents, however, were far more reserved on these relationships. Both groups believed that private security will play an increasingly important role in social control in the future, but they doubted that private security companies will ever be allowed to manage prisons and prisoners in Slovenia. Police respondents were not in favor of further broadening the scope of the powers of private security officers, including use of physical force. Private security respondents were against allowing police officers to work as security officers in their off-duty hours. Police respondents were not surprisingly more in favor of this, despite being more skeptical than private security respondents about the possibility that in the future the police and private security companies will work well together.

Andrej Sotlar argues that despite some occasional problems, co-operation between the police and private security industry is good. He that such co-operation mostly involves common protection of public gatherings, transport and security of money, handing over suspected criminals to the police, information exchange and regulation of private security companies by the police. He further argues that Cooperation should be shifted from the tactical and operational

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[30] Sotlar A., Meško G., *Police and Private Security in Slovenia – Between Conflict, Competition, Cooperation and Partnership,* 'Private Policing and Security – Relationships between the Private and Public Sectors', Ljubljana, Faculty of Criminal Justice and Security, University of Maribor, 2008.

levels to the strategic level should result into synergy for Slovenian internal security. Such cooperative partnerships have proved successful, especially in some Western European countries for example the United Kingdom.[31] The situation, however, is rather different in South-Eastern European countries, especially those in transition. Conditions for such effective co-operation are not yet well developed, and needed changes are still in progress. Although some of their neighbor countries like Slovenia and Hungary have already experienced this transformation, these are new challenges for them and different cultures respond differently to similar situations.

In Bosnia and Herzegovina, the relations between private security companies and the public security sector are more accurately described as rivalry than partnership. Kržalić and Mihajlović noted that three separate legislative regulations mandate the work and operation of 'physical protection' that is offered to people by private security companies, and forms of 'technical protection' which are offered through static security systems such as burglary alarm systems, security camera systems.[32] The increasing demand for private sector services is rooted in increased levels of crime in Bosnia and Herzegovina at the moment, at a time when levels of trust between citizens and state and province administration are extremely low - a situation which heightens public feelings insecurity in a post-conflict setting. Robberies and thefts are the main threats which influence increased demand for the services of private security companies. In this context, it is precisely this increase in serious criminal offences that should serve as a

[31] Sotlar A., Meško G., *Police and Private Security in Slovenia* – Between Conflict, Competition, Cooperation and *Partnership*, Private Policing and Security – Relationships between the Private and Public Sectors', Ljubljana, Faculty of Criminal Justice and Security, University of Maribor, 2008.

[32] Kržalić A., Mihajlović S., *Private Security Companies and Public Security Sector in Bosnia and Herzegovina*: Partners or Rivalry? 'Private Policing and Security – Relationships between the Private and Public Sectors', Ljubljana, Faculty of Criminal Justice and Security, University of Maribor, 2008.

common motivation for the private and public security sectors to co-operate to increase levels of public safety.

In Macedonian the link between private and public sectors exist and are rather more promising than in Bosnia and Herzegovina. A tendency to define 'security' in a new and increasingly many-faceted ways creates a whole range of new and sometimes very active interfaces between the relevant private and public sector players in the Republic of Macedonia. Miloševska and Bakreski analyzed the existing situation in the Republic of Macedonia and noted that the relationship between the private and public security sectors is problematic for various reasons, due especially to the variety of ways in which the two sectors interact. One reason is competition between private security companies and police employees for jobs in both public and private security provision. Conflict can arise between public security and private security companies when they compete for the same contract, or when they are both working in the same area or during the same event. The problem of competition and conflict between police and private security companies is aggravated when the police are the oversight institution which issues licenses to private security sector operators and which monitors private security companies' compliance with the law. [33]

Davidovic states that private security in Serbia has thrown up some new challenges as a result of the strong influence of foreign private security companies on one hand, and stagnation of police reforms and realization of the '4D' project (depolarization, decentralization,

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[33] Miloševska T., Bakreski O., *Links between Private and Public Sectors in the Republic of Macedonia.*'Private Policing and Security – Relationships between the Private and Public Sectors', Ljubljana, Faculty of Criminal Justice and Security, University of Maribor, 2008.

decriminalization and demilitarization) on the other.[34] A concept of partnership between the public and private security sectors in Serbia is still developing. Even in the period when the Law on Social Self-Protection regulated the field of security in Serbia (such laws, based on socialist ideology existed in all other Yugoslav republics, nowadays independent states), that partnership was on very low level. That is why the new conception of relationships between these two sectors is seen in "policing" terms as a social concept of providing safety and security in society

Matthew argues that, while there are reasons to applaud an evolutionary merging of public and private policing, for example, to overcome "the inertia that has characterized the criminal justice system for so long" there are also good reasons to exhibit caution in advancing total cooperation.[35] Apart from the potential for corrupt relations, especially where moonlighting is permitted, there is an inherent conflict between the principles on which public security and private security personnel operate. While public security have a democratic duty to provide protection and law enforcement universally or at least on the basis of the greatest need, private security usually focuses on supplying risk protection selectively based on financial incentive. While in some cases where private security takes on a universalistic aspect, such as security for shopping centers or sporting events or at the behest of local government, service remains commercial and partial. Police independence and impartiality may be potentially compromised in favoring some security services and their customers over others when engaging in joint ventures. Other sticking points include training disparities, conflicts over ownership of successes and failures, differing abilities to assist victims, alarm monitoring frustrations and poor

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[34] Davidović D., *Public-Private Security Sector Partnership in Serbia: Problems and Future Development*, 'Private Policing and Security – Relationships between the Private and Public Sectors', Ljubljana, Faculty of Criminal Justice and Security, University of Maribor, 2008.

[35] Matthews, R. (1989), *'Privatization in perspective'*, Privatizing Criminal Justice, London: page, 1-23.

information sharing. The road ahead may be paved with good intentions, but contains many potholes.

According to Cunningham private security is focused on three main components: physical security, information security, and personnel security. Private security also differs in their jurisdictions. Private security personnel can be hired by an organization that operates across city, county, state, and even national borders. Public security departments, on the other hand, are responsible for a particular jurisdiction, which could be a county, town, city, or state, depending on the type of agency. Relationships between the state and private security are becoming more and more complex. The world has entered the 'plural policing' stage and now faces non-police police organisations. People sometimes rely more on private security companies than on police. But, is it just security and not policing? Trying to distinguish the role of private security companies from public security is bound to fail, because certain tasks and duties are simply impossible to distinguish.

1.3.5 Competition or cooperation

Much literature on the topic of private security suggests an adversarial relationship between public and private security. However, in academic literature critical remarks are made about this supposed rivalry. According to Stenning when we look at security provision, the relationship between public and private security is more often complementary than adversarial, as well as that it is increasingly difficult to identify security tasks and responsibilities which are the exclusive preserve of public rather than private police. Early analysts of private policing suggested that the respective roles of public and private police were determined by the geographical domains in which they worked: the security of public places was the responsibility of public security and is to be undertaken in the 'public interest', while the role of private police

is confined to the protection of private property in the interests of its owners. Stenning argues that this generalization is no longer true, as public security obtained more and more power and technological possibilities to intrude the private property and private relationships and more and more public life is being policed by private police.[36]

Crawford and Lister using the concept of the 'extended policing family', they identify four broad models reflecting the different nature of such relations in the specific context of security patrols in residential areas: - An *integrationist* model whereby forms of private policing are integrated within the 'immediate police family' of the professional state police. - A *steering model* whereby the police seek to 'govern at a distance' the policing activities footers. - A *networked model* whereby plural policing providers link together in horizontal partnerships in the co-production of local security.- A *market model* whereby competition structures the relations between divergent providers.[37] Stenning comments that like most families, the 'extended policing family' is not always a very harmonious one, and is frequently driven by jealousies, enmity, competition, conflict and lack of mutual respect and common goals.[38]

In a study on the role of private financial investigative agencies, Schneider found the private agencies are engaged in proactive, prevention-orientated work to help companies comply with transaction reporting legislation and regulations. Government agencies are said not to have the resources to provide the comprehensive range of services and intensive work required to

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[36] Stenning, P.C. (2009) '*Governance and Accountability in a Plural Policing Environment* - the Story so Far', *Policing*, Vol. 3, No. 1, pp. 22–33

[37] Crawford, A. and S. Lister (2004) *The extended policing family.* Visible patrols in residential areas,Centre for Criminal Justice Studies, Leeds: University of Leeds

[38] Stenning, P.C. (2000) 'Powers and accountability of private police', *European Journal on Criminal Policy and Research*, Vol. 8, pp. 325-352

ensure private sector companies are in compliance. This 'void' has been filled by private security agencies.[39]

According to Schneider, the level of informal and formal cooperation between public security and private accounting organizations is 'unparalleled' within the private policing sector as a whole. There is also a high level of respect among law enforcement officials for the contribution that forensic accountants can make to the investigation of financial crimes. However has a different view on the division of labour between public and private agencies in financial crime. The division of labour is a 'reflection of the structural contradictions underlying the governance of capitalistic economies' and the ways in which these contradictions have been translated into police mandates and resources. Governing the economy is something that is best left to the private sector, due to the risk that a more active public response would expose 'the nature of economic organization and thus dramatically reveal the interests of the powerful and the state. The state is therefore only involved in the maintenance of the boundaries between 'legitimate' and 'illegitimate' business interests and the symbolic reassertion of the legitimacy and credibility of markets during time of crises. Therefore, the 'reigning' view that distinctions between private and public policing are less consequential to contemporary forms of governance betrays the 'highly politicized nature' of the financial field and is counter-productive in understanding the nature of financial governance. Looking into the sharing of information between public and private security providers, Brodeur found that the sharing of information is very selective.[40] Private security firms share intelligence with the public security when their clients are private citizens, but not if their clients are corporate. In-house security agencies are

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[39] Schneider, S. (2006) *'Privatizing Economic Crime Enforcement*: Exploring the Role of Private Sector Investigative Agencies in Combating Money Laundering'. *Policing and Society*, Vol. 16, No. 3, pp. 285-312

[40] Brodeur, J.P. (2007) *'High and low policing in post-9/11 times'*, Policing, Vol. 1, No. 1, pp.2537

believed to consider all information relating to their respective clients to be confidential and not to be shared.

According to research of Lippert and O'Connor clients are the main consumers of security intelligence and security firms are more likely to share security intelligence with their clients than with the public security.[41] According to scholars, from a theoretical point of view private security actors could give a surplus value in threat assessments, as private security firms typically gain access to information pertaining to their clients that may be unavailable to law enforcement. Another aspect pertains to the quality of investigative capacities of large consulting firms. By combining the expertise of investigators from various professional backgrounds, it seems plausible to assume that more information can be collected and more insights can be gained than by a law enforcement agency.

In comparison with law enforcement agencies, the private firms have the capability to use personal and technological resources from various areas. In addition these firms and especially the umbrella organisations of companies involved in private security often operate on a far more cross-national level than law enforcement authorities, which definitely is a surplus value in the field of assessing, preventing and combating organized crime but according to the researcher, some obstacles stand in the way of information exchange between public and private security agencies. Resistance could be expected from *both* sides of the spectrum. Some essential sector distinctions between public and private policing, in terms of the state versus the market, may not been forgotten and still be in the way. For private security firms it is not at all self-evident to share knowledge with police in concrete police investigation. As service providers these firms

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[41] Lippert, R. and D. O'Connor (2006) *'Security Intelligence Networks and the Transformation of Contract Private Security', Policing and Society,* Vol. 16, No. 1, pp. 50-66

have to heed the interests and wishes of their clients first, which might result in refraining from sharing knowledge.

Many corporations are hesitant to bring it in the open when they are victimized or when their services have been abuses. Being profit driven, the private sector will rarely voluntarily take on activities that will not enhance their own profit driven agendas. Also on the side of the law enforcement authorities there are concerns – even within the framework of the public-private partnership, one could be faced with the prospect of having non-governmental and non-security cleared staff processing some of the most sensitive criminal and intelligence information. However, there are other ways in which private and public security practices can influence each other, besides the more practical cooperation or competition practices.

Wood describes, in the face of new players that have been jockeying for position in the security field, the public security have not only been emphasizing the specific capitals they have accumulated over time in challenging the legitimacy of non-state providers of security; they have also been 'active agents' in taking on and integrating the sensibilities of these new private players in order to re-position themselves as more effective competitors in a field where the growth in consumer culture is readily apparent.[42] These sensibilities in the private security sector are described as risk-based thinking. 'Security' is in this line defined and acted upon within this risk-based framework. The control of crime is not seen as the mandate of corporate security, but rather it is the 'prevention of losses. Commercial decision making is geared to minimizing opportunities for loss and shrinkage to occur. At the same time, certain levels of loss will be tolerated if preventive measures entail considerable expense, or if such measures are unappealing to potential customers. While the public security looks out for potential suspects, private security

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[42] Wood, J. (2004) *'Cultural change in the governance of security'*, *Policing and Society*, Vol. 14, No. 1, pp. 31-48

gaze is therefore, the public security's growing orientation towards information gathering, anticipatory engagement and proactive intervention demonstrates an ethos comparable to that found in the commercial security sector.

1.4 Theoretical framework

The public security have dominated public security since the creation a nation state guided by the realist theory of physical protection and state monopoly of the use of coercive force in society. To assert state supremacy, they sought to limit what private groups were permitted to do to preserve the peace. The belief was that the state would be able to limit private initiatives legitimately if it was strong enough to guarantee order in society. Over time however, the role of the state as the sole provider of security has been diminishing due globalization, marketing and pluralism. As the state has retreated in this way it has become evident that a welfare system of the provision of security where only the public provision of security is known and acknowledged is no longer tenable. Although the retreating state still retains important powers in the area of security provision such as licensing and enforcement processes, it has become less important in security provision.

To analyze this approach of security, the study employed the structuralism theory of conflict analysis. According to structuralism theory, the object world exist because of three distinct conditions: The peaceful condition, which is free from any disturbance, the non peaceful condition in which there is latent security and war condition which is in form of real violent conflict. The theory argues that it is because of those created structures that class divisions emerge between the have and the have-nots. It further explains that class division lead to a threat of fear and insecurity by the dominant class who in turn seek for state protection against the perceived threats to their wealth. And that when the state is unable to provide such required

security, a vacuum is created which will be filled by private security initiatives. The theory however, ignores the relative nature of the term 'order'. There may be many different types of order that are not necessarily mutually exclusive. The type of order that the state is attempting to guarantee may be different from the type of order businesses, affluent suburbs, townships and corporations wish to establish or preserve. Different types of order may call for different types of policing. Throughout the world, governments are beginning to explore the implications of the growing private policing apparatus, although many have expressed alarm at the dramatic increase in private policing capabilities and more especially in the developing world. The reality is that the development of private policing is a response to the real needs and concerns of those individuals paying for such services. The state recognized, however, that in a liberal democracy it cannot be all-powerful. Limits were therefore placed on what the state could legitimately do to enforce the peace. The demands for order had to be balanced against individual liberties and civil rights. The public security became subject to the limitations of due process and neutral application of the law. The proliferation of private security providers has raised concern pertaining the professionalism, competence and legality of private security providers as compared to the traditional public security with many calling for government regulation of the industry.

1.5 Hypothesis

1. A synergetic approach to security provision by public and private security providers will enhance security in Uganda

1.6 Research methodology

1.6.1 Introduction

This chapter presents a description of the approach used for the research to obtain information on the study problem. It consists of the research design, population of the study ample size, sampling method, data source and instruments, measurements, data management and analysis

1.6.2 Research design

In the study the researcher used descriptive analytical research design using quantitative and qualitative approach. Brewerton asserts that a case study provides an in-depth study of the problem with limited time scale. He further asserts that the notion of combining qualitative and quantitative date in a case study research offers the promise of getting closer to the whole of a case in way that a single method study could not achieve. It applies both correlation and descriptive approaches.

1.6.3 Study population

The study was carried out in Kampala city in Uganda. This is due to the fact that, all major private security providers operate from Kampala city. The study targeted 100 respondents from personnel from both public and private security providers. From private security, the study targeted managers, administrators and supervisors, as well as operational personnel such as security, guards, crowd controllers, patrol officers and loss prevention officers. From the public security the target group included top management officials especially those that supervise the operations of private security organisations. Police constables. The researcher also targeted members of the public especially those that hire the services of the private security.

Table 1 below shows the population and categories that was used in the study

Category of respondents	Population
Managers of private security companies	10
Top managers of Uganda police	10
private security	35
Police constables	25
Contractors of private security services	10
General public	10

1.6.4 Sample size and Sampling method

A sample of 100 respondents was selected based on Morgan and Krejic (1980) sampling guidelines. The study used a simple random sampling method.

1.6.5 Data collection

The researcher used both primary and secondary data collection methods.

Primary source

Under primary data collection method, the researcher went to the field to collect primary source data from the stated population of the case study using structured interviews and questionnaires.

Secondary data

Under secondary data collection method, the researcher obtained data from the existing literature through literature review of published books, journals and unpublished materials that are relevant to the study.

1.6.5 Research instruments/ tools

The researcher used the following research tools to collect data from the field.

1.6.6 Research questionnaires

A comprehensive questionnaire covering all the study variables was designed. Part (a) of the questionnaire covered perceptions of respondents on the relationship between private security and public security providers, collaboration and regulation.

The researcher first pre-tested the questionnaire before being administered. The questions were close and open ended to allow flexibility in response.

1.6.7 Interview methods

The researcher conducted interviews with the target respondents of the top managers of Uganda police, the managers of private security companies and the member of the public.

1.6.8 Data analysis

The data collected was edited, coded, and analysed. Quantitative data was presented in form of frequency tables, and correlation analysis to show the relationships and regression analysis to reveal the impact of each independent variable on the dependent variable.

1.7 Chapter Outline

This section outlines the chapters that were covered in this thesis as briefly discussed:

Chapter one covers the research proposal which covers introduction to the study, the research problem, objectives of the study, literature review, hypothesis, research methodology and chapter outline.

Chapter two discusses in details the provision of security in general, analyzing the emergence of private security as a need response by private individuals to bridge the security gap created by state inability to provide public security. The chapter underscores the need for cooperation between private security providers and public security providers.

Chapter three discusses the relationship between public security providers and private security providers using conceptual views found in different sources of literature citing themes in literature of countries that have regulated the services of private security providers and the benefits of it.

Chapter four analyses the regulation of private security providers in Uganda as a case study taking a look at the historical background, the regulatory framework, and the relationship between public and private security providers.

Chapter five concludes the study by highlighting key conceptual issues in literature and taking a conceptual stand on why it is important for the public and private security to develop a framework of cooperation and collaboration.

CHAPTER TWO
PROVISION OF SECURITY

2.0 Introduction

This chapter discusses the Concept of security from the perspective of the state mandatory duty to provide security to its citizens. Underscoring the fact that the role of the state emanates from the real ideals to why states exist. Furthermore, the mandate of security provision is given to the state through legal instrument like the constitution which outlines the manner in which states can provide security to its citizens. It further analyses that when states fail to perform this fundamental responsibility, a state of insecurity emerges and leads to incidents where the public resorts to acquiring individual protection to fill the gap. When private security providers are contracted, they should not view this as an alternative to public policing nor competitive in the security docket but rather as partners and complementary security providers. This therefore calls for cooperation and collaboration with the public security symbiotically.

2.1 Security

Security can be defined as the pursuant of freedom from internal and external threats and the ability of states and societies to maintain an independent identity and functional integrity against forces of change which are seen as hostile. The term security can be explained to have three meanings. Traditional meaning: this views security as an attribute of state, or absence of military conflict. Secondly security viewed in a broader sense yet still referring directly to the phenomena taking place in international relations or directly/indirectly caused by inter-state relations. Thirdly security vied in terms human security.

A more comprehensive definition of security was proposed by Arnold who defines security in an objective sense, as a measures of absence of threats to acquired values, in a subjective sense, the absence of fear that such values will be attacked"[1] In economic terms, security is a "public good" which provides benefits to all members of a community as soon as it is made available to any one person. Such a good is collectively consumed by everyone in a community, and it's impossible to charge for its use. It should be supported by human security - the broadest and the deepest concept of security, which is now dominating the debate in security theory and policy. "The concept of security must change-from an exclusive stress on national security to a much greater stress on people's security, from security through armaments to security through human development, from territorial security to food, employment and environmental security. For long, the concept of security has been shaped by the potential for conflict between states. Security has shifted being equated with the threats to a country's borders, nations seeking arms to protect their security.

2.2 Security as a public good

Loader urges that a 'deep and inclusive' interpretation of the meanings security has as a social good within liberal democracies is one that severely precludes it being treated as a commodity and bought and sold freely on the market. Security is a 'needed' - yet at the same time problematic - 'good' requiring another kind of distributive principle. Security ought not to be acted upon as a tradable commodity because of the 'intimate connection' between the provision of security and political authority. Policing has to stay within a legally constituted community of citizens in need of legitimating. Further, Loader states that security is an 'indivisible social good', as it is inexorably connected with the quality of citizens association

[1] Knudsen O. F., 2001. *Post-Copenhagen Security Studies*: Desecuritizing Securitization, Security Dialogue, vol. 32, no. 3, pp. 355-368.

with each other: the texture of social relations, the thickness of social bonds. By allocating security on the basis of wealth and social interest, market allocation atrophies the connections between public safety and citizenship. In enabling security to be bought and sold, it licenses the emergence of private orders and communicates the idea that security can be obtained without reference to the common good. Political deliberation should be the principle for deciding how scarce security resources are to be distributed. Such deliberative politics works to strengthen 46 connections between security and the common good, operating so as to foster trust and enhance social solidarity among citizens. It does imply that the security of any individual depends in some significant fashion upon the security of others, and thus that the very idea of 'private security' is oxymoronic Loader therefore supposes that in establishing the very frameworks of stable community which make the provision of objective security measures possible, some common sense of social identity must already be present and must continuously be sustained. Therefore, the 'social and constitutive dimensions of security' are independently necessary to the provision of security as instrumental to individual liberty.

Loyens argues the state should have the primary role in the constitution of security, as the state is a form of a constitutive political community that is able to act as a last resort of coercive authority and produces social identity. He recognizes that states have historically been involved as ordering devices, as sources of the rules, resources and administrative capacity necessary to the production of collective security.[2] He also acknowledges that through the development of a sense of belonging, dignity and authenticity in the form of national identity, states have also been engaged in crafting social identities which provide the motivational force both for providing and maintaining the ordering infrastructure and for nurturing a social environment in which civility is

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[2] Loyens, K. (2008) *Police occupational culture reviewed.* A comparison of values in the public and private police. Paper for the Public Value Workshop. Copenhagen, May 28th – 31st, 2008

relatively high, security risks are relatively low, and thus the ordering infrastructure is reasonably sufficient for its task. Policing institutions, Loader adds, have been active symbolic agents in the forging and mutual reinforcement of the nation-state nexus. However, Loader sees the 'flipside of this historical record of instrumental and cultural work': the propensity of the state to meddle, to reflect and enact the bias of the most powerful, to decide without sufficient knowledge or foresight, and to mobilize and celebrate an intolerant idea of cultural uniformity. An answer could lie in 'arguing and legislating' for as much openness as possible and many checks as can be incorporated against undue meddling, bias, uninformed decision-making and cultural imperialism in the ordering and cultural work of the state.

Loader introduces the concept of 'anchored pluralism'. The state, in the sense set out above, should remain the anchor of collective security provision, but there should be as much pluralism as possible both, internally, in terms of the constitutional inclusiveness, representativeness and minority protection mechanisms of the democratic and administrative processes through which the aspiration of collective security is reflected upon and pursued, and, externally, in terms of the recognition of the appropriate place of other sites of regulatory and cultural production. In this second, external dimension, the role of the state in ordering the security field should be seen as a meta-regulator and in the cultural field as a wide boundary of social and security identity within which other social and security identities may be nested. The gradual de-coupling of police and state should therefore be opposed.[3] A positive connection could be reformulated, flowing from an appreciation of the status of policing as a public good. Citizen's identification with state policing also contains recognition of the relationship between policing and public order and of the importance of national public institutions being accountable

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[3] Loader, I. and N. Walker (2001) '*Policing as a public good*: Reconstituting the connections between policing and the state', Theoretical Criminology, Vol. 5, No. 1, pp. 9-35

to a larger public and certainly influenced by this national public. It challenges the idea that the safety and security of citizens should rest on the shoulders of individuals, or be given over to commercial interests. So therefore, policing is a thick public good and policing can or should remain primarily a matter of state provision and regulation. The state is currently the only political form with the capacity to secure legitimate, coordinated, effective and equitable policing which contributes to citizens' sense of attachment and belonging The state continues to offer the best hope we have of securing policing forms that are not merely efficient and effective, but also supportive of hard-won and all to easily lost democratic entitlements and freedoms.

Johnston also pleas for a strong governmental role in both public and private policing in Other words, plural policing, if left unchecked, may give rise to a fragmented system which combines the worst of all worlds: ineffectiveness (due to lack of co-ordination between the elements) and injustice (due to inequity in the distribution of the services). On the other hand, pre-occupation with risk – and, particularly, the assumption that every risk justifies a security response – if left unchecked, may threaten the emergence of an invasive policing system located within a 'maximum security society'.[4] The implication is that diversity and risk demand good (effective, just and democratic) governance, but a statutory control of private security is not a sufficient response to the problem because the imposition of state control over a single element within a diverse security network and in this case commercial security leaves the question of the relationship between the different elements unresolved. Secondly, the project of state control is also problematic. Good governance of security cannot be reduced to the imposition or re-imposition of state authority over policing for the simple reason that the state – as a unified, authoritative, exclusively public body, with an in-built capacity to exercise sovereign control – is

[*] Johnston, L. (1999) '*Private policing in context*', European Journal on Criminal Policy and Research.Vol. 7, pp. 175-196

becoming a fiction. So, in the absence of sovereign authority, diversity is the context in which problems have arisen, and is the context in which those problems have to be resolved. Johnston therefore suggest a model of 'optimum policing', the purpose of which is to secure public interests under conditions of diverse security. Optimal policing may be defined as a system of security which is neither quantitatively excessive (to the detriment of social values and objectives other than security) nor qualitatively invasive (to the detriment of public freedoms) and which satisfies conditions of public accountability, effectiveness and justice. One of the objectives of optimal policing would be to develop security as a public good. However, with its declining sovereignty and increased penetration by commercial interests, it becomes difficult to define the state as the sole preserve of the public good. Moreover, under diverse conditions, the state has become one player – albeit an important one – in a complex network of governing agencies. The challenge for democratic government is to ensure that the actions of those commercial bodies accord, as much as possible, with the public good. Johnston however, believes that there is no 'immutable contradiction' between commercial and public interests. Commercial security can, under appropriate governmental conditions, begin to provide the rudiments of accountable, just and democratic policing.[5] What needs to be explored in the future is how, in a market economy, governmental mechanisms can be put in place which ensures that public interests are protected in security networks composed, in part, of commercial elements. The project of good governance can only proceed when security is understood as a relationship between commercial, public and voluntary elements.

Steden and Sarre also see possibilities to reconcile private security and the concerns of those who would lament the exclusivity that it may engender. Private security and social justice are not mutually exclusive. For example, Dutch programmes to reduce disorder on public

[5] Ibid

transport employed commercial guards as conductors and guardians at train stations and on the tram and metro system. Similarly, municipalities increasingly hire paid security workers in the Netherlands as lowly paid replacements for police officers in the enforcement of 'small nuisances' such as illegal parking, graft and urinating in public.[6]

According to Krahmann, discussions on good governance and statutory control overlook an important aspect, namely the 'fundamental changes in the notion of security' due to the conceptual and practical differences between collective goods and commodities Referring to David Baldwin, Krahmann lists seven questions that shape the definition of security: security for whom, security for which values, how much security, from what threats, by what means, at what cost, and in what time period. It can be argued that the co modification of security affects the answers to all seven questions that Baldwin identified. First, it can be suggested that the co modification of security affects the answer to the question 'for whom?' because it entails the provision of security as an excludable good. In particular, the co modification and marketization of security are likely to shift the focus from the collective to the individual level.[7]

2.3 Historical relationship in security provision

Young observes that during the 1960s, private security personnel in the United States were perceived as insignificant in the policing industry. He argues that despite revolutionary growth, scholars, policymakers, and public law enforcement officers often ignored the contributions of private security. Young further states that in the 1970s, some perceptions began to improve between the two sides, although general feelings of mistrust continued.

[6] Steden, R. van & R. Sarre (2007) 'The Growth of Private Security: Trends in the European Union' Security Journal, No. 20, pp. 222–235

[7] Krahmann, E. (2008) 'Security: Collective Good or Commodity?', European Journal of International Relations. Vol. 14, No. 3, pp. 379-404

In the early 1970s, the Law Enforcement Alliance of America (LEAA) contracted with the Private Security Advisory Council (PSAC) to assess the level of cooperation between law enforcement and private security, with the goal of enhancing the role of private security in crime prevention. The 1976 report from the PSAC brought to the surface the long-standing frictions that existed between private security and law enforcement. The PSAC also sought to identify programs and policies that would allow for improved coordination and published a number of reports on false alarms, the regulation of private security, crime prevention through environmental design, ethics for security staff, the legal authority of private security personnel, and the development of private security training curricula. Changes in the policing movement during the 1980s and 1990s, such as problem-oriented and community policing, helped reinvigorate past efforts to improve cooperation between law enforcement and private security, since then, certain amount of informal cooperation between law enforcement and private security practitioners has probably taken place. A subsequent example of formal cooperation developed in the era of skyjacking. "Public security was stationed at security checks at concourse entrances and arrested many armed suspects before they reached the planes. Public security officials confronted by manpower crises had to make a choice between staffing beats and positioning officers at airline security checkpoints. Today, passenger and baggage screening is generally carried out by private security firms that operate under contract to the airlines and who can communicate quickly with law enforcement agencies if assistance is needed."[8]

A recurring theme in the literature is conflict between law enforcement and private security. Historically there has been a tension between public security and private security agents. This tension has several components. First, the roles and functions of public and private

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[8] Law Enforcement-*Private Security Consortium*. (2009). Operation partnership: Trends and practices in law enforcement and private security collaborations. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services

police are often unclear or poorly understood. While much public attention has been focused on the 'police' in recent years, there has been little public assessment of the private police, despite the fact that private policing has been growing exponentially over time. Security officers have long been known by the unflattering term "rent-a-cops," and law enforcement officers often hold them in contempt. The low esteem is partly due to the lack of selection standards for private guards, and lack of basic standards for training of private guards."[9] In sum, many of the problems in communication between police and private security are rooted in the working officer's perception of the security guard. Law enforcement officials sometimes state that private security is not accountable to anyone but to the customers, regulators, and the market, which penalizes them for failing to meet specific obligations. Like the public security, they are also accountable to civil and criminal law and the media. On the other hand, In fact, private security sometimes sees law enforcement as the agency that always comes after the fact, does little to prevent crime occurrence and shows disdain for private security.

Private security officers indeed receive less training than most public security, but even law enforcement practitioners observe that the key is to ensure that professional level training for the specific duties and jobs to be undertaken by the private sector is provided. Before law enforcement would feel comfortable contracting out some of its service to private security, "the private sector security industry must be prepared to accept that only it's professional.

Policing has not undergone these radical changes without experiencing a strain on existing arrangements. The lines of delineation are quite blurred. As a result, a number of questions must be explored. How has the rising importance of private security affected the public operation, and vice versa? What is the relationship between the personnel associated with

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[9] Ibid

the various forms of policing? Are the uncertainties in the relationship hampering the task of crime control and crime prevention? While there is no shortage of research into the dilemmas associated with the relationship between public and private policing over the last twenty-five years, there has been little attempt to build descriptive and prescriptive models from the range of possible relationships. [10]

The difficulty is that relationships change constantly, and depend upon the nature of the task to be performed. At one moment the two sectors may be aloof; at the next, they may work together effectively and harmoniously. Suspicions and acrimony surface, only to subside quickly. At a minimum, though, it must be recognized that the two sectors inevitably cross each other's paths due to the blurring of distinctions between private and public areas, and because of the movement of offenders and targets across often intangible borders. It is reasonable, therefore, to argue that the points of overlap should be regulated, at the very least to stop misconduct and waste, but also to maximize potential public benefits. The precise mechanisms and limits of this issue need further analysis and clarification in theory and policy. However, there is currently a window of opportunity for all participants to see beyond a threatening situation to an opportunity for better and clearer cooperation, so long as the intersections are well theorized and better regulated. For while there are reasons to applaud an evolutionary merging of public and private policing, for example, to overcome the inertia that has characterized the criminal justice system for so long there are also good reasons to exhibit caution in advancing total cooperation.

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[10] Moore, R. H. (1988). *Civil liability for negligent and inadequate training:* A private security problem. Journal of Contemporary Criminal Justice, 4, 106–118.

Krahmann, observes that apart from the potential for corrupt relations, especially where moonlighting is permitted, there is an inherent conflict between the principles on which public policing and private security personnel operate. "While public security have a democratic duty to provide protection and law enforcement universally or at least on the basis of the greatest need, private security usually focuses on supplying risk protection selectively based on financial incentive".[11] While in some cases where private security takes on a universalistic aspect, such as security for shopping centers or sporting events or at the behest of local government, service remains commercial and partial. Police independence and impartiality may be potentially compromised in favoring some security services and their customers over others when engaging in joint ventures. Other sticking points include training disparities, conflicts over ownership of successes and failures, differing abilities to assist victims, alarm monitoring frustrations and poor information sharing. The road ahead may be paved with good intentions, but contains many potholes.

This critique, thus, is skeptical of striving for a totally symbiotic tie between police and private security, and lends qualified support to providing complementary services. Some important modifications apply nonetheless.

2.4 Cooperation in security provision

Cunningham argues that partnerships between law enforcement and private security are not a new phenomenon. Currently, public–private cooperation takes many forms, ranging from

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[11] Krahmann, E. (2008) 'Security: Collective Good or Commodity?', *European Journal of International Relations,* Vol. 14, No. 3, pp. 379-404

national information-sharing programs, or to local-level operational partnerships. However, some findings suggest that limited percentages of law enforcement agencies fully participate in formal collaborations with private security.[12] In recent years, however, both public security departments and private security have paid greater attention to collaboration, information sharing, and partnership. Connors and colleagues acknowledge that the legal powers and training of police officers combined with the size, resources, and technical expertise of private security can create a successful relationship for emergency response efforts.

Dempsey enumerates a number of security partnership areas that exist in Philadelphia state. He cites one example of an effective collaboration program, as being the joint training between public law enforcement and private security, joint operations on issues like terrorism, emergency preparedness, traffic control, executive or VIP protection and sharing work stations.[13] Dempsey, 2008 further argues that Public-private partnerships have also come in the form of police departments 'privatizing certain functions. Functions that are typically noncriminal in nature, such as prisoner transport, alarm response, and jail and court security, can be provided by private security officers.

Nalla asserts that private security companies have also been given public security powers to assist sworn officers with certain functions, often to reduce costs and improve services in a particular area For example; the Minneapolis Police Department Safe Zone program hires private security officers to help patrol downtown areas. This program has been credited with reducing targeted violent crimes and automobile crimes and increasing arrests for quality-of-life crimes.

[12] Cunningham, W C (1978): *Private Security*, A W (ed): The Future of Policing, Sage Criminal Justice Annuals vol 9

[13] Dempsey, J. S., & Forst, L. S. (2008). *An introduction to policing* (4th ed., pp. 62–63). Belmont, CA: Thomson/Wadsworth.

Private security officers are also hired by police agencies or by private businesses to provide security for apartment complexes, universities, hospitals, retail or commercial areas, nightclubs, and public transportation.[14]

Young chief of the Lakewood, Colorado, Police department noted that privatizing certain functions of the police department increases the number of law enforcement officers on the street and decreases crime rates at a lower cost than employing only public officers. Private security organization in seldom cases may possess significant number of personnel, armed with a wide array of technology, and directed by professionals and who have spent their entire adult lifetimes learning how to prevent and reduce crime that need to be tapped by governments in the fight against criminality[15]. The private security industry has sophisticated and advanced equipment in form of alarm systems and perimeter safeguards, armored trucks, sophisticated mini-computers, and t highly skilled crime prevention experts, offers a potential for coping with crime that cannot be equaled by the police.

According to the Law Enforcement-Private Security Partnership Consortium there are numerous benefits to creating partnerships between private security and law enforcement. For one, the contacts and professional relationships established can open the door to future training and career opportunities, provide opportunities to develop an inventory of specialized skills, and improve trust and confidence on both sides. Public law enforcement agencies can possibly reduce costs by releasing certain functions (i.e., security on public transit systems) to private

[14] Nalla. M K & Newman G R (1991): *Public versus private control*: a reassessment, in Journal of Criminal Justice vol 19, p 537-547

[15] Young. A. (2004, January). *The future of public/private partnerships.* FBI Law Enforcement Bulletin, 73(1), 7-11.

security. In addition, private security has more resources and technology to address high-tech, financial, and intellectual property crimes. Finally, these partnerships play an integral role in emergency management planning and response, information and intelligence sharing, and stronger community policing efforts.

2.5 Public security perceptions

Bayley and Shearing comment that through World War II, private security was looked on as a somewhat unsavory occupation. It had the image of ill-trained bands of thugs hired by private businesses to break strikes, suppress labour, and spy on one another.[16] The police, as well as the public, viewed private security companies as a dangerous and unauthorized intrusion by private interests into a government preserve. Police are said to still be reluctant to closer cooperation. This mistrust and suspicion stems in part from the perceptions that the private sector has intruded on the traditional domain of the public security and that an increase in private policing will mean a diminution of the stature, power and resources of public security. Law enforcement officials are also concerned with some other genuine realities of the private policing sector: poor training, a lack of minimum standards or accreditation, unethical and illegal tactics, and the use of excessive force. In short, a ubiquitous critique leveled at private security is that they are untrained, unprofessional, unregulated and unaccountable police wannabes that simply get in the way of "real police work. Other fears and suspicions of private investigators actually stem from their background as police officers and their ongoing contact with their former colleagues in the law enforcement community. Private investigators are able to offer clients access, albeit clandestine, to confidential data through the 'old boys' network'. But Bayley and

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[16] Bayley, D. and C. Shearing (1996) 'The Future of Policing', Law and Society Review, Vol. 30, No. 3, pp. 585-606

Shearing argue that recently a more tolerant attitude has developed, with private security seen as a necessary supplement to the overburdened public security. Nalla and Johnson argue that the past few years especially, governments have gone beyond passive acceptance to active encouragement of commercial private security. There now seems to be a general recognition that crime is too expensive and complex to be dealt with solely by the police and that the profit motive is not to be feared in policing. Research shows that the propensity for the development of more positive relationships is related to the larger economic and political context of countries. That is, countries with free market economies such as the U.S. have more laissez faire policies and allow for greater private sector participation in many of the traditionally state-held functions compared to countries that have traditionally been driven by state-centered policies.[17]

Wood however, points at a strategic reason behind the changing attitude towards private policing. In the face of new players that have been jockeying for position in the security field, the public security have not only been emphasizing the specific capitals they have accumulated over time (political, cultural, symbolic) in challenging the legitimacy of non-state providers of security; they have also been 'active agents' in taking on and integrating the sensibilities of these new private players in order to reposition themselves as more effective competitors in a field where the growth in consumer culture is readily apparent.[18]

There is not much research available looking specifically into the mutual attitudes of private and public security officials. Nalla and Johnson examined the nature of police officers' perceptions of private security in three different economies: USA, South Korea and Slovenia.

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[17] Nalla, M.K. and J.D. Johnson (2009) *'Are police and security personnel warming up to each other? Comparison of officers' attitudes in developed, emerging, and transitional economies'*, Policing: An International Journal of Police Strategies & Management, Vol. 32, No. 3, pp. 508-525

[18] Wood, J. (2004) *'Cultural change in the governance of security'*, Policing and Society, Vol. 14, No. 1, pp. 31-48

The research showed that police and security personnel from the USA are more supportive of the nature of their working relationships and improving working relations with one another. The nature of working relationships and potential for improving relations between police and security personnel tend to be viewed more positively by the developed (USA) and emerging (South Korea) economies, while Slovenian police and security personnel, representing a transitional economy, continue to struggle in their relationships with one another. Police and security officers in the USA and South Korea generally view one another as equal partners on some level, but among both Slovenian police and security professionals, the findings provide support for the opposite view. That is, neither police, and to a lesser degree security, officials view the nature of their relationship as equal to one another.

Trim suggests two models of partnership. A Corporate Intelligence and National Security Model (CINS) that shows how business intelligence and national intelligence converge and a Global Intelligence and Security Environmental Sustainability Model (GISES) that represents a comprehensive architecture that facilitates the development of a partnership among the various intelligence and security agencies, government departments, law enforcement agencies, and other organizations and institutions in both the public and private sectors. According to Trim, the model allows for open and effective communication among the various law enforcement officers, national security officers, and corporate intelligence and security officers involved in containing and counteracting the activities of organized criminal gangs and syndicates, and international terrorist groups. Looking at the threat of cybercrime related to critical infrastructure, Trim believes a close cooperation between the public and private sector is necessary and fruitful. Because cyber terrorism is 'complex and multifaceted', political scientists must work with other academics in order to better understand and interpret its intricacies, the

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mentality of potential cyber terrorists, and the economic ramifications associated with cyber terrorist attacks. In advocating and enhancing collaboration, Trim sees 'one major ethical issue' that needs to be addressed: confidentiality. The bottom norm is that under no circumstances must individuals working for public intelligence organization be compromised by cooperating with the private sector.[19]

2.6 Value of private security

Different appreciations of private security can be found in the scientific literature. Criticism of the private security industry is generally based on its for-profit nature, which has been blamed for placing results and efficiency over ethics, and the pursuit of the private interests of the client at the expense of the greater public good. However, what seems to be missing is empirical evidence on the value assumptions and ethical framework of private security. Where scholars have identified and researched possible ethical dilemmas that can arise because of the phenomena of private security, less attention is being paid to the actual value orientations and ethical assumptions inside the private security sector.

Many scholars seem to assume that the ethical values inside private security are lacking or less developed than inside public security. Button for instance, refers to the 'many examples' of illegal and unethical behavior of private security officials. There have been many alleged and reported incidents of private investigators bugging premises, breaking and entering, kidnapping or gaining confidential information from the police.[20] Forst warns that the 'potential for incompetence and misbehaviour is enormous'. The screening for private hiring is often lax and

[19] Trim, P. R. J. (2005) 'The GISES *Model for Counteracting Organized Crime and International Terrorism*'. International Journal of Intelligence and Counterintelligence, Vol. 18, No. 3, pp. 451-472

[20] Button, M. (1998) '*Beyond the Public Gaze* - The Exclusion of Private Investigators from the British Debate over Regulating Private Security', International Journal of the Sociology of Law, Vol. 26, pp. 1-

the training nil, resulting in the hiring of personnel with criminal records, gun incidents, violent confrontations on the street due to a lack preparedness and the bankruptcy of poorly managed or scrupulous private agencies.[21] Contrarily, private security officers are not bound by a vow to serve the public. Others point at research into the policing of the night-time-economy, largely by door supervisors (or bouncers as they are more commonly known), that has illustrated the use of excessive violence and the general poor conduct of many door supervisors dealing with outbreaks of disorder.

According to Schneider the confidential and for-profit nature of the private security work affords many opportunities for professional duplicity, malpractice, and unethical and even unlawful activities by private investigators. Writing on the Polish experience with the emergence of the private security sector, Los states that from its inception, this new industry has inter-linked ex-communist power networks sharing common interests with various international networks involved in organized crime, intelligence gathering and dubious banking and business operations. The industry has absorbed a large proportion of the former secret services and regular police personnel, as well as many communist and post-communist police chiefs, army and secret police generals and other high officials.[22] The former operatives brought with them secret knowledge, skills, equipment, political connections, informer networks and the readiness to use violence. The private security sector is among Poland's most profitable industries, with hundreds of thousands of employees and heavy involvement in illegal activities. It is more numerous, better armed and equipped and more visible than the state police sector, and it offers both legal

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[21] Forst, B. (2000) 'The Privatization and Civilianization of Policing', *Criminal Justice*, Vol. 2, pp. 19-97

[22] Schneider, S. (2006) *'Privatizing Economic Crime Enforcement*: Exploring the Role of Private Sector Investigative Agencies in Combating Money Laundering', Policing and Society, Vol. 16, No. 3, pp. 285-312

and criminal services. The latter include: illegal debt collection; kidnapping; forcible confinement; torture; robbery; arson; prostitution; secret bugging and filming; criminal rackets; illegal arms trade; and active roles in organized crime.

Button sees two issues of concern: the penetration by those with undesirable character into the industry, and the poor performance standards. 'There are few public examples amongst private investigators.' The 1983 Australian Law Reform Commission's report into privacy found that private agents can be strongly tempted to engage in breaches of privacy. It concluded that private agents might commit trespass, might obtain and disclose information in circumstances amounting to a breach of confidence in the legal sense and might breach legislation aimed at making certain activities criminal, such as that relating to official secrets, interception of telecommunications, and the use of listening devices. Later, the 1992 New South Wales Independent Commission against Corruption inquiry, found that private inquiry agents acted as the go-betweens in a 'massive' trade in confidential information. Prenzler and King refer to the 'poor public image' of private security guards. They are typically regarded as incompetent, amoral, corrupt and shady 'wannabe' cops.[23] According to Zedner, criminal histories, criminal activity and resort to violence are the common currency of those working in the security sectors of guarding, patrolling, door stewards and cash transit. Local criminals are keen to become involved in the security industry partly because it is lucrative in its own right and partly because it furnishes access to illicit markets.[24] Door supervisors, for example, have direct control over the flow of illegal drugs traded on the premises they guard and security guards run protection rackets

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[23] Prenzler, T. and M. King (2002) *The Role of Private Investigators and Commercial Agents in Law Enforcement.* Trends & Issues in Crime and Criminal Justice No. 234. Canberra: Australian Institute of Criminology

[24] Zedner, L. (2006a) 'Liquid security: *'Managing the market for crime control'*, Criminology & Criminal Justice, Vol. 6, No. 3, pp. 267-288

on the back of legitimate contracts. It's estimated that roughly 30 per cent of those currently working within the industry would not meet the licensing requirements. The result is the 'ironic situation' that the sellers of security are often known better for the threat they pose to security than its provision.

CHAPTER THREE
RELATIONSHIP BETWEEN PUBLIC AND PRIVATE SECURITY

3.0 Introduction

This chapter presents a conceptual analysis of the need for a regulatory framework that can enhance the provision of security though cooperation and collaboration for both public and private security providers. Holistically, security is a large terrain that cannot be occupied by one entity if public order and safety is to be achieved. It requires combined effort through synergy and cooperation. Nalla and Newman define Security as the state of being in which individuals or groups may pursue their ends without disruption or harm and without fear of loss or injury. Further, to the organization it implies being able to continue in business activities without disruption from either criminal threats or natural catastrophe. "Maintenance of security and good order in the community is now being undertaken by new actors who have been attracted to the field by market liberalization and globalization."[1]

3.1 Public security

Public security is primarily responsible for the maintenance of public order, prevention and detection of crimes in the state. It also protects the life, liberty and property of the people. The crime is increasing day by day with the increase in the complexity of the civilization. Hence, the role of pubic security has become more important than before. Michael argues that without public security, there would be chaos in the society and the people would live in Hobbesian state

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[1] Nalla. M. and Newman, G. (1990) *A primer in private security*, Harrow and Weston, New York.

of nature in which life would be "solitary, poor, nasty, brutish and short".[2] Public security enforces criminal law, maintaining law and order and investigating crime. It provides the necessary check against the ambivalence of the human nature. In theory, one's safety and liberty depend upon the law and constitution but in practice the laws and judicial decisions are enforced by public security. Thus the role of public security in the society is of paramount importance in ensuring public safety. Michael argues however, that the work of the public security is intrinsically reactive, as they are only needed when there is a crisis or a problem, which differentiates their work from other jobs. Bringing back order is a difficult task the reason unto why police are perceived negatively.

3.2 Private security

The private security industry comprises those actors who provide security for people and property under contract and for profit. Worldwide, the industry is experiencing a period of rapid growth, and, when effectively regulated and fully accountable, can make a valuable contribution to the provision of security. However, the activities of an uncontrolled or poorly regulated private security industry can present unique governance problems, and in transitional or post-conflict states, can act as an obstacle to peace building, good governance and sustainable development. This is of particular importance given that, over the last decade, private actors have increasingly assumed roles that have traditionally been the responsibility of the state.

[1] Michael P. (2008). Police and Public Opinion retrievedhttp://www.2ampd.net/Articles/Tremoglie/police_and_public_opinion.htm (Accessed March 9, 2011)

3.3 Private security role

Private policing, while emerging as a new industry, is not a new phenomenon and predates the existence of public security. Private policing refers to that policing activity of crime prevention, detection and apprehension carried out by private organisations or agents for commercial purposes. Private policing may be defined to include those people who work for a security company or are employed by an individual or firm to carry out security work, crowd control or private investigations. Private police look and behave like public security and describing their function often involves a comparison of the activities and responsibilities of the two. Despite the differences, public and private police tend to mirror each other to a certain extent.[3] In a general sense, private policing incorporates any policing activity carried out on a private basis, and includes those policing activities performed by community groups on a commercial or voluntary basis. Increasingly, private organisations are using policing functions to protect property or control crowds. School security, religious gatherings, sports meetings and community fairs, are all examples of situations where community groups could perform their own policing. This "self help" movement is concerned with self protection and crime prevention and reflects a community attitude that people can be responsible for their own policy activity and can probably do it better than the police. Still, private policing as a professional and commercial industry is to be distinguished from the community policing.

In the context of a rise in demand for security and the rapid growth of small and diverse security activity, it remains difficult to distinguish private and public security activities. Private policing, in comparison to public policing, has been described as passive policing as to active

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[3] Michael P. (2008). Police and Public Opinion
retrievedhttp://www.2ampd.net/Articles/Tremoglie/police_and_public_opinion.htm (Accessed March 9, 2011)

policing, or as proactive and preventative rather than reactive: where public security generally react to the crime, private police through surveillance and presentation are seen to prevent crime. Private Security Companies cover wide area of operation in today's world. They are providing services to almost every segment of society, including people, organizations, government offices, and monuments. It is due to this proliferation that necessitates the need for regulation. Regulation means creating rules and systems through which security providers should cooperate. The main idea behind the desire to regulate security providers is to enable them function in a more transparent way and to operate within the national security framework. They should operate in a manner that does not threaten the survival of the state. The regulation should also be in areas of collaboration and cooperation with the public security providers.

The literature reflects a number of trends that are affecting or will affect cooperation between law enforcement and private security. The most powerful trend is the continued growth of the private security industry, both in real terms and relative to law enforcement. Another trend is the change in law enforcement's approach to much of its work. The philosophies of community policing, neighborhood-oriented policing, and problem-oriented policing, all call on law enforcement to cooperate with the community, which includes private security. Similarly, where law enforcement is actively involved in crime prevention activities, cooperation with private security is better because the interests of the two agencies are more closely aligned.[4]

3.4 The competing principles of public and private security

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[4] Shanahan, *Private Enterprise and the Public Police:* The Professionalizing Effects of a New Partnership,"
p. 450.

Table 11 below shows the competing roles of public and private security

Public Security	Private security
Taxpayer-funded	Profit-driven
Public interest	Client interest
Equal service	Selective service
Heavily regulated	Less regulated
Centralized and bureaucratic	Fragmented and diverse
Focused on law enforcement	Focused on crime and loss prevention
Offender-oriented	Protection-oriented
Reactive approach	Proactive approach
Public space	Private space
Specific state powered	Private Citizen powered
Intensive training	Limited training
Limited discretion	Wide discretion

Comparative analysis

In relation to the competing principle duties of both public and private security in the matrix one generates the following conceptual questions: How should the emergence of private policing be valued? Is it a threat to established notions of civil rights, equality and impartiality? Or has private policing the potential of delivering security in a way that is beneficial for society?

According to Forst urge that private security providers presents specific advantages alternative to a public security providers.[5] 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. Management can more easily dismiss individual personnel who fail to conform to agency standards and achieve security objectives. This is not the case of public security which has bureaucratic structures that sometimes do not generate value addition to the services rendered. Governmental accounting procedures are biased against efficient resource allocation; this is not the case of private security where resources are commensurate with the security tasks and the expectations of the customers. 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 and institutional bureaucracies as it is with the public security. Private security agencies tend to be more receptive to innovation and risk than public security who sticks to municipal police department. Private agents have the authority to stop and challenge any person, without probable cause, for trespassing in a designated private area, and they can make arrests without having to give warning information to arrestees; Municipal police departments may be able to reduce patrols in areas covered privately, thus freeing up resources for other public needs. 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.

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[5] Forst, B. (2000) *'The Privatization and Civilization of Policing'*, Criminal Justice, Vol. 2, pp. 19-97

Johnston also argues that it is important to look beyond merely negative consequences. Though the growth of private security undoubtedly raises 'serious questions about the impact of commercial principles on ethics, justice and accountability', the re-emergence of private policing needs to be considered not only as a problem, but also as an opportunity to identify and address critical questions of contemporary governance. For Johnston, dispersal of governance to corporate, commercial and civil sites located outside, or on the periphery of, the state is one of the 'most fundamental features of contemporary society'.

Authors like Trim see no principal problems with this development. Trim believes for instance that corporate intelligence officers can cooperate with government intelligence and security officers, thus ensuring that corporate intelligence is placed within a specific context there are common areas of interest.[6] Strikes and sabotage resulting in upheaval and a decline in a company's productivity, with a resulting loss in competitiveness, can in turn lead to a nation's economic decline.

3.5 Cooperation and regulation

"A police force that operates as an isolated unit in a community cannot expect to achieve its objective of preventing and detecting crime effectively. To develop a completely successful police force it is essential to have public involvement, public confidence and public co-operation" [7]

Private security powers refers to a private security officer's authority to use force, detain suspects, and carry and use firearms. Private security staff has some control over who accesses a

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[6] Trim. P. R. J. (2005) *'The GISES Model for Counteracting Organized Crime and International Terrorism'*, International Journal of Intelligence and CounterIntelligence, Vol. 18, No. 3. pp. 451-472

[7] Etter. B., (1993) *'Future Direction of Policing in Australia'*, Australian Police Journal March 1993, Vol. 47, No. 1.

property for which they are responsible. According to Pastor, the public safety roles private security officers can be divided into three broad categories: traditional security functions, maintenance of order, and law enforcement functions. Private security personnel can also provide substantial assistance to the police by providing comprehensive and accurate investigative reports of incidents.[8]

According to Johnston, private security guards usually have only limited legal authority. They can only affect arrests temporary like citizens do when a crime is committed in their presence. The suspicion that a crime has been committed is not sufficient to make an arrest. Additionally, security officers may also be called upon to act as an agent of law enforcement if a police officer is in immediate need of help and has no available backup.[9] This notion of who is accountable to who has been a subject of discourse in security debates. What is clear however is that since public security provision is all encompassing, the providers of this good need to understand that it is incumbent upon all to provide security to all citizens un discriminatorily. This should the framework in which this discourse is constructed. Private security providers should only offer additional services to those that request their services as a secondary role and not compromising the security objective this is because even in incidences where some citizens are provided with private security services, these same citizens still enjoy the general security services by virtue of being legitimate consumers of this service. It should be critically noted that private security providers compliment the public legal providers of security rather than offering alternative services and this should remain the bottom-line. The operation framework in which the private and public security providers exist provides good platform for framing the best methods of work for dual to operate. In this framework, private and public security providers operate

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[8] Pastor, J. F. (2003). *The privatization of police in America:* An analysis and case study. Jefferson, NC: McFarland

[9] Johnston, L (1991): *Privatization and the Police Function*: From 'New Police' to 'New Policing', in Reiner R & Cross M: Beyond Law & Order, Macmillan Academic and Professional Ltd

differently but for a common mission. Attaining this mission means that, both providers should operate symbiotically. This symbiosis some time creates frictions during the course and can lead to conflict. To deal with this potential an avoided conflict, it might necessitate the state to regulate the operations of the operations of private security providers just as it is with the public security providers.

Mwagiru urges that, the relationship between public and private security providers can be framed in a monist framework in which both security providers can be left to engage in overarching security provision but be nested in one national security strategy which forms a master framework. He further urges that both security providers should be servants to the national security strategy and neither should be the master.[10] In this perspective, the potential role conflict is bound to be limited if not eliminated at all. To deal with kind of phenomena, in the national security strategy, it is incumbent for the two security providers, to develop a system of mutual cooperation, collaboration and coordination of activities of the dual. This frame work should be provided by the government whose duty is to ensure proper and mission focused implementation of the national security strategy.

Morabito & Greenberg, argue that despite these differences between private security and public law enforcement, their missions are not in conflict but are in fact complementary and often closely related. As such, a range of benefits can come from enhanced cooperation. Rapid and consistent communication between private security and the police, for example, can help minimize response time for crimes in progress and also reduce the number of calls for service for situations such as false alarms in nonemergency situations.[11] Private security can also play an

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[10] Makumi Mwagiru *Regulation or collaboration?* "Perspectives on security providers in national security" A paper presented at the validation Workshop for the private security industry Regulation Bill , 2010 Nairobi on 25 August 2010

[11] Morabito, A., & Greenberg, S. (2005, September). *Engaging the private sector to promote homeland security:* Law enforcement–private security partnerships (NCJ 210678). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Retrieved February 15, 2010.from http://www.ncjrs.gov/pdffiles1/bja/210678.pdf

important role in emergency response by developing response plans and advanced strategies for coordinating evacuations and responses to various types of natural and manmade emergencies. Additionally, private security can help protect the country's extensive range of critical infrastructure and share intelligence with law enforcement, which may include providing timely and regular reports on suspicious activity and other behaviors that could represent clients.

Morabito & Greenberg have reasoned that some private security entities have rapidly increased the technology they use and have become extremely specialized in handling complex crime problems, including cyber security. Law enforcement agencies can leverage these resources both to better understand crime that occurs across a variety of settings and to develop effective prevention strategies.

3.5.1 Training

Training is critical in molding a security officer. One of the main concerns of the public about private security providers is their level of training compared to public security. The police can however assist the private security through a training cooperation program. This undertaking will not only improve the negative impression on private security but will enhance compatibility of skills and regulate the working relation of the two security providers. The public security can equally benefit from this cooperation by tapping into technical training programs that they are not attuned to. Training cooperation can be attained through establishment of joint training sessions, exchange of training expertise where one entity lacks and designing a joint training curriculum.

3.5.2 Information sharing

Information sharing by both public and private security providers is critical. Timely information sharing does not only increase close cooperation but it equally improves on efficiency. since private security have an advantage of leaving close to the public and busy working places, they can easily obtain information on crimes, threats and crime trends which the can pass over to the public security for timely action. Such leverage requires the public security to open up channels of communication that are easily accessible and less bureaucratic.

3.6 Legislation

Stenning explains that the emergence of a plural policing environment raises more general questions of regulation, besides the problem with accountability. The full implications of plural policing and the rise of private security for effective governance of policing have not, however, yet been sufficiently acknowledged and explored.[12] Most scholars take the position that it is hard to imagine any agency other than the state with the capacity to undertake the task of governing a plural policing environment. One way the state is trying to govern the private security industry is by regulation. These forms of regulation tend to reflect a business regulation model rather than a model of public service governance. Government involvement in such regulation is typically limited to setting and enforcing minimum standards of service and sometimes qualification and training through licensing and certification and protection of clients from fraud and malpractice through insurance and bonding requirements, and through mechanisms for receiving and responding to complaints.

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[12] Stenning, P.C. (2009) 'Governance and Accountability in a Plural Policing Environment - the Story so Far', *Policing*, Vol. 3, No. 1, pp. 22–33

The role of private security in the community closely mirrors that of public security. They are increasingly employed for detection and prevention of criminal activity and law enforcement. However, unlike public security, they are not bound by a set of statutes or consistent standards of practice. According to Nemeth, the private security industry in most cases, failed to promote high level sophisticated standard of educational requirements. He further states that despite the inconsistent regulation, there has been an increase in legislation and ordinances either contemplated or already enacted that mandate such standards. For example, some states have no regulatory oversight, whereas some regulate armed guards only, some use local police forces to help regulate private firms, whereas others promote the industry's self-regulation. Some have no continuing education requirements; very few states require licensing examinations. As the responsibilities of individuals in the private security industry grow, governing policy and legislation will become more important.[13]

When effectively regulated, private security actors can make a valuable contribution to the provision of security within a state. However, an uncontrolled or poorly regulated sector can function as an obstacle to national security, good governance and sustainable development. Anna states that allegations of misconduct by private security staff or of inappropriate links between companies and actors such as political parties or paramilitaries are all too frequent. These problems are particularly apparent in countries where the rule of law and democratic governance is weak or where there is widespread armed violence.[14] Unregulated private security industry can hinder rather than help law enforcement. Untrained staff with questionable backgrounds may also be able to access weaponry and use force in an illegitimate way. This raises related concerns

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[13] Nemeth, C. P. (2004). *Private security and the law* (3rd ed.). Burlington, MA: Elsevier Butterworth-Heinemann

[14] Anna Richards and Henry Smith (2007) *addressing the role of private security companies within security sector reform programmes*. Journal of security sector management.

of operational independence; not only can companies empowered to use force serve as fronts for organized crime, there is a potential for them to fulfill an unauthorized political or paramilitary function, particularly in those territories emerging from armed conflict.

Effective private provision of security requires that legislative, regulatory and oversight safeguards be put in place and a culture of professionalism be engendered. This should encourage transparency and reduce opportunities for illegitimate or unethical activities. Without such provisions, there may be no control over the quality of service private security provider offer and may result into weak state's monopoly over the use of force and hinder law enforcement, remain accountable to those that require their services instead of the citizen, get involved in incidents of criminal activities, and can be misused against ethnic or political rivals in states with a history of ethnic conflict. [15]

3.7 Hiring and Background Checks

Nemeth, States that Prescreening of personnel is becoming more thorough in the private security industry; criminal histories and fingerprint checks are becoming the norm in many states, the nature of the job makes it essential for background checks to include measures of the applicant's personality. Thorough background checks are critical because employers have an obligation to the people they serve therefore, they want to ensure that the individuals they hire are competent and mentally fit to handle the daily duties of their jobs. State legislation typically emphasizes normal categories such as age, experience, references, education and training, and licensure. However, a more comprehensive background check should verify identification,

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[15] William J. Woska, "*Police Officer Recruitment*: A Public-Sector Crisis," The Police Chief 73 (October 2006): 52–59.

records of conviction and litigation, credit and financial history, education, personal and business references, neighborhood information, previous and current employment, and the employer's opinion of the applicant. Public security providers should pattern with the private security providers in vetting candidates for hire. The police have a wealth of experience in vetting and screening procedures. This will help in screening out wrong characters or criminals that often tarnish the institutional image.

3.7.1 Code of ethics

The private security sector has increasingly adopted Codes of Ethics. Micucci enumerates the code of conduct for American *Society for Competitive Intelligence Professionals being enshrined in the* clear values namely: To comply with all applicable laws, domestic and international, to accurately disclose all relevant information, including one's identity and organization, prior to all interviews, to avoid conflicts of interest in fulfilling one's duties, to provide honest and realistic recommendations and conclusions in the execution of one's duties, to promote this code of ethics within one's company, with third-party contractors and within the entire profession, to faithfully adhere to and abide by one's company policies, objectives and guidelines[16]

Buuren argues that ethical codes are no 'silver bullet' to questions regarding ethical private security. Values have a considerable flexibility of interpretation. Another problem is the enforceability of codes, as there is a great unwillingness to report breaches. Very often, codes of ethics are top down productions, creations of boards of management and not the result of cooperative dialogue and community consultations, and therefore considered 'alien impositions'

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[16] Micucci, A. (1998) '*A Typology of Private Policing Operational Styles*', Journal of Criminal Justice, Vol.26. No. 1, pp. 41-51

by the front-line security officers. A last warning reminds of the failure to prioritize. Codes are rarely helpful to the making of discretionary decisions or judgments.[17] They enumerate goals and standards without indicating priorities or procedures for handling conflicts between code requirements.

3.8 Common practices on licensing and regulation

In Australia, any person who conducts a business or is employed in a security related field within Australia is required to be licensed. Each of the six states and two territories of Australia have separate legislation that covers all security activities. Licensing management in each state/territory is varied and is carried out by Police, Attorney General's Department, Justice Department or the Department of Consumer Affairs. All persons licensed to perform security activities are required to undertake a course of professional development in associated streams that are recognized nationally. This has not always been the case and the introduction of this aspect should regulate the educational standards/knowledge base expected so that the particular job can be competently undertaken. Strict requirements are laid down as to the type of uniform and budging used by security companies. Uniforms or budging that may be confused with a police officer are not permitted similarly, the use of the title 'Security Police' or 'Private detective' is unacceptable.

All ten of Canada's provinces and one of its territories (the Yukon) have legislation that regulates the contract security industry.[18] These eleven jurisdictions require that companies that provide security guard services and their employees be licensed. Most provinces in Canada

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[17] Buuren. J. van (2009) *Security Ethics:* A Thin Blue-Green-Grey Line. Working Document INEX WP3 –Value Dilemmas of Security Professionalism. Amsterdam: VU Free University

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

regulate the use of handcuffs and weapons (such as firearms and batons) by contract security companies and their employees, either banning such use completely or permitting it only under certain circumstances. Canada's federal laws also restrict the ability of security guards to be armed. For example, section 17 of *Firearms Act* makes it an offence for any person, including a security guard, to possess prohibited or restricted firearms (i.e. handguns) anywhere outside of his or her home. There are two exceptions to this prohibition found in sections 18 and 19 of the Act. Section 18 deals with transportation of firearms while Section 19 deals with allowing persons to carry such firearms on their persons to protect their lives or the lives of other persons, or for the performance of their occupation (Armor Car Guards, Licensed Trappers), provided an Authorization to Carry (ATC) is first obtained.

Armed private security is much rarer in Europe, and nonexistent in many countries, such as the United Kingdom, The Netherlands and Switzerland. In developing countries, an armed security force composed mostly of ex-military personnel is often used to protect corporate assets, particularly in war-torn regions. As a requirement of the Private Security Industry Act 2001, the UK now requires all contract security guards to have a valid Security Industry Authority license. The license must be displayed when on duty, although a dispensation may be granted for store detectives, bodyguards and others who need to operate without being identified as a security guard. Licenses are valid for three years and require the holders to undergo formal training, and are also to pass mandatory Criminal Records Bureau checks. Licenses for Vehicle Immobilizers are valid for one year. Armed guarding and guarding with a weapon are illegal.

In Finland, all contract security guards are required to have a valid license granted by police. Temporary license is valid for four months and normal license for five years. License requires a minimum 40-hour course for temporary license and 60 hours more for a normal

license. Additionally a narrow security vetting is required. The 40-hour course allows the carrying of a fixed-length baton and handcuffs, separate training and license is required for the security guard to carry pepper spray, extendable baton or a firearm. Rehearse of weapons usage is mandatory every year and is regulated by the Ministry of The Interior, to ensure the safe handling of pepper spray and such. In Finland, a security guard has the right to detain a person "red-handed", or seen committing a crime and the right to search the detained individual for harmful items and weapons. An individual who has been forcefully detained can only be released by the police. All companies providing security guarding services are also required to have a valid license from Ministry of the Interior.[19]

In The Netherlands security guards must undergo a criminal background check by the local police department in the area where the private security company is located. To become a security guard in The Netherlands a person must complete the basic training level 2 to complete the training a trainee must undergo a three month internship with a private security company that is licensed by the board that controls security companies. A trainee guard must pass for his diploma within one year, if the trainee does not pass he is not allowed to work anymore until the trainee completes his training with a positive result, after a positive result a new ID can be issued and is valid for three years, after that the guard must undergo a background check by the local police again. Security guards in The Netherlands are not allowed to carry any kind of weapon or handcuffs. Every uniformed security guard in The Netherlands must have the V symbol on its uniform to ensure the public they are dealing with a private guard, this rule is mandatory by the Ministry of justice. Security uniforms may not look like similar to police uniforms, and may not

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19 Robertson, Brian (2008-05-28). Province's Bill 10 makes *"security officer a punishable phrase"*. Canadian Security (CLB MEDIA INC).

contain any kind of rank designation, and the color yellow or gold are not allowed to used because the Dutch police uses gold accents in their uniforms, also wearing a uniform cap is not longer allowed. Every new uniform design or addition must be approved by the ministry of justice before use. A patrol vehicle may not look like a police striped vehicle. The only private security guards that are allowed to carry firearms are those who work for the military or Dutch National bank.

In Hong Kong, before 1 October 1996, private security personnel were regulated by the *Watchmen Ordinance* (Chapter 299). However, there were many problems with that system of regulation for example; there were no restrictions as to who may establish private security service companies to provide security services to a client. Also, there was no regulation of people whom may perform installation of security systems. Some employers hired "caretakers" instead of security guards to avoid their responsibilities under the ordinance (in formal definition, "caretakers" are supposed to provide facilities management service, although security service, which provided to residential properties, takes some parts of facilities management service). As a result, the Hong Kong Government enacted a wholly new law, the Security and Guarding Services Ordinance to replace the Watchmen Ordinance.

According to the Security and Guarding Services Ordinance: Any applicant who wishes to apply for a Security Personnel Permit (SPP) must: He/she have been living in Hong Kong for at least 5 years, have no criminal record, be of at least 18 years old when submitting his/her application, must have passed a mandatory 16 hour training course and have been granted a certificate of the course. If the applicant is over 65 years old, he/she must submit his/her health examination report. Although the Security and Guarding Services Industry Authority (SGSIA) is

the agency in charge of the security service industry, all applicants must submit their application and pay the fee by mail or in person to Hong Kong Police Force (License Section).

Security Guards in Hong Kong do not have special powers of arrest above that of the ordinary citizen, i.e. citizen's arrest, also known locally as the "101 arrest power." The Section 101 in the Criminal Procedure Ordinance addresses that arrest of an offender by a private citizen is allowed in certain circumstances if the offender is attempting an arrestable offense. Once arrested, the suspect must be delivered to a police office as soon as possible.

In Israel, almost all security guards carry firearms, primarily to prevent terror attacks. Security guards are common: they perform entrance checks at shopping malls, transportation terminals, government and other office buildings, and many stores. Many locations with a high number of visitors, such as the Jerusalem Bus Station, employ X-ray machines to check passenger's bags; in other places, they are opened and visually inspected. As of 2009, private security guards have also replaced official security forces at some checkpoints inside and on the border of the West Bank, as well as the crossings to Gaza.

In the United States of America, private security guards have outnumbered police officers since the 1980s, predating the heightened concern about security brought on by the September 11, 2001, attacks. The more than 1 million contract security officers, and an equal number of guards estimated to work directly for U.S. corporations, dwarf the nearly 700,000 sworn law enforcement officers in the United States. Most states require a license to work as a security officer.[20] This license may include a criminal background check and/or mandated training requirements. Most security officers do not carry weapons and have the same powers of arrest as a private citizen, called a "private person" arrest, "any person" arrest, or "citizen's arrest." If

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[20] Liotta P. H., 2002. *Boomerang Effect*: The Convergence of National and Human Security, Security Dialogue. vol. 33, no. 4, pp. 473-488.

weapons are carried, additional permits and training are usually required. Armed security personnel are generally used to protect sensitive sites such as government and military installations, armored money transports, casinos, banks (or other financial institutions), nuclear power plants, etc. However, armed security is quickly becoming a standard for vehicle patrol officers and on many other non-government sites. Security guard/officer continues to gain broader responsibilities. A growing trend is the increased use of private security to support services previously provided by police departments. James F. Pastor addresses substantive legal and public policy issues which directly or indirectly relate to the provision of security services. These can be demonstrated by the logic of alternative or supplemental service providers. The use of private police has particular appeal because property or business owners can directly contract for public safety services, thereby providing welcome relief for municipal budgets.

In a study by Sabelo Gumedze it was observed that The Democratic R republic of Congo (DRC) has no private security legislation apart from a regulation on the conditions for the exploitation of guarding companies, that is, Arête ministerial 98/008 of 1998, which has very little impact in terms of either regulation or effectiveness. In the DRC, public and private security partnerships have been formalized through a 2003 agreement. In South Africa the private security industry is mainly regulated by the Private Security Industry Regulation Act of 2001 and the regulations made in terms of this Act. The state also contracts private security companies to protect its establishments, including some of the South African Police Service. The South African legal framework is the most effective of the three countries with regard to regulation of the private security industry.[21]

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[21] Sabelo Gumedze (2008) *Policy Paper Regulation of the Private Security Sector in Africa, Institute for Security Studies*

When regulated and accountable, the private security industry can make a valuable contribution to security provision. However, the activities of an uncontrolled or poorly regulated private security industry can present unique governance problems, and in post-conflict states, it can affect peace building and development. This guidance noted by Safer World, aims at equiping practitioners with the information and research questions necessary to assess whether the private provision of security in a country is problematic, and consider how to incorporate it into Security Sector Reform (SSR) programmes. The regulation should be comprehensive and forward looking in addressing issues but not limited to: Establishing a licensing system with clear standards and contracting process for Private Security Companies, and the individuals working for them, define prohibited activities and clearly regulate all permitted activities, define basic minimum requirements for transparency and accountability of the firms and in terms of preparation, training, and behavior of the firms and their employees, establish rules and systems for the screening and vetting of the companies and their personnel and above all establish a monitoring system for Private Security activities.

CHAPTER FOUR
PRIVATE SECURITY PROVISION IN UGANDA

4.0 Introduction

This chapter presents the case study of Uganda's private security industry where the researcher conducted interviews from different private and public security providers in line with the research methodology. Data was collected from the study survey and the findings were presented in line with the objectives of the study whereby the raw data in form of questionnaires was edited and interpreted which ensured uniformity, legibility and consistency. The data-filled questionnaires were copied and analyzed by tallying and tabling in frequency polygons while identifying how often certain responses occurred and later evaluation was done. The information was then recorded in terms of percentages. Also, interview results were coded on frequency tables which were calculated in terms of percentages and presented in this study as illustrated below.

4.1 Historical background of private security

The first Private Security Organization to be incorporated in Uganda was Night Security (U) Ltd on 26th August 1969. It was owned by a British national. It is indeed difficult to quantify the numerical size of personnel engaged in the private security sector in Uganda, this is because many of private security companies have not acquired license for operation and others operate on temporary basis. It is believed that some private security companies that are registered to perform work in the private security industry either actually fail to operate due to business competition or company mismanagement. There is therefore lack of proper records by the company registrar on updated operational profile of private security provider in Uganda. Besides,

some private security company lacks internal personnel management systems that provide actual number of personnel employed by such companies. Whatever the size of the private security sector, its importance to the Ugandan business community, government and community in general is not disputed. Its personnel are engaged on assignments where business (or a community) requires protection above that capable of being provided by the public security (such as residential patrols), where an enterprise is obliged to meet government requirements (such as airport screening), and where the sheer volume of work necessitates that the resources of the public security be supplemented. An example of this is at large public events like football matches and motor sport galas where the public and private security co-operate.

Most PSOs in Uganda are parent companies, save for Securicor Grey, which is a subsidiary of a South African company, and the Armor Group. Its presence in Uganda is unique, because it has never been registered, but operates under the umbrella of Alarm Protection Services (APS). This rather ambiguous relationship was forged as a way of tapping into the market provided by British and American embassies, which preferred a company that followed the US defence system (USDS), especially after the terrorist attacks on the US embassies in Kenya and Tanzania. In this light, the Armor Group, which works in Britain, provided APS with the necessary ingredients to give it a bidding advantage over other PSOs. Most PSOs operate in the central part of the country, because that is the business hub, and the operating costs are too high elsewhere. A PSO that ventures upcountry may not be able to find paying clients. PSCs that have branches outside Uganda are Ultimate Security, KK Security and Security Group, which operate in the whole of East Africa.

4.2 General duties of private security in Uganda

In the modern times, crime rate has increased, and public security is not enough to provide security at every point of time to people and their assets. This is the reason behind budding of several Private Security Service providers. The agencies recruit security guards and employ them on customer's demand. A security guard privately engaged person paid to protect people, their property or assets, historical monuments or in some case private or public organizations. They are responsible to protect the assets of their employer only. They do not have responsibility of protecting others property. Private security agencies follow detect, deter, observe and report methodology. In addition to the methodology mentioned above, a private security officer's primary duty is the prevention and deterrence of crime. Private Security guards are employed to perform a variety of tasks. Some of the major functions are: Prevention of crime through protection of property against fire, theft, vandalism, and illegal activity, Security personnel enforce company rules and can act to protect lives and property, Escort and protect money from one location to another, perform access control at building entrances and vehicle gates and Patrolling duties

4.3 Growth of Private Security industry in Uganda

According to information obtained by the researcher from the department that supervises the private security companies in the Uganda police, indicates that for the last ten years there has been significant growth of private security in Uganda. The growth is attributed to a number of factors but most notable are the relative peace the country has witnessed since 1986 that has seen the economic growth and private property accumulation supported by liberalized market economy and enhanced by globalization forces.

According to Shearing and Stenning modern cities are increasingly dominated by so called 'mass private property' or 'hybrid places' publicly accessible, but privately owned and managed and resulting in a privately defined order. A result of this shift in property relations is that security falls into the hand of so called 'private governments' deploying their own security forces.[1] Mike Davis however, there is also a proliferation of defended private spaces like gated communities, furthering the decline of public space. More and more people are living behind high walls, with physical or electronic surveillance to restrict access. They argue that the term communal spaces would be useful to grab all the different spaces to which different sets of 'denizens' have access. There is a continuum of protected spaces that range from capsular residential areas to restrictive clubs and pubs that, in contrast to mass private property, are only available to members and/or paying visitors.[2]

Table 111 below shows the growth of private industry in Uganda for a period of ten years

Private Security firm and guards	Year 2000	Year 2010
Security firms	69	104
Security guards	9500	33000

Source: Department of private security and private firearms, Uganda police

[1] Shearing, C.D. and P.C. Stenning (1983) 'Private security: Implications for social control', Social Problems, Vol. 30, No. 5, pp. 493–506

[2] Davis (2003) 'The public Accountability of Private Police: Lessons from New York, Johannesburg and Mexico City', Policing and Society, Vol. 13, No. 2, pp. 197-210

4.4 Organizational structure of private security in Uganda

Most private security organizations in Uganda are hierarchically organized with the business owners placed on top of the decision making body as directors of the company. The director however may incorporate any other person to be on the board of director depending on their choice and business interest. The corporate functions however, are vested in the managing director who provides strategic leadership to the company. This position is competitive depending on the qualifications wanted and the attractive remuneration attached. The managing director is directly to the board of director on matters of policy and financial management.

below the managing director are director of three to four directorates (depending on the size of the company) they comprise of director in charge administration and finance, operations, personnel management and the company secretary who is the company legal advisor.

The directors supervise departmental heads and the structure descends up to the company security personnel and the support staff at the bottom.

4.5 Private Security Regulation in Uganda

In Uganda private security is regulated by the Police Act (Section 72) which provides for establishment of PSOs. The police act is further operational zed by Statutory Instrument No.8 the Police Control of Private Security Organization 1997 which outlines the various regulatory mechanisms. Key aspects of the regulation are:

(a) Registration of PSOs affected by the Registrar of Companies only on recommendation of Inspector General of Police (IGP). The recommendation is issued after a thorough vetting process that spans through the Police, District Security Committee and National Licensing Committee.

77

(b) Vetting of PSO operatives for criminal record through fingerprint screening by Police Forensic Services Department.

(c) Personnel on armed services to don gazetted uniforms. Uniforms of PSOs must not resemble that of Government Security Agencies or other Security Organizations.

(d) Controlled acquisition and recording of movement of firearms; and submission of returns on firearms. The IGP approves all equipment for use by Private Security Organizations.

(e) Monitoring of personnel in Private Security Organizations through analysis of submitted personnel returns.

(f) Monitoring and enforcing standards including training and supervision for compliance and Sanctions for non-compliance with the provisions of the regulation

According to Ugandan law, a private security provider must register as a company with the Registrar of Companies under the Companies Act.22 This registration is done on the recommendation of the Inspector General of Police (IGP), after an applicant has satisfied all the procedures for registering a PSO. Only after the production of a certified copy of the articles and memorandum of association may the IGP issue the appropriate operator's license. There are certain procedures for all PSOs before they are registered or their licenses are renewed each year. First, a security company must be vetted and approved by the district security committee: the local committee concerned with security matters in the area (district). All applications for registration and licensing are made to the IGP through district police commanders (DPCs). The DPC looks at the shareholders, the name to be registered, type of organization, intended use of firearms and other security equipment, and decides whether the applicant possesses adequate storage facilities for the firearms, as listed in the Second Schedule to the Regulations. If the application conforms with these requirements, the DPC instructs the district special branch

officer and the Criminal Investigations Department to scrutinize the backgrounds of the directors for criminal records, the capitalization of the company, criminal records of guards employed by the company, the welfare of the guards, and complaints from guards. The district security committee physically verifies and audits the applicant's logistics, guns, and storage. If the committee is satisfied, registration is recommended to the IGP. All the operations of PSOs are revisited every year before their licenses are renewed. However, these regulations are being reviewed. It has been proposed that a provision be inserted to allow for a National Registration and Licensing Committee, which would be responsible for registration, licensing, supervision and control of PSOs. (See Appendix v)

4.6 Standard operation procedures

The Uganda police issues standing operating procure to private Security Organizations in effort to regulate their operations and to keep them conform to the law but at times the regulations governing the operations of the Private Security Organizations and other relevant Laws are not adhered to. These guidelines are provided in conformity with the Police (Control of Private Security Organizations Regulations) to streamline the operations and help those who are engaged in the management of Private Security Organizations.

The procedures clearly spell out the general operating requirement and stands. Specifically the current procedures spell out the following requirement to be adhered to by the private security. For the Company to run successfully there must be a policy decision making body with a clear organization Structures in place indicating posts and responsibilities and the qualification of such personnel. Any Private Security Organization licensed to operate must have offices where its Headquarters is situated with proper location. Private Security Organizations will not proceed with any recruitment and training without first obtaining a written permission

from the IGP. The company must indicate the number to be recruited and trained and the duration and location of training accompanied with the training curriculum. firearms management and control which entails, acquisition of firearms and ammunitions, leased firearms from government and outside government, storage of firearms and ammunitions records and issuance and firearms deployment and movement. Personnel management system must be in place and all personnel must be dully appointed in their respective levels by issuing them with appointment letters that clearly spells out terms of employment and salaries should be paid promptly. All the staff must be issued with the Company Identity Cards immediately they join the Organization.

However, the department responsible for supervision of private security in the Uganda police admitted that these operating procedures are often flouted by the private companies and this greatly affects their security services. The procedures do not specify the minimum age and education requirement for employees. It is left to the hiring company and this compromises the stands and quality of services offered by the private security personnel.

4.7 Relationship between public and private security in Uganda

From the research which the researcher conducted in Uganda, it was found that liaison occurs between the private and public security but it was significantly observed that majority of the contact is at 'street' level where patrol officers, security guards crime detectives and crowd controllers have regular contact. There was little evidence of contact between executives from the public and security industry. It was a relationship where the private security industry is considered subordinate to the police. This may be due to lower training standards being accepted by private security. However, it needs to be stressed that in areas where there is less contact, e.g.

alarm monitoring and building security, a sophisticated and complex area of security exists where the industry should not be considered subordinate to the public security.(see appendix iii)

Public security is seen to be superior in the areas of legal powers and training. Legal power is a major area which really separates them from private security and this is an important issue if the different sectors move together. Partnership arrangements with the public security will give private security a higher profile and informal authority. Therefore, there is the need for greater accountability if partnership arrangements are to occur.

The answers obtained from the questionnaire also indicated that both sectors of the security industry felt that police were disadvantaged by a lack of numbers and too many demands being placed upon them. This emphasizes the need for the public security to find additional assistance from the community, including the security sectors.

This research is based on the fundamental premise that both public and private security is all ultimately trying to prevent crime. The different sectors, namely the public and private arenas have different motivations for their activities. The public security agencies exist to serve the public good whereas private security exists for the profit motive, but private security regularly can be seen in shopping centre's mingling with the crowds, and used regularly at sporting events alongside the public security an indication of synergetic relationship that exist and which require support from the high management organs of the two security providers and government in general. Regardless of the motivations for being, if it is accepted that the different sectors are in the business of crime prevention, then there are opportunities for a coming together, for the formation of partnership arrangements to provide a more concerted security service to the public From the interviews it was clear that some felt that partnership working between the police and private security was necessary. Furthermore, a number of officers, at superintendent and senior

officer level felt that the key to effective private security was good management. Some felt that the public would not be concerned about private security being involved in policing if they were reassured that the police were ultimately responsible for them: the private security managers on the other hand, underscored the importance of partnership from a business perspective. Many pointed to the fact that being known as a partner of the police could generate commercial benefits. Partnerships with the police could be viewed as a badge of honor that other clients and potential clients would respect. Yet, not all security providers looked favorably on the market in policing. Some did not consider it to be an area they could specialize in given their own Expertise.

4.8 Public perceptions

The views expressed by the members of public about the role of private security and the need for cooperation with the public security, differed in conceptually. Interviewees obviously accepted that the private security should exist, that it there to offer services, but a variety of views were offered about the form the relationship should it should take. There were perhaps three types, namely: Embracers, Skeptics, and Pragmatists. (See appendix IV)

4.8.1 Embracers

These people welcome a role for private security. They can see the value in accredited private companies and individuals undertaking police work and in providing them with limited powers. They support the use of private security officers being deployed alongside officers in street patrols, always under police control, and the use of experts and other helpers, such as investigators, to support specialist police tasks. Embracers see few limits on areas where private security may be involved subject to minimum standards being assured and the police always having some type of oversight.

4.8.2 Skeptics

These people doubted there was anything other than a marginal role for the private security sector in policing. The fact that the private sector is geared to making profits makes it an unfavorable partner because profit making creates potential conflicts with providing an equitable service and potentially leads to a two tier police service, one aimed at only those who can pay. Highlight the need for the police to take responsibility for policing, especially street policing, and while alternatives must necessarily be considered in at least some circumstances, these should always priorities paid employees where there is a much stronger element of control.

4.8.3 Pragmatists

These people accept that there is a role for private security in policing, but view it as a necessary rather than ideal requirement. Accepting that certain back office functions could be privatized and that certain tasks can be undertaken outside the public sector without too many risks carries a rider that there are limits to what can be privatized. Anything to do with core functions is off limits as is public area patrol work and anything that involves interaction with the public.

4.9 Envisioned benefits from public, private security partnership

In order to collect views of the respondents on their perceptions about the values of the two security providers, the researcher administered questionnaires to respondents as indicated in the discussion below.

QN 1. *What advantages do you personally consider police have, compared to the private security sector, with regard to crime prevention?* (**See appendix I and ii**)

Table **IV** below shows the rating on advantages of public security over the private security

Advantages	Police %	Private security %
Training	60	45
Community Respect	50	40
Legal Powers	80	90

It can be seen from the above percentages the two groups rated police high as having advantage over the private security a factor that points at the need for cooperation. The two with the highest response are that police have advantages in the areas of legal powers and training. Police have numerous legal powers compared with the normal citizen powers of arrest that can be used by private security.

Qn.2. What disadvantages do you personally consider police have, compared to the private security sector, with regard to crime prevention?

Table **v** below shows the rating on disadvantages public security have

| Disadvantages	Police %	Private security %
Personnel Numbers	60	55
Resources	50	65
Too Many Demands	40	55
Community Alienation	40	70

Data source: Primary source

84

From the above table personnel numbers, resources, community alienation and 'too many demands were identified by both the police and private security as key disadvantages police has over private security. These thoughts indicate that there is a need to consider ways to overcome these issues. Partnerships between police and private security may assist in this regard.

4.9.1 Cooperation in security provision

Qn.3. Would you support efforts towards co-operation between police and the private security industry?
FIGURE 1 below show rating on the need to support cooperation between public and private security
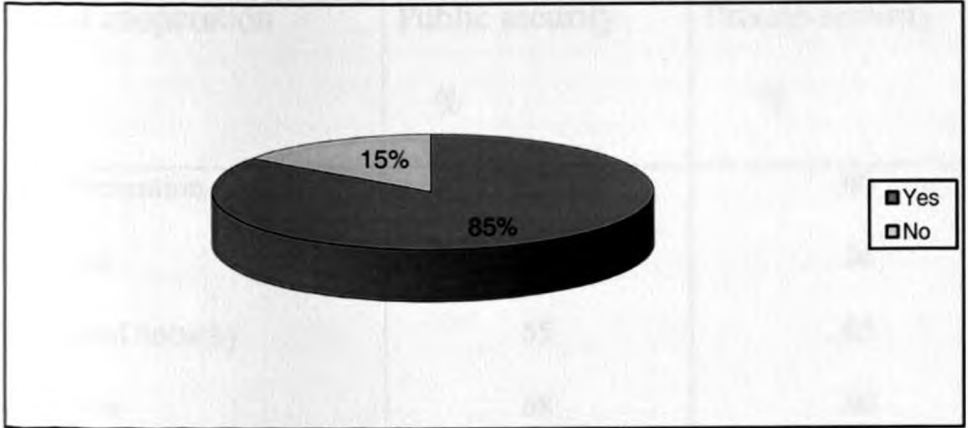
Source: Primary data

As shown on the pie chart above, majority of the respondents (85%) stated that they would fully support the efforts towards cooperation between the police and the private security in Uganda however; it is not an overwhelming majority. A lot more work can be done to improve co-operation between two groups both of which are employed to protect the community. From the responses, there is the motivation for public security to become involved with the private security industry. Partnership arrangements with the private security industry would demonstrate a commonalty of purpose to reduce crime by organizing groups to liaise with one another and provide assistance to the community by attempting to reduce crime. Both the public, and private

security were asked to rate the current level of co-operation between police and private security. Respondents had the opportunity to respond that there existed cooperation between private and public security providers in Uganda and cooperation was in areas of information sharing, joint operations and crime prevention.

4.9.2 Improving Cooperation

Qn. 4.Which areas would you personally prefer to see improved co-operation between the police and the private security industry?

Table vii below shows rating on the areas that require cooperation between public and private security.

Area of cooperation	Public security %	Private security %
Crime Prevention	55	60
Resources	50	56
Specialized Security	55	65
Equipment	68	60
Expertise	54	50
Sharing Personnel	60	59
Crime Intelligence	64	50
Training and Facilities	60	70
Liaison	70	65

Source: primary source

From the matrix above public security indicated in the survey that co-operation could occur in the areas of crime prevention resources, specialized security equipment, and

86

communication. The security industry wanted access to expertise, and areas of training and facilities. Their needs are different from police but these may lead to areas of compromise, as there was a significant interest in increasing the liaison and sharing of information between police and private security. The area that rated the highest for improving co-operation was 'improving liaison'. This was the comment across all sectors. This was followed by selection standards, accountability, training and professionalism. These are the most critical areas that require much focus on in effort to build a synergetic relationship for the provision of national security.

4.9.3 Confidence building

This section will explore what might encourage the police to work in closer partnership with the private security sector, and in particular how to generate more confidence towards the private sector. On the issue of building confidence among the two major security actors, the researcher obtained the following views from respondents on issues that can build confidence in cooperation efforts between public and private security providers in Uganda. Higher quality staff. Better lines of accountability, better regulation, better training More examples of effective partnership working between the police and private security industry More consistent service, improved communication channels with the private security industry, Effective presentation by the private security industry of what it can offer, Better education of the police on the potential benefits that can accrue from partnership.

In conclusion, the analysis clearly point to the need for need for the public and private security providers to work together. This however requires a clear a comprehensive and enforceable regulation to manage the operations of private security to match with professional requirements. A well regulated private security industry can contribute significantly to the

improvement of security in Uganda and thereby also further economic development. This must not, however, come at the price of further damaging social cohesion whereby security becomes a commodity that only the wealthy can afford and whereby the disenfranchised remain the disenfranchised. Without undivided access to security for all members of society development remains close to unattainable. The private security market alone cannot meet these challenges, even if the necessary funds were made available. Government of Uganda must not abrogate its obligations to the citizens, in particular when it comes to one of the state's core functions-that of providing security. Most importantly, there is overwhelming call for partnership between public and private security for the public benefit and resource sharing. The two security providers require mutual cooperation if they are to succeed in delivering security to all people of Uganda.

CHAPTER FIVE
CONCLUSION

5.0 Introduction

Whether private policing is a new phenomenon or not, most academics will agree that during the last decades private policing is growing fast in importance and scale. Different theoretical strands can behind in literature for explaining this growing dominance of private policing. Reiner urge that changes in policing trends emerge typically as manifestations of broader social movements states, the 'deeper social changes of post modernity' are transforming the role of the police institution within the whole array of policing processes, because the rise of public security itself was a paradigm of modernism, defined by Reiner as the project of organizing society around a central, cohesive notion of order.[3]

The public security major asset is their public accountability. They have potentially bottomless pockets and they are supposed to act as an independent third party (as opposed to their private counterparts). Since they are not profit-maximizing, on one hand, problems connected to over- and under enforcement are fewer. For the same reason they have the option to enforce all laws without considering efficiency aspects. But on the other hand, they do not make efficient use of the potential gains that could be collected if they were profit-maximizing, and that means that a lot of self-supporting enforcement is lost. In spite of the fact that the public security often is under-paid and therefore leave their employments for private engagements, not many of them would have been willing to take the private job initially.

The major advantage of private providers of security providers is their flexibility. They can, and will, perform most tasks they get paid to do. Their customers can demand a lot from them, since they are directly answerable to the paying clients and their needs. Moreover, they

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[3] Reiner, R. (1992) *'Policing a postmodern society'*, Modern Law Review, Vol. 55, pp. 761–781

will happily enforce all laws that give positive returns, which mean that all their enforcement could be efficient (from the economist's point of view). The private entrepreneurs are also forced to 'do right' by the market. If they fail, they will lose their money. But they are not defending everyone, and they do not need consider the general good for society. Private policing is more a question of 'loss prevention' than of 'crime prevention', because they are primarily protecting the interests of their paying clients. This results in a risk that maybe just a few privileged will be able to afford private policing (and thereby enjoy security) and that they might become too powerful. In such a case, the public security would be needed as a central authority, balancing and monitoring the interests of the less fortunate. The question arises - 'Why should there be partnership arrangements between the police and private security industry?'

From the literature review, the researcher believes that it can be successfully argued that the public security and private security are in the business of crime prevention and therefore there is commonalty that encourages the formation of partnerships. Public security have recognized and stated in recent years that they cannot reduce crime without the assistance of the community at large. However, the benefits for private security are more debatable. What would be the motivation for private security to become involved with the public security? Certainly, any partnership with the would give them more creditability. For them to have accreditation that is recognized by the public security, would give them greater standing in the community and hence more business. Also, more qualifying standards would enable existing players to maintain or increase market share whilst at the same time making it more difficult for new players to enter the industry. This is reflected, for example, in the views of some police, who seem to have a belief that private security is a competitor, rather than an enhancement or assistant to the public security role. However, with the growth of the industry and its advantages over public security in

area of communication which electronically managed, there has been a change of attitude of the public security to accept this reality. This area of private security would not be considered inferior in the security terrain because it brings in new skills that help in addressing the new security challenges of the 21st century.

Co-operation between public and private security requires a continuous, structured and effective multiagency approach, that require mutually accepted shared values that reflect relative gain The problem is that private security consists of many components and cannot be considered a single agency to which public security could relate. Nevertheless, the industry is increasingly becoming organized with formal structure that is able to address this challenge. Certainly, when discussing this project with members of the private security industry, the researcher interviewed expressed that they considered the police the primary actor in the business of crime prevention and these observations were also found by other researchers.

Shearing shares this view when he states that, *"The critical difference between the police and private security, in this view, is the fact that they are supported and directed by different sectors of the economy. Both police and security spokespersons who support this view agree that the police occupy the senior and leadership role in this partnership. Private security personnel are viewed as junior partners in the business of maintaining order, assisting the police in their activities and deferring to the police as they go about their duties."* [4]

Any future partnerships therefore should be on equal terms - there will be no senior or junior partners, if genuine working relationships are to occur. Also, there are issues that relate to the profit motive versus the public good. It is recognized that there are different 'masters' in the different industries but the role is the same and the customers of both industries overlap. South

[4] Shearing, C. and J. Wood (2003b) *'Governing security for common goods'*, International Journal of the Sociology of Law. Vol. 31, pp. 205-225

refers to what he sees as "problems" He argues that private security dress to look like public security and he considers that this is a problem, and certainly, from discussion with public security they consider that this is an issue. However, a counter argument is that more uniforms whether they are dressed like public security or not, increase the exposure of criminal or potential criminals to agents of social control. This may have the advantage that society may benefit, although it is conceded that it may cause individual members of the private security industry to feel that they have more power than they actually have. Therefore there is a need for private security to be more accountable. This could be done by increasing the role of the body in each state which handles complaints against public security.

There are opportunities that occur from partnerships between public security and private security that are principally in the same business of reducing crime but are doing it for different reasons. Public security exists primarily for the public good whilst private security exists to make profit, but they are both reducing crime. Surely, this provides a sound argument to build and strengthen the existing partnerships between police and private security. Difficulties will occur when there is a conflict between the public good and the profit motive but the potential benefits outweigh the disadvantages. Strategic partnerships with the private security community, requires that public security develop a common position on policy and principles so as to foster Strategic partnerships with relevant groups, development of action plans on key areas in partnership with community and other partners. Although it needs to be recognized that partnerships between public security and business leave open individuals to corruption or, at the very least, allegations of corruption, liaison arrangements need to be set in place to ensure that there is the maximum potential to reduce crime, but also to ensure that the exchange of

information. and sharing, in whatever form it takes, occurs with proper consideration to the law, and the ethics of all organisations.

Private security regulation is a state's legal duty. Comprehensive national regulation would also comprise mandatory standards in areas such as health and safety and other employment-related issues such as minimum wage, insurance, vetting and training. Further components of national legislation could be licenses for individual companies or for specific contracts when private security services are exported to other countries. An essential aspect of national legislation would be effective enforcement mechanisms through means such as regular audits and inspections. National regulation, if it exists, may be complemented by industry self-regulation. In the absence of national legislation, self-regulation would have to serve as a stop gap and replace legislation at least temporarily. Self-regulation can be highly effective where official, state-run monitoring systems are failing or likely to fail. Moreover, trade associations of the industry usually have a better understanding of the needs for certain standards and may, therefore, considerably improve the overall quality of the services delivered. Companies may also have a substantial incentive to closely monitor their competitors through a self-regulatory scheme, especially if lawful and legitimate behavior is a requirement for the acquisition of contracts from public authorities and international clients. The importance of regulation is twofold. Firstly, it aims to drive up standards in the industry and thereby decrease the likelihood for violations of human rights and all other legal frameworks that apply to a company's operation nationally. Compliance with these standards will be monitored, with sanctions-ranging from financial fines to cancelation of business licenses

Before registered, companies should undergo a thorough vetting process, performed by the police professional standards unit, to ensure that credible personnel are hired and should be

done with transparency and integrity. Training standards equally need to regulate to address the problem of professional misconduct and lack of respect by the public security. Apart from these 'preventative' measures the law should put in place mechanisms whereby cases of alleged misconduct or criminal offences and abuses of human rights can be reported and prosecuted. Voluntary self-regulation that is complemented by the institution of an ombudsman can be an effective and credible mechanism to control private security industry. Self-regulation could further function as a stepping stone to comprehensive regulation through legislation to which all companies in a national industry will have to submit. In this case, companies that have actively shaped the standards-setting process in a self-regulatory regime would have a real market advantage in that they would comply with mandatory standards earlier than their competitors.

The biggest hurdles that private security industry in Uganda should overcome when considering self-regulation are the competitive nature of the industry and the risk of competing trade associations vying for privileged access to government. Kamenju et al using Kenya's case urge that self-regulation may not necessarily be a feasible option because of lack of lack of a national Security Industry Regulatory Authority.[5] There is need for benchmarking from countries that have effectively regulated the private security industry. These may include United Kingdom, United States, Canada and South Africa. They would render support in the drafting of a regulatory framework for the private security industry.

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[5] Kamenju, J et al 2004. *Private security in Kenya.* Nairobi: Security Research and Information Centre.

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APPENDIX I

QUESTIONAIRE FOR THE PUBLIC SECURITY PERSONNEL

Dear respondent

I am Kaweesi Andrew Felix, a student at University of Nairobi conducting a research study about *the relationship between public and private security providers in Uganda*; as a requirement for the award of a Masters Degree in International Studies, I kindly request you to spare some time and fill this questionnaire. The information given will be used for academic purposes only and will be treated with utmost confidentiality. Your cooperation will be highly appreciated.

SECTION A: BACKGROUND INFORMATION

Please tick the most suitable answer.

1. What is your job title...

2. In which company are you attached to...

3. Level of education.

   (a) Secondary ☐

   (b) Diploma/Certificate ☐

   (d) University education ☐

   (e) Post-graduate degree ☐

   (f) Others specify)................................

4. How many years have you worked in this company?

   (a) 1-5 ☐

   (b) 6-10 ☐

   (c) 11 and above ☐

5. Is there any relationship between public and private security providers in Uganda?

6. How would you rank the quality o the services offered by the private security providers in Uganda?

    a) Very effective

    b) Effective

    c) Less effective

    d) Poor

7. What advantages do you personally consider private security have compared to the public security sector, with regard to crime prevention?

8. What disadvantages do you personally consider private security have, compared to the public security sector, with regard to crime prevention?

9. Would you support efforts towards co-operation between police and the private security industry and in which areas?

10. Do you think the service providers should be regulated? And if so, state areas that require regulation

Thank you very much for your cooperation

APPENDIX II

QUESTIONAIRE FOR THE PRIVATE SECURITY PERSONNEL

Dear respondent

I am Kaweesi Andrew Felix, a student at University of Nairobi conducting a research study about *the relationship between public and private security providers in Uganda*; as a requirement for the award of a Masters Degree in International Studies, I kindly request you to spare some time and fill this questionnaire. The information given will be used for academic purposes only and will be treated with utmost confidentiality. Your cooperation will be highly appreciated.

SECTION A: BACKGROUND INFORMATION

Please tick the most suitable answer.

1. What is your job title...?

2. In which company are you attached to...

3. Level of education.

   (c) Secondary ☐

   (d) Diploma/Certificate ☐

   (d) University education ☐

   (e) Post-graduate degree ☐

   (f) Others specify).................................

4. How many years have you worked in this company?

   (a) 1-5 ☐

   (b) 6-10 ☐

   (c) 11 and above ☐

1. Is there any relationship between public and private security providers in Uganda

2. How would you rank the quality of the services offered by the public security providers in Uganda?

e) Very effective
f) Effective
g) Less effective
h) Poor

3. What advantages do you personally consider public security have, compared to the

private security sector, with regard to crime prevention?

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4. What disadvantages do you personally consider police have compared to the private

security sector, with regard to crime prevention?

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5. Would you support efforts towards co-operation between police and the private security industry and in whic

6. Do you think the service providers should be regulated? And if so, state areas that require regulation

Thank you very much for your cooperation

APPENDIX I11

INTERVIEW GUIDE FOR THE MANAGEMENT STAFF OF
PRIVATE SECURITY PROVIDERS

Dear respondent

I am Kaweesi Andrew Felix, a student at University of Nairobi conducting a research study about *the relationship between public and private security providers in Uganda*; as a requirement for the award of a Masters Degree in International Studies, I kindly request you to respond to the under listed issues in the interview guide .The information given will be used for academic purposes only and will be treated with utmost confidentiality

a) How long have you been a supervisor of private security organization?

b) Is there any law that regulates private security providers in Uganda

c) Which areas are regulated?

d) How effective is the regulation?

e) Would you recommend for an amended regulation?

f) If yes, which areas should it cover?

g) How do you rate the relationship between public and private security organization?

h) Would you recommend partnership between private and public security

i) Which areas would you recommend cooperation between private and public security providers?

APPENDIX IV

INTERVIEW GUIDE FOR PUBLIC VIEWS ON RELATIOSHIP BETWEEN PUBLIC AND PRIVATE SECURITY

Dear respondent

I am Kaweesi Andrew Felix, a student at University of Nairobi conducting a research study about *the relationship between public and private security providers in Uganda*; as a requirement for the award of a Masters Degree in International Studies, I kindly request you to respond to the under listed issues in the interview guide .The information given will be used for academic purposes only and will be treated with utmost confidentiality

1. Do you think the work of private security is of value to security?

2. Do you think private security providers are accountable to the public?

3. What is the relationship between the public and private providers?

4. What do you consider to be the advantages and disadvantages of the two security providers if they are to work in cooperation?

5. Would you support the need of regulating private security?

APPENDIX V

STATUTORY INSTRUMENTS. 1997 NO.13.

The Control of Private Security Organizations Regulations, 1997.

(Under Section 73 of the Police Stature, Stature No. 13 of 1994).

In EXERCISE of the powers conferred on the Minister responsible for

Internal Affairs under Section 73 of the Police Stature, 1994, the regulations are made this 19th

day of February, 1997.

PART I – Preliminary

1. These Regulations may be cited as the Control of Private Security Organizations Regulations,

1997.

2. Unless otherwise expressly provided – "authorized firearms" means firearms which are set out

in Schedule III to these regulations for use by Private Security Organizations or which may be

approved by the

Inspector General in writing;

"Minister" means the Minister responsible for Police;

"Private Security Organization" means and includes any Organization which undertakes private

investigations as to facts or as to the character of person, or one which performs services of

watching, guarding, escorting or patrolling for the purpose of providing protection against crime;

"Police Force" means the Uganda Police Force established under the

Constitution;"operator's license" means a license issued to a private Security

Organization by the Inspector General of Police on annual basis to operate a specified security business of a private or commercial nature; operational personnel" means employees of a privatesecurity organization who may, by virtue of their appointment, be engaged in the actual business of a security nature other than administration and management;

"

PART II – GENERAL

3. These Regulations shall apply to all Private Security Organizations registered in Uganda.

4. (1) By virtue of the powers entrusted to Minister under Section 73 of the Police Statute, the Inspector General of Police is hereby delegated powers to license, supervise and regulate the activities of Private Security Organizations in Uganda.

(2) Any license or authorization issued by the Inspector General in pursuance of regulation 4 (1) above shall be notified to the Minister.

(3) The operator's license shall be in the form set out in Schedule V.

5. An application to operate a Private Security Organization in Uganda shall be made on the Form specified in Schedule II in triplicate addressed to the Inspector General.

6. (1) Before any Private Security Organization is registered and licensed to carry out approved security services, the following requirements shall be submitted to the Inspector General.

   (i) an application shall be made on the specified form indicating the physical address, particulars of directors or share-holders, bankers, area of operation and type of service;(ii) where the organization intends to use firearms, the source of such arms must be disclosed;

(iii) a declaration to construct appropriate storage for arms and ammunition where applicable; and(iv) acceptance that fingerprinting and vetting of all the operational employees of the organization shall be carried out by the Inspector General

(2) An application made under Regulation 5 shall be channeled through the Chairman of the District Security Committee and the area lice Commander for their appropriate remarks and onward submission to the Inspector General.

PART III – OPERATIONAL CONTROL

12. The constitutional responsibility for life and property is vested in the Uganda Police Force under the command of the Inspector General and therefore all Private Security Organizations shall be deployed as

part of the complementary force to assist the national Police Force in protecting life and property in Uganda.

13. (1) In ensuring that Private Security Organizations perform their duties properly, the Inspector General shall set standards of performance and ensure that there is –(i) proper and regular training of all the organizations personnel;(ii) proper custody, use, and disposal of firearms and ammunitions;(iii) minimal risks to the organizations employees;

iv) employment of vetted persons having no criminal records; and(v) adherence to government policies on security.(2) Private Security Organizations shall submit quarterly reports tothe Inspector General regarding their operations.

(3) The Inspector General shall issue annual performance certificates which shall be categorized as follows –(i) exemplary;(ii) very Good;(iii) good;(iv) satisfactory;(v) poor, and shall be in the form appearing in Schedule (iv).

14. (1) A Private Security organization may be deregistered by the Registrar of Companies if – (i) the Inspector General is satisfied that the organization is operating below the acceptable standards; or(ii) the Inspector General is satisfied that organization is security risk to the State; or iii) the Inspector General is satisfied that the regulations hereof have been violated or not been complied with.

PART IV – ARMS AND AMMUNITIONS

16. The provisions relating to firearms in these regulations shall apply in conformity with the provisions of the Fire Arms Act.

17. An employee of a Private Security Organization may use authorized firearms in the following circumstances – (i) in self-defense against an armed attack or the defense of any other person who may be under the pecuniary protection of the employee from the threat of death or grave injury arising from such an armed attack;(ii) when attempting to arrest a person who to his or her knowledge is fleeing from lawful custody after committing or suspected to have committed a serious offence and the fleeing person does not stop voluntarily or by any other lawful means;(iii) to stop any serious threat to life or property if police assistance cannot be called in time to avert the threat through other means.

IV.