Policing and Private Security

This thesis describes and analyzes the division of tasks between the police and the private security industry in Denmark. This task division, as well as the relationship between these two institutions has not previously been elucidated, despite a recurring public debate on how the police should prioritize their resources. It is intrinsic to the nature of a police force that its duties are multifarious, and there is a tradition of updating the manifesto of tasks that they should undertake. This is partly because the police are evolving concurrently with society and partly because the their task portfolio would otherwise become unmanageable. In recent times, the term “core tasks” has therefore become popular in the management of the police, but this term lacks a clear definition. Since 2015 the police have been under pressure due to a number of unforeseen events, such as the terrorist attack in Copenhagen, subsequent permanent, manned guarding of certain locations, and border control due to the unprecedented number of asylum seekers at the Danish-German border.

The private security industry has since on several occasions offered their assistance to the police, but their proposals have been categorically rejected. Instead, the authorities have deployed the Home Guard (Hjemmeværnet), the military and the new police cadets. At the same time, however, there are political signals that a future public-private cooperation between the police and the private security industry is emerging. However, there is very limited information on the activities and core tasks of the private security industry. The overall objective of the thesis is to provide qualified knowledge on the topic so that any future political decisions on whether the police can cooperate with or outsource tasks to private security services can be made on more informed and objective grounds.

The four overall research questions read as follows:
- How is the respective purpose and core tasks of the police and the private security industry described legally and in normative texts?
- What is the relationship between the normative description and the practical execution of the respective purposes and core tasks?
- Does the current regulation of the private security industry (vagtvirksomhedsloven 1986) meet the demands of today’s society?
- What legal considerations should be taken into account in a public-private cooperation between the police and the private security industry?

This thesis is structured in five parts. The first part contains chapters 1-3, which together constitute the introduction. Chapter 1 contains purpose, research questions and delimitation of the thesis. In chapter 2, state of the art, theoretical perspectives and data that form the framework and premise of the thesis are presented. The theoretical discussion of a division of tasks between police and private security industry requires a
tangible data basis. This is primarily due to the fact, that the size and growth of the private security industry is a dominant factor in both academic literature and the public debate. However, there is a lack of quantitative valid data and the public debate (and even statements from the police about the industry) is quite often characterized by being based on incomplete data and even myths. Secondly, the dominant theories of private policing stem from Anglo-Saxon countries and cannot be transferred to Danish conditions without reservation. Chapter 3 describes the method, which generally consists of both the legal doctrine method and qualitative empirical research, including interviews and participant observation, respectively with the police and in the private security industry.

Part II is focuses on the police. First, the notion of the police monopoly on force both as a narrative and a legal fact is challenged (chapter 4). It is concluded that the police both legally and culturally have a monopoly, but that there is no injunction in the constitution (grundloven) concerning outsourcing tasks that involve the use of force. In chapters 5-6, the normative description of the police's core tasks is described and analyzed by reviewing the legal regulation of the police as well as the main political, legal and managerial attempts to define police core tasks since 1998. The normative perspective does not reveal much about what tasks the police must always prioritize, but it does reveal that there is no consensus on the basic purpose and distinctive features of the police. In the management of the police, the core task focus seems to mean focusing on the administrative part of the police, such as management, performance contracts, goals, measurement, standardization, etc. In chapter 7, the police’s practical management of core tasks is challenged. It is concluded that there is a discrepancy in the perception of core tasks between the officers on the ground and their leaders. For the police officers, elements such as the human aspect, pragmatics, problem solving and being able to make professional individual judgments are dominant.

Part III concerns the private security industry. This section is introduced with a brief chapter on the history of the private security companies and their establishment in the Danish market (chapter 8). The normative description of the industry’s core tasks is analyzed by reviewing the purpose and rules of the act concerning private security services (vagtwirksomhedsloven) (chapter 9). Subsequently, the regulation is tested and challenged by comparing the rules to the practical execution in the industry (Chapter 10 and 11). The act was founded in 1986 with the intent to clarify the boundaries between the police and the private guards. One very important point was to codify that only police should operate in public space. The purpose of the law was public protection: To cleanse the industry and secure a professional market. However, my empirical research shows that this act has in many cases unexpectedly had the opposite effect. The market for unprofessional companies is growing and it is easy to work as a guard without the required license. This is mostly due to the legal rules, but also due to the fact, that the police are not enforcing the law. The regulation of the private security industry therefore does not meet the demands of the contemporary society and should be adjusted accordingly.

Part IV discusses the existing and potential relationship between the police and the private security industry. First the respective core tasks are summarized, as well as the overlapping tasks and locations. Different premises are set up to discuss possible
relations between the police and the private security industry. These can ultimately be
summarized into three models for a relationship between the parties: The social-liberal
ideal that there is no relationship between police and private security (Chapter 12); the
neo-liberal model with outsourcing of police tasks (Chapter 13); and finally, a noneconomic
partnership between the partners (Chapter 14). Chapter 13 discusses the
benefits and risks of outsourcing the police's tasks, including as a comparative example,
the Swedish tradition of delegating police tasks (with appurtenant right to use force) to
private guards. In chapter 14 both Danish and Norwegian positive experiences with a
non-economic partnership are compared and analyzed.

Part V is the conclusion of the thesis. The classic distinction between a police force
that is responsible for security, safety, peace and order in public spaces and private
security agents operating in the private sphere, no longer seems to apply. Private guards
are today – despite the law – working in public places and are performing tasks, which
are classic core tasks of the police, for example, carrying out law enforcement and
restoring public order. Officially, however, there is hardly any public-private
partnership and officials from the police underline, that they have no intention of neither
sharing nor outsourcing any tasks to the private sector. Politicians also seem reluctant to
acknowledge the private security industry. No one wants to officially legitimize private
security and devalue the alleged state monopoly on security. This includes updating
the private security act, which has hardly been changed since its’ formulation in 1986.
There seems, however, to be a pragmatic need to supplement the police, which is
overworked and understaffed. To use the words of Ian Loader (2011) the growth in
private policing has become “democracy’s dirty little secret.”