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Issues and Practices

Public Policing – Privately Provided

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- Sponsors research and development to improve and strengthen the criminal justice system and related civil aspects, with a balanced program of basic and applied research.
- Evaluates the effectiveness of justice improvement programs and identifies programs that promise to be successful if continued or repeated.

- Tests and demonstrates new and improved approaches to strengthen the justice system, and recommends actions that can be taken by Federal, State, and local governments and private organizations and individuals to achieve this goal.
- Disseminates information from research, demonstrations, evaluations, and special programs to Federal, State, and local governments, and serves as an international clearinghouse of justice information.
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James K. Stewart
Director

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Public Policing — Privately Provided

by

Marcia Chaiken and Jan Chaiken

June 1987

Issues and Practices in Criminal Justice is a publication of the National Institute of Justice. Designed for the criminal justice professional, each *Issues and Practices* report presents the program options and management issues in a topic area, based on a review of research and evaluation findings, operational experience, and expert opinion in the subject. The intent is to provide criminal justice managers and administrators with the information to make informed choices in planning, implementing and improving programs and practice.

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Foreword

A major question facing public administrators, police officials, and the public is how to supply police services that meet community needs and demands, while staying within budgetary limitations. One response has been greater public-private sector cooperation in securing and maintaining public safety. Such cooperation becomes increasingly essential with the growth of the private security industry. Nearly as much money is now paid by governments to private security companies as is spent for public law enforcement by the federal and state governments combined.

Many police officers see these rapidly rising expenditures for private security as a disturbing movement toward the privatization of entire city police departments. But the authors of this report feel such concerns are misplaced. Rather, competent police administrators are recognizing the distinctions between functions that can best be performed by sworn police officers and other functions that can more productively be handled by civilians or private firms under contract. In successful examples of police and sheriffs' departments contracting with private security firms, either low-cost personnel provide services that do not require the complete skills of law enforcement officers, or private companies bring specialized technical capabilities to police work. Tasks requiring the full range of police officers' skills have not been transferred to the private sector for any extended period of time.

The National Institute of Justice has undertaken a broad range of activities to help public administrators learn about the latest research thinking and practices in other jurisdictions for dealing with police management problems. We regularly hold conferences that bring researchers and police officials together for discussions of promising solutions, and we sponsor

various publications that summarize in useful form the information that managers need to do their job better. This report is one in a series that we have supported on topics related to private security and public policing.

The report was prepared to help administrators understand and evaluate the current state of provision of police-related services by private contractors. It gives concrete guidance on the types of police-related tasks that are best suited for contracting with private companies and on the advantages and disadvantages of private contracting. It describes clearly the factors that must be taken into account in making a fair cost comparison between public and private provision of police support services, and it details the financial, legal, and political issues that government officials must confront when considering the possibility of contracting with private security companies. It gives practical advice on the contracting process and gives addresses and telephone numbers of experienced municipal and state administrators you can contact for further advice.

I can assure you the authors of this report are completely impartial researchers, neither proponents nor opponents of privatization, and not involved with the private security industry. They have presented clearly the arguments for and against contracting with private security companies and have provided the information you need for making the right choices in your own jurisdiction.

James K. Stewart
Director
National Institute of Justice

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Chapter 1: Introduction

Over the past decade, many towns, cities, and counties have turned to private organizations to provide services traditionally supplied by local government. In many locales, services such as trash collection and emergency medical treatment have been successfully transferred to the private sector. Encouraged by examples of relatively low-cost and high-quality services obtained from private companies, many communities are considering "privatizing" other types of services.

In return, firms that want to expand their business with government agencies are responding aggressively to the opportunities, opening up possibilities for communities to contract for services that in recent years have been provided exclusively by government employees. Included among the local government functions under consideration for privatization are such criminal justice agency operations as resolution of disputes in civil courts, supervision of probationers, ownership and operation of jails, and provision of police services.

If you are among the local government officials or citizens trying to grapple with issues of contracting services with the private sector in your own community, you know that currently the picture is far from clear. Claims and counterclaims come to your attention concerning the cost savings, if any, in contracting for particular types of services, the favorable or unfavorable experiences of cities and counties that have already tried it, and long-term risks such as deteriorating quality of service, liability costs, service interruptions, and corruptive influences on the government.

This report is written to help you sort out these issues in regard to provision of police services by private companies under contract with local government. The report summarizes the current status of privately provided police services, based on a careful review of research reports and other publications, site visits to selected cities, counties, and private firms, and the advice of experts in the field of private security (see Appendix A). A strong consensus emerged from all these sources: only selected functions of police and sheriffs' departments are being transferred to the private sector, and this practice does not realistically present a threat of total private takeover of entire police agencies.

Many security professionals use the term "police support services" to refer to the kinds of activities that private firms can perform under contract in support of the broader role of law enforcement agencies.

Typical examples include towing illegally parked cars, guarding public buildings or sports arenas, fingerprinting prisoners, and conducting background checks on job applicants. We have adopted that meaning for the term "police support services" in this report; we do not intend that it should refer solely to such auxiliary functions as accounting, maintenance, and communications.

Topics covered in the report include the following:

- The types of activities performed by police and sheriffs' departments that are suitable for transfer for the private sector
- Methods for comparing costs between public and private provision of police support services
- Advantages of contracting with the private sector, aside from the possibility of cost savings
- Issues that must be confronted by government officials when preparing to contract for private provision of police support services
- Concrete suggestions on the steps to be taken in planning for and contracting for police support services.

In addition, Appendix B provides a list of resource people who have experience in contracting for police support services and who agreed to respond to inquiries from readers who require more specific advice.

Since communities differ substantially in terms of fiscal management, need for services, and legal constraints,¹ some of the issues addressed here may not be important in your community. For example, if your jurisdiction has no difficulty in processing contractors' invoices rapidly, you may not find the discussion of payment delays particularly relevant. But even topics that are not immediately applicable in your community may be important for longer-term strategic planning. Continuing the example, if you should in the future consider an agreement with neighboring jurisdictions to contract jointly with a private company, you would want to avoid setting up cumbersome payment procedures that would be slower than those in your own jurisdiction acting alone.

This report concentrates on issues related to contracts between local governments and private companies for delivery of police services. It does not provide information specifically for private individuals or organizations considering such contracts, because these topics

have been recently covered in another study sponsored by the National Institute of Justice, *The Hallcrest Report: Private Security and Police in America*.² The Hallcrest Report provides comprehensive and up-to-date information on private security companies, proprietary security within commercial and industrial firms, regulation and supervision of the private security industry, and private provision of guard and patrol services for individuals and groups where there is no intervening government contract.

Readers should turn to *The Hallcrest Report* for more information about issues such as the following:

- There are about 8,500 firms in the United States deriving their main revenue from providing **security guard services**. They differ greatly in size and quality of services. For example, the ten largest firms range from 10,000 employees to more than 30,000, while the smallest have only one or two employees.
- **Other major types of security companies** include private investigative firms (2,500 companies), alarm companies (10,000), armored car and courier services, and employee screening firms.
- **High turnover** of employees, clients, and security firms still characterizes the industry. Employee turnover ranges from 120 percent to 300 percent per year, clients frequently change from one contractor firm to another, and many companies enter or leave the security business each year. Most law enforcement officers hold a low opinion of the quality of contract security personnel, resulting in poor interactions between public police and private security personnel.
- Although 35 states require guard and patrol firms to be licensed, and over 80 percent of firms are regulated by state or local agencies, most observers of the security business — including an overwhelming majority of security managers and executives — believe there is considerable room for strengthening the regulatory process and making it more uniform across jurisdictions.
- **Moonlighting** continues to be a major source of conflict between law enforcement and private security. Many private security companies object to any law enforcement agency practices which assign police officers to security functions (thus cutting into the firms' potential for revenue). Practices of this type, which differ

among regions of the country, include assigning officers to "paying details" outside their regular hours, or scheduling security services (for example, at sports arenas or construction sites) as part of the regular work of police officers.

Law enforcement executives' concerns about moonlighting relate to police officers who work after hours for security firms, a practice which is permitted or coordinated in over 80 percent of departments. Their main concerns center around fitness for regular duty assignments, conflicts of interest, and department liability for the actions of the police officers when they are moonlighting.

Because in our observation the impetus for privately provided police services commonly arises from outside the local law enforcement agency, this report is directed to mayors, city managers, county supervisors, budget directors, and other local officials in addition to police chiefs and sheriffs. Citizen groups considering alternatives in delivery of police services should also find parts of this report valuable.

Endnotes

1. National Association of Counties Research Foundation, *Interlocal Service Delivery: A Practical Guide to Intergovernmental Agreements/Contracts for Local Officials* (National Association of Counties Research Foundation, Washington, D.C., 1982).
2. William C. Cunningham and Todd H. Taylor, *The Hallcrest Report: Private Security and Police in America* (Chancellor Press, Portland, OR, 1985).

Chapter 2: Public and Private Involvement in Police Functions

Few communities provide all governmental services directly through their own employees. A mix of service delivery methods is generally used, including voucher systems, franchises, inter-local agreements with other governments, donated labor, contractual arrangements with voluntary organizations, direct payment for services through fees or user charges, and contracts with the private sector.¹ Not all of these techniques are feasible for police and sheriffs' departments, but many of their functions are commonly provided by volunteers, by contractual or other types of agreements with neighboring jurisdictions, and through contracts with private firms.

For example, services provided by the Los Angeles Police Department are supplemented by various other governmental agencies and volunteers. Numerous "neighborhood watch" organizations provide street surveillance in close cooperation with the police. The county provides such services as pretrial supervision and transportation of defendants accused of felonies. Free training seminars for police administrators are donated by corporate security divisions. And private companies provide a variety of services under contract, including towing and storing of illegally parked cars, and directing traffic or providing extra security at special events.

Contracts between cities and counties for law enforcement support services are very common and are used effectively for carrying out functions that are prohibitively costly for an individual municipality, or require coordination between jurisdictions. For example, in Dade County, Florida, most small incorporated cities depend on the county or state police for crime lab services, communications, and investigations of homicides and major robberies. Even large city police agencies contract with the city or state for some of these services.

Private contracts are no stranger to police and sheriffs' agencies for such services as data processing, financial auditing, fueling and maintaining department vehicles, repairing communications equipment, and management planning. But these auxiliary functions are not central to the current debate over privatization of police services. Rather, current interest focuses on contracts with private security companies, whose employees are in direct contact with members of the public, may be uniformed or armed, and carry out duties commonly associated with police officers.

Government contracts are already big business for the private security industry. The industry's largest clients are manufacturing concerns and retail business; government is the third-largest client. In 1980 an estimated \$3.3 billion was paid by government agencies to private security companies,² over four-fifths as much as the \$4.1 billion spent by the federal and state governments on public law enforcement.³ And *The Hallcrest Report* projects that private security business will grow rapidly: 33 percent over the decade of the 1980s, compared to 18 percent growth for public law enforcement.

To many, these trends raise the specter of public police agencies gradually being turned over to private firms. In our view, this is an unrealistic and implausible appraisal of the history and likely future of contracted police services. While it is true that many municipal services have been provided entirely either by public agencies or alternatively by private companies,⁴ the situation with police services is entirely different. Selected police support tasks have been transferred to private companies, but no jurisdiction has successfully transferred total police services to the private sector for any extended period of time.

Many city and county officials will find, if they review the various services provided by their police or sheriffs' department, that only a few functions merit careful consideration as possibilities for being privately contracted. This report describes why transfer of selected functions to the private sector does not realistically present a threat of total private takeover of the police function, presents a basis for deciding which functions are likely candidates for privatization, and helps evaluate the attractiveness of privatization in the local context.

Why Complete Police Services are not Being Transferred to the Private Sector

The lack of any successful transfer of complete police services to the private sector is related primarily to the nature of police work, and has little to do with the quality of private security personnel or their companies. In fact, certain law enforcement functions, such as the investigation of various types of fraud, have been widely transferred to the private sector specifically because private sector employees bring special skills or capabilities to the work that are not found in most public police departments.

Long-term transfer of all of a jurisdiction's police services to the private sector seems to be impractical mainly by virtue of the diversity of tasks performed by police agencies. Law enforcement activities require such varied skills as body strength and agility for restraining violent offenders and the intellectual capacity to organize vast amounts of information for investigations. And although the public — and some police officers as well — regard law enforcement as the primary function of police employees, actually more police officers' time is spent on auxiliary or public service tasks than on crime related activities. In general, the police are called on to perform tasks that are considered to be public responsibilities but are not performed by any suitable alternative agency.⁵

The statement of work [for provision of private police services] should describe what services are needed and qualitative and quantitative measurements for service, but [when the government tries to draft requirements] the politics of the situation rises to the surface. Many aspects of the work are based on trust between the client and the company, but that doesn't protect us from knee jerk reactions to individual incidents. As soon as there's any kind of a problem, [the clients] want to make a change from private to public or from public to private. . . .

That's what happened in [a site with a former contract for police services]. They wanted [a contract with] us after a series of burglaries. But when we had the contract, after the first burglary they wanted to go back to public police.

—Vice President, major security company

Private security companies, on the other hand, were formed and developed in response to specific security needs of private clients (Figure 1). They are as old as police departments and now actually exceed public law enforcement agencies in terms of the numbers of people they hire and expenditures for their services (Table 1). However, because they are oriented to providing services for profit-oriented enterprises, services geared almost exclusively to reducing loss of assets,⁶ the bulk of their personnel do not have the broad range of experience and skills necessary to accomplish the many tasks performed by public police.

While it would be potentially possible for private security companies to hire personnel with the same range of skills as public police officers, it would not be economically feasible for them to do so unless a relatively large demand could be anticipated for providing services requiring these varied skills. Moreover, since the tasks performed by public police include helping citizens in situations difficult to anticipate, such as civil disturbances, it is virtually impossible to specify in a contract the total set of tasks to be privately provided. Thus both the diversity and unpredictability of tasks performed by public police argue against their being totally handled by private security companies.

Functions Suitable for Transfer to Private Providers

Some of the tasks commonly carried out by sworn public police officers can alternatively be performed by other public or private employees paid by the government. For example, the following types of personnel may in some communities perform functions that elsewhere are the province of sworn police officers: nonsworn employees of the public police (e.g., traffic officers, police service aides, or civilians), employees of municipal, county, state, and federal agencies other than police or sheriff's departments (e.g., marshals or bailiffs), and private investigative or security firms.

Which of the many policing functions are most likely to remain the province of sworn public police officers? One possible answer is that functions depending to some degree on the legal status of "peace officer," such as arresting felons, would be unlikely to be transferred to non-sworn or private employees. But, somewhat surprisingly, this view does not square with recent trends in private provision of police-related services. In fact private firms' employees increasingly are performing investigations and making arrests for specialized crimes such as shoplifting or technically sophisticated white-collar crimes. These private employees have in some

Figure 1

Traditional Differences Between Private Security and Public Law Enforcement

Private	← Security Services →	Public
Client	Input	Citizen
Crime Prevention	Role/Function	Crime Response
Specific	Targets	General
Profit-Oriented Enterprise	Delivery System	Government
Loss Reduction/ Assets Protection	Output	Enforcement/ Apprehension

SOURCE: National Advisory Committee on Criminal Justice Standards and Goals, *Private Security: Report of the Task Force on Private Security*, Washington, D.C., December 1976.

Table 1

Estimated Size of the Private Security Industry Compared with Public Law Enforcement

	PRIVATE	PUBLIC
Personnel (1982)	640,000*	580,000**
Expenditures for Services/Products (1979-1980)	\$21.7 billion	\$13.8 billion
Projected Growth in Personnel (1980-1990)		
Total	33%	18%
Contract guards	30%	
State and local police officers		17%

*Excludes approximately 450,000 workers in proprietary security employment.

**Sworn

SOURCE: William C. Cunningham and Todd H. Taylor, *The Hallcrest Report: Private Security and Police in America*, (Chancellor Press, Portland, OR, 1985).

states been granted limited powers of peace officers, in order to facilitate their work, rather than allowing legal distinctions to interfere with the growing involvement of private firms in the provision of police-related services.

A more coherent interpretation of trends in the roles of public and private providers is that law enforcement officers are specifically needed for tasks that require a *multiplicity* of skills for which they are trained, rather than for tasks that require particular capabilities in any single skill.

These insights into the job requirements of police officers come from the results of "task analysis" surveys, where individual officers indicate what tasks they perform, the amount of time they spend on each of them, and perhaps also the relative difficulty or the skills required for performing them. Although police and sheriffs' agencies across the country vary greatly in their style of policing,⁷ there is still a large central core of similarity in their tasks. Comparing the task lists prepared by different agencies, even in very different jurisdictions, shows they are nearly identical; only the amount of time spent on specific activities differs substantially among agencies. The few apparent differences in task lists relate typically to local geography or economy; for example, officers in one jurisdiction might mention marine patrol, in another they might mention checking livestock.

A list of commonly performed police tasks, derived by summarizing some published task analysis surveys, appears in Appendix C. For purposes of discussion, the tasks in the Appendix tables are divided into the following six categories:

- Law enforcement
- Patrol operations
- Public order maintenance
- Traffic control
- Assistance to people or groups
- Administrative and support functions.

(The source task analysis surveys used various headings for the tasks; the six listed above are just one way of summarizing the information.)

In all, 215 different tasks of police officers are listed in the tables in Appendix C, even after omitting many tasks that were included in the original sources but are unusual or infrequently performed. But, as summarized in Table 2, most of them do not require the whole range of skills that police officers bring to their jobs. The task analysis surveys described the level of

intelligence or education required for each task's completion, the social and psychological skills needed, and the physical exertion involved. The table shows the number of tasks in each category that were rated "high" in two or more of these requirements.

The tasks labeled "high" in all three categories require a combination of intelligence, social skills, and physical fitness: characteristics for which sworn public police officers are selected, trained, and vested with appropriate authority. By contrast, private sector employees who investigate technologically sophisticated crimes might require skills ranking high in one or two of the indicated categories, but not in all three. Employees of private tow-truck companies or courier services would need skills and training ranking only low or medium in all three categories.

To illustrate, sworn uniformed officers are unique in having the necessary combination of skills to deal with violent felons. The tasks involved can include following in hot pursuit, apprehending, restraining, and taking people into custody, while at the same time preserving their civil rights and the safety of bystanders. These activities draw on many of the officers' innate and acquired skills. This combination of required skills essentially excludes other providers of police-related services, public or private, from carrying out such tasks.

Tasks requiring combinations of high levels of education, intelligence, social skills, and physical prowess are concentrated in specific areas of police work: law enforcement tasks and public-order maintenance tasks. Examples include serving search warrants, conducting undercover investigation, and responding to the scene of street fights. These categories of police work seem on the whole destined to remain in the hands of sworn public police, as do tasks with the following characteristics:

- Tasks that require a high degree of interjurisdictional coordination, such as multijurisdictional investigations, and enforcement of laws not specifically affecting the jurisdiction (e.g. drug importation through a port city)
- Tasks that have a high potential of violence or risk, such as mediating street fights, apprehending DUI suspects, or searching for bombs.

At the other extreme, people who carry out tasks such as transporting police records or towing illegally parked cars essentially need only the skill to operate their vehicle and to follow simple directions. Their equipment is a more valuable resource than their time. Many cities and counties have completely transferred these and other similar services entirely to the private sector.

Table 2

Summary of Required Skills for
Tasks Performed by Police Officers

Category of Task	Total number of tasks rated	Percent of Tasks	Level of Skill Needed		
			Intelligence/Education	Social/Psychological	Physical
Law enforcement	85	19	high	high	high
		35	high	high	low
		4	high	high	medium
		4	medium	high	high
		39 other combinations of skill levels			
Patrol operations	14	7	high	high	high
		21	high	high	low
		72 other combinations of skill levels			
Public order maintenance	13	23	high	high	high
		46	high	high	low
		8	high	high	medium
		23 other combinations of skill levels			
Traffic control	30	7	high	high	high
		37	high	high	low
		56 other combinations of skill levels			
Assistance to people or groups	22	0	high	high	high
		27	high	high	low
		73 other combinations of skill levels			
Administrative and support functions	51	0	high	high	high
		78	high	high	low
		22 other combinations of skill levels			

Source: Appendix tables CI-C6

In general, tasks that are most suitable to be carried out by private contractors rather than public employees include:

- Tasks requiring special equipment but minimal skills, such as transporting equipment, washing police cars, fingerprinting prisoners or applicants for various licenses or security clearances, and conducting sobriety tests.
- Tasks requiring minimal education, intelligence, or physical fitness, such as fixed-post or inside guard duty, delivering supplies, transporting deceased, escorting funerals, escorting oversized vehicles, removing debris, and securing buildings and vehicles (for example, closing windows and locking doors).
- Tasks requiring specialized training or intelligence, but not physical prowess or psychological skills, such as investigating embezzlement through electronic funds transfer, checking whether warrants have been issued for arrestees, serving subpoenas, verifying vehicle titles, conducting background checks on job applicants, dispatching police vehicles, enforcing weed abatement or similar ordinances, administering first aid, securing and controlling access to sensitive records or evidence, diagramming the scene of motor vehicle accidents, caring for patrol aircraft, reviewing records and pictures to identify suspects, and comparing records of reported crimes to determine which ones appear to have similar *modus operandi*.
- Tasks of temporary duration, such as securing and patrolling disaster areas, or protecting storage areas for parades.

Civilianization opportunities are the same as privatization opportunities. Many of the functions that the police now perform were originally civilian programs that the police were forced to take over during the fiscal crises. Some of these functions are now reverting to civilian employees.

—Former police commissioner,
now president of a security company.

By reviewing the literature related to privatization of police services and making inquiries of major national private security companies, we identified a sample of more than 50 specific sites in which police-related services are being provided by private firms under contract to the government (see Appendix D). By far the most common form of service is guard or security duty at public installations, including airports, court houses, hospitals, sports arenas, and office buildings (see Figure 2). In a limited number of jurisdictions, private companies have also extended their guarding of government facilities and installations to outside patrol; parks and housing projects are being patrolled by private guards in a few cities.

Other police support tasks commonly performed by private companies are:

- parking enforcement—including issuing parking tickets
- traffic direction
 - special events
 - school crossings
 - peak hour employee traffic near major corporations
- parking lot protection at governmental facilities, or where towed vehicles are stored.

When performed by the public sector, work of this type is often assigned to civilian employees of law enforcement agencies.

We did not find any examples where private companies were contracted to provide law enforcement or public-order maintenance functions labeled “high” in all three categories of education, social, and physical skills. Even transport of prisoners, which seems to be “natural” for sworn officers but is performed by private companies in a few jurisdictions, was rated “low, medium, low” in the task analysis surveys for educational, social, and physical skills required.

Mechanisms for Transferring Partial Police Services to the Private Sector

The shift of police service delivery to the private sector is taking place in basically four ways: default, accommodation and cooperation, enabling legislation, and by contract.

Default transfer occurs when the government, for various reasons, does not meet a pressing need for law enforcement services, and private companies fill the vacuum. For example, many corporations are experiencing major crimes of embezzlement and fraud against

Figure 2

Examples of Government Installations Protected by Private Security

Federal:	U.S. Department of Energy sites Nuclear test sites Veterans' hospitals Presidential libraries
State:	State administration buildings University buildings and campuses Departments of transportation—parking lots Welfare centers Unemployment offices
County:	Courts Medical centers
Municipal:	Public sports arenas Welfare centers Public shelters Public housing projects Parking lots for municipal vehicles and towed cars Airports

electronic data processing systems, especially those used for financial transactions.⁸ Most public police departments are not responding to this type of technologically advanced crime by developing new EDP investigative squads. Rather, corporate security departments have essentially taken over this area of criminal investigation, carrying out all the activities that would be done by a police detective, including even presenting completed cases to the prosecutor.⁹

Accommodation and cooperation occurs when public police personnel informally rely on private security personnel to carry out tasks they prefer not to do; in return, the public police provide some needed service such as responding expeditiously to calls for assistance from the private security personnel. For example, private companies are providing security in shelters for the homeless in one major city. Provision of this relatively unpleasant service allows police officers greater success in convincing the homeless to use the shelters rather than sleeping in bus and train stations, or outside where they are liable to freeze to death. If a fight occurs in the shelters, the security guard tries to mediate, rather than calling the police immediately. If necessary, however, the guard restrains the antagonist and calls the local police precinct or the central emergency telephone number. According to the information received from the shelters, the police usually dispatch an officer in very short order to such incidents, even though they may not appear to be as high in

priority as other calls for service to the police. Perhaps they do so because the private security guards are relieving the public police of tasks they'd rather not perform.

Legislation passed recently in several states allows specific types of private security personnel limited police powers. For example, campus police at private colleges and universities are granted arrest powers in several states and have been given jurisdiction extending beyond campuses to surrounding city streets. In at least one state, retail security personnel not only have arrest powers in cases involving theft from their employers, but they can also "book" an alleged offender and testify in court as the arresting officer. (A city police officer must actually sign the arrest report prepared by the security guard.) Theoretically, security personnel who are granted limited peace officer status can make arrests for any crime they observe. In practice, however, they generally confine their arrest activities to the area they were hired to police.

I tell my men, "If you see a street crime, like a robbery, don't try to stop it! Call the police!" My men don't have the training for handling street crime. I don't want them to get hurt.

—Director of security

Contracts between government agencies and private security companies for specific tasks have become so commonplace that they are beginning to blur traditional distinctions between private and public providers of security services (shown earlier in Figure 1.) Not only has government become a client of private security companies, but transfer is also occurring in the opposite direction: public police departments are in some locales entering into contracts to provide special services to private organizations on a fee basis.

Control Over Services Transferred to the Private Sector

Unlike many community services such as trash collection, police support services delivered by private contractors often remain under substantial control of the police or sheriffs' department. The extent to which control is transferred to the private sector is determined by several characteristics of the contractual arrangement:

- The specificity of the activity to be transferred
 - either stated in terms of the goals and functions of the contracted service or in terms of specific identified tasks
- The method of payment for the activities carried out by private companies — either for general activities performed, or for specific tasks and person-days devoted to the tasks
- The mechanisms for setting priorities among tasks to be performed. The greatest degree of transfer occurs if task priorities are set by the private contractor, a moderate degree of transfer if the government determines the decision rules to be followed in setting priorities, and the lowest degree of transfer if priorities are decided on an ongoing basis by government personnel
- The method of monitoring delivery of services
 - financial audits only
 - periodic evaluation of the achievement of general goals such as citizen satisfaction
 - periodic evaluation of specific goals, such as reduction of accidents for traffic control functions
 - periodic on-site checks of task completion
 - day to day supervision of task completion
- The involvement of public uniformed officers in day-to-day operations
 - none
 - cooperation

- responsible for coordination
- partial supervision
- total supervision.

In deciding which, if any, police support functions to transfer to the private sector, and what degree of control over the services ought to be retained in the government, it is necessary to consider many factors of cost, management, and politics. These topics are discussed in the chapters that follow.

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Chapter 3: Causes for Shifting Functions Among Providers of Police Support Services

The growth of private provision of police support services is due primarily to the confluence of three factors: an increase in citizen demands for police-related services, fiscal limitation in the private sector, and the rapid growth of the security industry as a whole.¹

New Demands for Private Police Services

Perhaps ironically, the involvement of private security companies in supplying police support services has grown in response to the same citizen demands that led to the replacement of private law-enforcers by public police departments over a century ago. Originally, public police departments were modeled after the London police, acting as a deterrent force rather than a reactive force.² Today citizens are demanding to see more uniformed personnel on the streets and in public buildings.³ In response, governments are hiring private guards to provide increased "blue visibility."

Just as urban riots in the mid-1800's led to the initial creation of public police departments,⁴ so the campus riots in the mid-1960's led to the hiring of more security personnel for state and city schools.⁵ Just as moralists in the past century demanded the formation of police departments to control and suppress "unseemly behavior in public places,"⁶ today the same demands are made—private guards are hired to help keep "order" in public buildings and to stand guard over the homeless and dispossessed as they are moved off the streets into shelters.

Although some types of citizen demands have remained remarkably stable since the last century, private provision of police support services has been given impetus by citizens' desires for direct control over the services they are provided. In recent decades, public police were purposely removed from the political arena, and corruption was made grounds for dismissal, so that police officers would not respond preferentially to the needs of influential citizens, but rather could act as independent agents beholden to their superior officers.

Priorities for performance of police work are nowadays established by department policy, not by individual citizens desiring a particular service. For example, many departments are now screening calls placed to the police emergency telephone number, defining differential responses based on the nature of the call and other surrounding circumstances, such as the current workload

of the patrol force or the time of day.⁷ Some nonemergency calls may not receive the dispatch of a patrol car. Generally citizens understand if their requests for police services are not really important in comparison with other more pressing needs, such as responding to robberies.

It may nonetheless happen that a group of residents or workers want some kind of response to their needs, even knowing that the problem is not important enough to be handled by police officers. Demands of this type might involve report-taking, assistance to people or groups, or control of traffic-or crowd-related problems. City and county administrators might well want to comply in some way with such requests.

Increasing the number of public police does not necessarily help, since a larger force will still have the same general priorities for response throughout the jurisdiction. The service desired in a particular locale may still be lower in priority than many other requests from elsewhere in the city or county. So, if the group's focal issues are not critical from the perspective of the jurisdiction as a whole, contracting with private security personnel specifically for the task in question will ensure that their concerns are addressed. Moreover, the assigned security staff will be well positioned to handle the group's new needs for ancillary services as they arise.

The key advantage [to having a private company provide police services here] is local decision making about police priorities. It enhances the clout of community representatives.

—Officer, citizens' action group

Day-to-day performance is affected by immediate demand. Ancillary services [not specifically addressed in the contract] are allowed and negotiated at the local level with field personnel. We think that's fine . . . as long as an increase in personnel or resources isn't required.

—Executive officer, major private security company

Attractiveness of Contracting from the Perspective of Government Executives

The Cost of Contracted Police Services

Our interviews with representatives of private security companies and their government agency clients all yielded the same response concerning the costs of contracting with private firms: government administrators cannot and should not expect to be able to save money by hiring private security personnel to carry out tasks that require the intellectual, interactional, and physical skills of uniformed sworn officers. The costs of hiring qualified personnel and training them will be nearly equal whether accomplished in the public or private sector,⁸ and savings on fringe benefits in the private sector would only be temporary. The history of organizations such as the New York City Housing Police makes it clear that within a relatively short time employees who substitute for a wide range of public police services will organize, demand, and receive essentially the same benefits as public police ... or they will leave and join the public sector.

Private contractors also incur certain obligations not imposed on the government, such as corporate and gasoline taxes, occupational and motor vehicle licenses, deposits such as performance bonds, and interest charges while awaiting the government's payment of invoices.⁹ In addition, it goes without saying, the contractor will attempt to make a profit.

The advantages of hiring private companies for tasks requiring relatively unskilled personnel, however, are many. Labor costs are lower than for uniformed personnel or even other civil service employees. Private guard companies can keep their personnel costs down because they hire people with less training; in addition, they have a large turnover that keeps down the cost of fringe benefits.

Special officers (civil service) start at a salary of \$14,000 per year; contract guards, \$8 to \$9,000. When we use 500 contract guards, we have a total savings of \$2.5 million.

—Deputy director, human resources agency

Some of the largest private companies are also able to obtain liability insurance at lower rates than municipal governments. This too allows the companies to supply personnel at lower cost than the public sector.

To determine, even approximately, the cost savings that can be expected from contracting with a private firm, a calculation must be made specifically for the jurisdiction in question. The figures that need to be assembled for the calculation should not in principle be difficult to obtain, but some cost elements (for example, retirement benefits or insurance expenses) may be unfamiliar to the police or sheriffs' department budget specialists if they are included in some other part of the city or county budget.

For a fair comparison, it is necessary to determine the cost incurred when police personnel provide only the particular service under consideration. For example, Figures 3 and 4 show the typical cost elements that would enter into a comparison between motorized patrol of an area by public police or by private security personnel. Figure 3 outlines how to compute the salary and fringe expenses for each hour that a police officer is available for patrol. Figure 4 then indicates typical additional items that would have to be taken into account in the comparison.

Although certainly other important factors aside from cost are involved in deciding whether to contract with a private security firm, the decision should not be made without a clear idea of the extent of cost savings, if any, that can be expected.

Keeping the Head Count Down

Private companies are used by government agencies in some jurisdictions to supply increased personnel services without any apparent change in their personnel budgets. In cities and counties experiencing fiscal limitation or recent taxpayer revolts, officials may be reluctant to add any personnel to the payroll, or may even be prohibited from doing so. Yet in some jurisdictions, the nature or complexity of the budgeting process permits hiring private companies, paying them out of a separate account (such as "other than personal services" or contracted services), and avoiding the appearance of adding to the personnel "head count." Officials in these jurisdictions may consider contracting for police support services attractive because they can meet citizen demands for "blue visibility" and at the same time minimize the need to increase personnel budgets.

Figure 3
Computation of Salary + Fringe Costs for Each
Available Hour – Sworn Personnel

1. Total person-days per year	_____
2. Total days off allowed (vacation, sick days, personal days, training, other)	_____
3. Total days available (line 1 minus line 2)	_____
4. Average unavailable hours per day (briefing time, travel to and from station, court time associated with patrol, meals, "breaks", servicing vehicle, other)	_____
5. Total available hours per day (work hours minus line 4)	_____
6. Total hours available per year (line 3 times line 5)	_____
7. Annual salary + fringe + payroll taxes per officer	\$ _____
8. Cost of salary and fringe benefits per hour available for patrol (line 7 divided by line 6)	\$ _____

Flexibility and Responsiveness

Contracts with private security companies permit rapid marshalling of personnel during times of crises. Not infrequently, a single criminal incident may result in a public outcry for more visible protection in specified locations or circumstances. The relatively long process of hiring public employees does not allow an immediate response without depriving another area. Private companies, however, are willing to contract for "on demand" services. The larger companies can shift administrative personnel and rapidly hire and train a cadre of new people. Similarly, private companies can participate in experimental modes of service delivery on a temporary basis to see how they work out.

Utilizing private companies also allows flexibility in abolishing these positions, once the immediate demand slackens. By contrast, if positions are created in the public sector, employee unions and the departments in which they are established will probably fight long and hard to retain them. Periodic termination of the performance period of contracts is, on the other hand, expected. Even if the government enters into a renewal contract with the same company, the number of employees can be reduced or shifted into different tasks.

Reduced Administrative Burden for the Law Enforcement Agency

Opinions differ concerning whether local governments experience a reduced administrative burden when contracting with private firms. The personnel and costs involved in contract preparation, public hearings, and contract monitoring are largely hidden in the jurisdiction's budget. Often, however, these types of overhead activities are undertaken by the jurisdiction's fiscal, legal, or budget office, so that the police or sheriff's department experiences a reduced administrative burden. Although the department will have to monitor certain aspects of contractor performance, the contractor handles administrative functions such as payroll and also assumes responsibility for personnel problems involving personality conflicts and need for discipline.

Making Contracted Services Attractive for Police Personnel

Police, especially rank-and-file officers, are rarely active proponents of private security contracts for police support services. In order to cooperate with contract personnel they must feel that they will benefit in some way. This does appear to be happening in a limited way.

Police have become relatively receptive to cooperating with two types of security personnel with circumscribed functions – the least skilled and the most skilled. Contracts with private companies to supply relatively unskilled personnel have relieved them of assuming responsibility for newly emerging tasks not involving law enforcement, such as guarding locations frequented by deinstitutionalized citizens. In some cities, police appear to be quite willing to turn over to reputable companies tasks that they find to be least conducive to advancing their careers or carrying out departmental objectives.

The police usually want to get rid of nuisance functions – they don't offer resistance.

– Executive officer, security company

The security company's personnel can augment the police force by handling routine "look at me" types of functions.

– Police officer, major city police department

Figure 4

Cost Comparison Between Private Security Personnel and Sworn Police Officers

	Security Firm	Sworn
1. Hourly salary and fringe benefits per available street time	\$ _____	\$ _____
2. Supervisor costs per hour	\$ _____	\$ _____
3. Profit	_____	N/A
4. Total straight time rate	\$ <u>_____</u>	\$ <u>_____</u>
5. Total straight time cost (hours/year times line 4)	\$ _____	\$ _____
6. Estimated overtime	\$ _____	\$ _____
7. Total annual labor cost	\$ _____	\$ _____
8. Uniforms	N/A	
9. Vehicle cost (_____ miles/year)	_____	_____
10. Other equipment	_____	_____
11. Liability insurance	_____	_____
12. Cost to government for monitoring the contract	_____	N/A
TOTAL	\$ <u>_____</u>	\$ <u>_____</u>
Difference		\$ <u>_____</u>

SOURCE: Figures 3 and 4 adapted from *Alternatives to Traditional Public Safety Delivery System: Civilians in Public Safety Services*, Institute for Local Self-Government, Berkeley, CA, September 1977.

Police officers in some cities are coming in contact with highly sophisticated private security personnel by participating in lectures and training programs organized by large corporations that have proprietary security offices.¹⁰ These corporations offer free seminars and teaching materials to public police departments in areas of mutual concern, including strategic planning, investigation of crime involving electronic data processing, and programs for assisting victims involving business crime such as bank robbery. The corporations develop these materials partly out of a sense of public obligation, but more importantly out of a need to enhance law enforcement skills in emerging problem areas directly affecting the corporations.

Although attendance at these seminars and dissemination of the materials is not contingent on the same types of contractual agreements as those between government agencies and private guard companies, they still require commitment of police resources in terms of officers' and administrators' time. These resources will be willingly committed only if the plans offered by the corporations are shown to be effective in improving the day-to-day operations of the police.

The Pressures on Private Companies to Look for Government Work

Private security has grown so rapidly over the last decade that competition in many areas, including guard services, is extremely fierce. Many "ma-and-pa" security companies exist on the basis of one or two private clients. When the inevitable "incident" such as theft or burglary occurs, and the client is most upset, other companies are poised to leap in with a "better" offer. Governments can be more realistic clients; governmental supervisors realize that especially in the case of guards, visible protection is for the citizens' peace of mind and for limited rather than absolute protection. Unless a flagrant breach is discovered, as long as the private security personnel carry out their duties, the contract is not normally challenged.

Some of the smaller companies continue to exist because of contracts they hold with cities on an ongoing basis. Especially for these smaller companies, government is an excellent client because the requirements for the services to be provided may be less demanding than for their potential private clients. The

services they supply are generally confined to a specific area and to one specific task that can be adequately carried out by a small number of personnel with minimal training and skills. Reputable smaller companies recognize their limitations and offer only these services.

Unfortunately, for every stable, reputable small company, an equal number are owned or operated by people who see governmental needs for services as opportunities to make a fast profit. They make unsubstantiated claims about their resources, past experience, and the services they can deliver. At best, they unrealistically intend to increase their capability after winning a government contract. Rather than expanding the variety of tasks provided by private companies, the unqualified firms are retarding a possibly valuable shift to privatization because of the bad reputation they give to the entire security industry.

A relatively small number of large private security companies have played a more positive role in increasing the number and types of contracts for the delivery of police services. These companies have sufficient funds and interest in developing this market, since government contracts are often larger than many of the private contracts available to them. In addition, they are directed by, or can afford to incorporate, personnel with long-term prior experience in all functions and levels of public law enforcement.

After an initial period of very aggressive marketing, the large security firms that are interested in pursuing government work appear to have become realistic about the services they can profitably offer and are proceeding cautiously to develop in specific areas. Most are acutely aware of their limitations, and their executive officers, with a few exceptions, are willing to discuss them. Because of the good growth potential,

Taking one contract is a "foot in the door" for later contracts. After the first one you have a record of doing business with the city, and references in other agencies that you can give on a bid. Also, you can do the costing better, because you know what the city's accounting practices will require.

—Regional director, large security company

they are investing in building a good reputation. As part of this strategy, some are willing and able to contract with cities to supply good quality services for little or delayed profit.

This approach appears to be paying off in differentiating the companies with well-planned security services from the disreputable "fly-by-night" concerns. Even those who, in interviews, sweepingly condemn the entire private security industry, cite these concerns as exceptions to the rule.

The lures of government work have not been judged compelling by several of the large national security companies with excellent reputations. They have decided to avoid contracting with local governments for the time being, citing delays in payments to contractors, difficulties of avoiding corruption, and the risk that an incident involving work under a public contract might result in negative publicity. Bad publicity could injure the bulk of their business, whose clients are private firms and the federal government.

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Chapter 4: Issues to be Confronted in Preparation for Private Provision of Police Services

Private delivery of certain forms of police support services has proven to be feasible and cost-effective in many jurisdictions,¹ and you may wish to consider similar contracts for your own community. However, in attempting to introduce any innovation in delivery of government services, you need to anticipate the objections that will be raised and prepare to discuss these issues and negotiate their resolution. This chapter gives an overview of the issues you should plan to confront when introducing contracted police support services.

Organizational Resistance

Police labor unions can be expected to provide the most vocal and overt resistance to transferring police support services to the private sector. Unions would like to preside over increases in the number of uniformed sworn officers — not a likely outcome of privatization efforts. Whenever a police or sheriff's department contracts with a private security company, unions may realistically conclude that an attempt is being made to shift new hires from uniformed sworn officers to civilians.

Police labor organizations have recent experience justifying their concerns. In an attempt to increase police services without substantially increasing their budgets, many police and sheriffs' departments over the last decade hired civilians to carry out clerical functions and communications. The introduction of civilians into police departments was often sold to police officers as a relatively low-cost measure to augment the uniformed sworn force, rather than replace them. In fact, however, the large number of civilian police employees hired between 1970 and 1980 did not significantly improve police services; police budgets were not reduced in cities using civilians, and although civilians did not directly replace police officers, the costs of their services cut into the funds available for recruiting new police officers.² As a result, proposed contracts with private companies to provide more civilian employees are sometimes viewed as another way to cut down the number of "real" police.

This issue, which may actually be more a concern to the unions than to the rank and file officers, can often be avoided if the introduction of private security personnel is somehow tied to an increase in overall police resources. Thus, favorable circumstances for entering into contracts for private sector police support services

occur when the jurisdiction annexes additional territory, when new residential areas or commercial complexes are opened in previously undeveloped land, or when the law enforcement agency takes on a major function not previously performed.

Union leaders do not necessarily represent their members. Police officers do not want to do lousy or cruddy tasks. Unions want to keep members; therefore they won't let go of menial jobs.

—Former police commissioner, major city

Other concerns, however, are raised by police administrators and officers themselves.

Conflicts Between Public and Private Police

Public police in jurisdictions that have never held contracts with private companies for police support services frequently object vigorously to the idea of sharing responsibility for their functions with private company employees.³ Similarly, public police in jurisdictions where private companies have played a limited role are likely to resist increasing the scope of contracts with private police.⁴ The police officers' adverse reaction to private security services appears to be engendered by five primary concerns.

- Reduction of "body" resources
- Reduction of "holding" positions
- Employment of unqualified and untrained personnel
- Employment of "moonlighting" police officers
- Interference with interjurisdictional cooperation.

Concerns About "Body" Resources

Police administrators, in particular, are concerned about losing civilian personnel from their work force. As described in Chapter 2, many police agency tasks have little or nothing to do with law enforcement and do not require the skills and training of uniformed sworn officers. In departments where civilian

employees now handle many of these tasks, contracting some of them out may not significantly affect costs or the workload of police officers, but it will reduce the police administrator's flexibility to shift relatively unskilled civilian personnel among tasks in response to changing requirements. This problem does not arise if the private security resources are used to handle new tasks acquired by the agency or to relieve overburdened agency personnel who are experiencing increased demands for their services.

Concerns About Reduction of "Holding" Positions

On the other hand, police administrators also are concerned about losing too many tasks that do not require the skills of sworn uniformed officers. Injured or limited-service officers are incapable of performing all the demanding roles of a police officer but require or deserve appropriate work assignments. The ability to assign these officers temporarily to tasks not requiring full physical or mental prowess allows administrators to manage their police personnel effectively. Contracting out too many of these tasks to private companies would reduce this necessary flexibility.

Concerns About Qualifications and Training

A primary concern of many police officers is the lack of qualifications and training of private security employees.⁵ Despite repeated recommendations for improvements in this area,⁶ progress toward meaningful regulation of the private security industry has been very slow. Most states do not have legislated specifications for the qualifications necessary for security personnel.⁷ The states that have passed such legislation often do not have sufficient personnel assigned to monitor compliance with the regulations.⁸ It is essentially left to each security company to decide what standards to set for its employees. Although a few security companies are singled out by police officers as hiring adequately qualified personnel, the employees of most private guard companies do not have a good reputation in the police community.

The directors of security companies concur that the low quality and training levels of their employees are real problems. In order to bid competitively on many municipal or county contracts, the security firms must keep their costs low, so that the salaries they offer are at or slightly above minimum wage. Obviously low paid jobs do not attract educated, stable individuals.

The companies with the best reputations invest time and effort in their selection process to at least weed

out applicants with criminal records or other serious problems. They check criminal justice information sources to determine whether or not an applicant has been convicted in the past. And they require and follow up on applicants' references. Some of the largest companies have excellent training staffs that they developed to meet the requirements for federal contracts involving nuclear test sites or other installations requiring well trained guards. They can draw on the experience of these staff members, often former law enforcement personnel, to provide relatively high quality training for other personnel. Police officers have few objections to cooperating with employees of these reputable companies.

The average security guard is in a sorry state in terms of selection. They fall asleep on midnight shifts. The companies hire illegal aliens and people with criminal records. If the guards could be policemen they would be. . . . They're either too old or too young. One company is hiring [Central American] military—most illegal—who can't even speak English.

—Three police officers, major city

But many security companies hire essentially anyone who walks in off the street and applies. They do not check the backgrounds of applicants and do not provide adequate training.⁹ These companies are likely to supply personnel that meet the police officers' negative stereotypes of security guards. Police officers tend to feel that these companies not only supply personnel who are worthless as guards but, in addition, are likely to prey on the people they are hired to serve, committing theft or other crimes.

Concerns About Moonlighting

As part of their effort to select qualified, trained personnel, some private security companies prefer to hire off-duty police officers. Although this solves one problem, it creates another: unauthorized "moonlighting." Police officers in many jurisdictions are not supposed to work as security guards, except under arrangements

A Case Example

Eden Bay (a fictional name) is a small unincorporated residential community surrounded by crystal blue water off the coast of a South Atlantic state. Two public parks with acres of lush land and beach lie at each end of the island. Located between the two parks and surrounding a central business area, the residential area contains three types of homes. The oldest were originally small bungalows built by a developer following World War II and initially financed largely with GI loans. Over the years, successive owners have added rooms, so that today they resemble the medium size homes found in many middle class suburban neighborhoods; their relatively high prices reflect this upgrade and the effects of realtor speculation. The beach front on one side of the island is lined by opulent homes on large tracts of land; several are occupied, we were told, by wealthy political refugees from Caribbean countries. On the other side of the island, high-rise condominiums hug the shore. The oldest complexes were built fifteen years ago and were originally vacation units; more recently, many owners have decided to live in Eden Bay all year. Uniformed security personnel guard access to the condominiums and the land surrounding them.

Originally Eden Bay was connected to the mainland by a two-lane bridge built by the county in exchange for the park land. Recently a new multi-lane bridge opened, with mixed feelings on the part of the residents. The only other access to the community is by boat; the island has a large marina. A restaurant located at the edge of the marina serves local residents in business suits at tables adjacent to bronzed well-oiled tourists who embark frequently at the table-side dock.

A few citizen committees, composed primarily of long-term residents of the original homes, are trying to maintain their rather idyllic lifestyle in the face of curtailed county services and the threat of annexation by a nearby city on the mainland. Members of the committees feel that Eden Bay is a "donor" community, providing tax support for services they neither need nor want. Their representative on the County Commission has little influence on the services received there; because of the small size of the community, their requests "go to the bottom of the barrel."

One such request, a top priority for Eden Bay residents, was to construct new tennis courts. The community had experienced rapidly increasing demands for the existing courts, and repeatedly requested additional ones. "Instead, our money went to provide recreation across the border [in the nearby city]," a resident complained. Realizing that the county was not about to act on their requests, the community incorporated for the specific purpose of leasing land from the county and building more courts. "It was the only way to get extra courts out here, but we wind up paying twice — we pay taxes and then have to pay for our own services anyway," one resident complained.

Another recent issue is the quality of police services provided to Eden Bay. Given the low crime rate on the island, the county police officers considered assignments to Eden Bay as rest and recreation tours, and the department rotated this desirable duty among the officers for relatively

short durations. The residents, on the other hand, objected to the constant turnover of police officers assigned to the island and the use of a building in the county park, rather than in Eden Bay itself, for local quarters. They wanted officers assigned on a more permanent basis and headquarters provided in the community's business district so that "people could get to know the officers."

The county responded by deploying police in neighborhood teams for 18 month tours. The Eden Bay residents were partially appeased until the new bridge opened. Then residents who had been previously disgruntled about "sharing the police with the parks" were angered that the additional visitors brought into the area by easier access were receiving a disproportionate amount of police attention.

The tennis court experience made it evident that requests to the County Commission would probably be fruitless. One citizens' committee is spearheading an effort to incorporate as a city and provide services locally. A study was commissioned and the results were encouraging. "Incorporation will mean that we'll have more control over our own services," an officer of the committee reported to us. The Eden Bay weekly newspaper has given the incorporation effort front-page publicity, and the effort has evoked conflicting reactions from the County. On the one hand, county officials made clear they will actively oppose the initiative. On the other hand, they have responded by beginning to provide services the community has long requested, including a new library and the promise of a police station in the business district.

Still some residents feel that "the police have priorities very different from ours." One alternative the committee has been considering is the provision of police services by a major security firm. The security company has presented a detailed proposal to the committee, including standards for employees, personnel and equipment to be supplied, and services to be provided. The proposal, produced by company staff with long-term experience in law enforcement and administration, limits the scope of the tasks to be performed to those they might reasonably expect to be performed by a twenty-person force of certified police officers. Tasks notably excluded from the proposed services include homicide and rape investigations, crime lab functions, detention other than temporary, and traffic control and security during special events.

The community had not discussed the proposal with the county police currently providing the island with service. "We may not go ahead with the plan and we don't want to antagonize them," one contact informed us. However the police were well aware of the incorporation attempt and the committee's consideration of private police, and they immediately agreed to talk about the situation with us.

We met with the county police in charge of the Eden Bay area at their headquarters, miles away from the island on the mainland in a neighborhood with blatant signs of urban decay. Although the officers we talked with had a very low opinion of the security guards presently employed by the condominiums, they affirmed that the proposed contractor for Eden Bay generally hired people

who were much superior in quality to most security guards.

Still, they suggested that the residents were deluding themselves if they thought the private company could provide essential day-to-day services. The residents, they told us, were basing their demands for service on a perceived need for higher visibility of uniformed officers. "They want an official presence because of their isolation from the mainland." The police are trying to meet this need by supplying the island with their own "permanently" assigned police teams and encouraging the police teams to do foot patrol in areas such as the business area parking lots. They point out however, that residents do not appreciate some of island's main vulnerabilities. From the sea come ships bearing illegal aliens, drug traffickers, and burglars, all of whom, the police explained, are handled by their special marine units and central investigative squads.

In addition, the police suggested that residents are unaware of the great seasonal variation in the need for law-enforcement and public-order maintenance. Most burglaries involve tourists, not residents. Traffic jams during holiday weekends and enormous crowds at the beaches require motorcycle squads, mounted squads, undercover officers for narcotics, aviation helicopters, and a medevac alert unit. Given these factors, the police concluded that it was not feasible to police the island with a small private squad.

Although the police officers were in agreement that the proposal being considered by the Eden Bay committee was

unrealistic, they did not all have the same viewpoint about the role the private company's employees could play. The police officer in charge of administration for the Eden Bay area suggested that, "Realistically, due to budget constraints, the private security might be needed for augmentation and could work in a close cooperative relationship." He was quick to point out that such a relationship could only succeed if the security personnel were qualified and learned not to overstep their bounds.

The officers who actually policed the area, however, were opposed to cooperation. They felt that the relationship could not succeed... They presented several arguments to back up this contention:

"Their arrest powers will be limited to the island—they can't pursue over the bridge."

"They will have major problems with corruption... especially because of the drug traffic."

"It's impossible to do good undercover work with such a small security force... and we won't share information."

In sum, they argued that law enforcement is work for police, not civilians. As an alternative they suggested that Eden Bay could hire off-duty police officers to augment their force. The county has procedures for requesting the services of off-duty police, they told us, and if the residents wanted to pay for such services it would be to their advantage to pay for extra county police and avoid the problems inherent in a civilian force.

that are coordinated by their departments. Their primary employer wants them to be alert for their regular tour of duty, which will not be the case if they are working double shifts, one public, one private. In addition, off-duty officers can easily be placed in a position where they are tempted to exceed their legal authority when they are working for private companies. For example, without prior approval of the jurisdiction's law enforcement agencies, legal authority is exceeded when an off-duty police officer diverts traffic or forbids parking on a public street for the convenience of a private client such as a motion picture company or sports stadium.

The problem of "moonlighting" has been solved in a number of jurisdictions by allowing private clients to pay the police department to supply off-duty officers for services above and beyond those ordinarily provided. These privately paid, publicly provided services are an alternative to the publicly paid, privately provided services that are the main subject of this report.

Concerns About Interjurisdictional Cooperation

Few law enforcement agencies provide all the police services that are needed in their jurisdiction. Rather,

provision of police services is usually divided among multiple agencies that might include municipal police, county police and sheriffs, state police, campus police, military police, federal police, and "others" all working in cooperative arrangement with little duplication of effort.¹⁰

Police officers are concerned that the introduction or expansion of the role of private security personnel in their jurisdiction will upset the fine balance achieved by these cooperating agencies. Even if they personally work out an accommodative relationship with the contracted security personnel, their colleagues will refuse to cooperate and their ability to enforce laws will suffer. For example, they suggest that a component of solving crimes is information received informally from officers in other agencies, including undercover officers. Not only would such officers ordinarily refuse to share information with private security personnel, but the presence of private employees in the same work areas as public police might well interfere with the process of collecting and transmitting information.

The lack of interjurisdictional cooperation with private security personnel is one of the factors that appears to have led to the end of provision of private police services in at least one town.¹¹ The public police had always cooperated with other law enforcement

agencies on an informal reciprocal basis. The private employees, however, performed only specified tasks for which they were paid and in particular did not assist neighboring jurisdictions. As a result, officers in the other jurisdictions refused to provide mutual aid, and the town's ability to respond to law enforcement problems deteriorated until the situation became untenable.

Concerns about Provision of Equal and Equitable Services

One of the reasons public police departments were formed was to provide law enforcement and victim assistance for people who were not able to pay for these services.¹² The private police who provided services before the formation of the public police worked only for those who could afford to pay them. Privatization is viewed by some as a return to this rejected system of favoritism for the wealthy.

Such inequalities of service are actually more likely to occur when security services are privately contracted than when they are funded through government agencies. But the concerns that have been raised should be considered in the process of deciding at what level privatization should occur, in all stages of planning, and in preparation of government contracts for the private sector to provide police support services.

One issue concerns access to police based on the ability to pay. If sworn uniformed officers provide all police services, and all citizens have equal access to the officers, the problem does not exist. However, when police services are delivered by sets of personnel with different skills and capabilities, a concern may arise that tasks involving the poorest citizens may be allocated to the least skilled private security personnel.

Conversely, there is also the concern that private companies will "cream the services" — taking over the most profitable functions and leaving the public police with the residual tasks that are most expensive to perform. The eventual consequences of such a development would be a loss of public confidence in the police and weakened political support for budgeting funds to cover expensive police services.

As with the delivery of virtually all city services, equitable as well as equal delivery of services is often a key concern of governmental chief executive officers. Police services in particular are subject to problems of equity since the most financially depressed areas in a community are those most in need of many police services. The problem in many communities may have been exacerbated by the growth of the private security

industry. Many relatively wealthy citizens are already supplementing public police services by contracting with private companies for primary lines of defense such as the installation of burglar alarm systems and extra patrol in their neighborhoods.

Some well-to-do citizens would rather see government funds expended on functions and facilities that are high on their personal list of priorities, such as rapid response to tripped burglar alarms, rather than on services they do not directly use, such as foot patrol in neighborhoods with high rates of street crime. Those that have hired armed guards on a twenty-four hour basis to provide security for their homes and workplace, might not be adverse to cutting public expenditures for police services and reallocating funds to services they value, such as libraries or museums. Therefore there is some concern that the process of transferring police services to the private sector may result in reducing services disproportionately required by the poor.

Issues of Civil Liberties

One of the most immediate concerns about the use of private companies involves protecting individuals from the abuse of police power. The powers of the public police are constitutionally limited, and court rulings have placed specific constraints on police practices. Public police recruits receive instruction in the legal aspects of their work, and the district attorney's office will certainly point out their errors if cases have to be dismissed because they overstepped their bounds.

Private security officers, however, are not bound by constitutional guarantees or the *Miranda* decision when they are employed by individuals and firms in the private sector. The legal status of constraints that apply when they work under contract with the government is less clear and is still being established by court decisions, but the private security officers themselves are unlikely to be aware of these legal subtleties. Although the more reputable security companies do include materials in their training courses on legal limitations applicable to private security guards, most companies do not have training personnel qualified to teach the complex issues surrounding civil rights. The problem is further complicated by the vision many para-police employees have of themselves. Although their superiors may stress that they are not sworn officers, and therefore are not granted the same powers as sworn officers, they often want to think of themselves as "real" police and emulate police officers.

Our people want to be like police in every way. We use the same ranks, the same types of uniforms, the same emblems — only ours have different colors around the border. We even use the same kind of report forms. Ours don't have the name of the city police department at the top, they have [name of agency], but other than that, they're the same. That's what our people want. They want to think they are police.

—Director of security, major city agency

Legal Status

The overt resemblance between private security personnel and sworn uniformed officers often confuses members of the public. The legal status of private security personnel appears to be equally as baffling to all concerned. Some proponents of private delivery of police support services suggest that this confusion is fostered by the police.

The police chiefs are throwing up paper barriers to further infiltration of private police.

—Advocate of private security

Police officers, however, appear to be genuinely unclear about the legal status of the private employees, especially concerning joint jurisdictional problems and pursuing offenders. Executive officers and regional managers of security companies have also indicated that the unclear legal status of their employees fosters tension with the public police. They would like to see the situation resolved.

The legal status of the private security personnel not only involves day-to-day working relations but, more important, it involves the issue of liability.

Enabling legislation would greatly clarify the legal status of private provision of public police services and would minimize frictions.

—Executive officer, large security company

The legal status of the private security personnel not only involves day-to-day working relations but, more important, it involves the issue of liability.

Liability and Insurance

As with all sectors of society, local governments are facing escalating costs from civil lawsuits and from obtaining liability insurance to protect themselves against large judgments in lawsuits. Lawsuits that relate to law enforcement and correctional agencies often arise out of the legal standards of proper performance applying to these agencies that have been previously established by criminal courts. Many lawsuits claim that standards of proper performance have been violated by employees of the agencies. Ironically, another large proportion of suits are brought against the government by former employees who have been dismissed, often because administrators judged them likely to violate the performance standards in the future.

Insurance carriers faced with growth in both the size and number of settlements are pulling out of the high-risk public liability market. Some cities and counties find they are unable to obtain any liability insurance and have been forced to become self-insuring. Others that have traditionally been self-insuring are finding the expenses of civil settlements are becoming a financial burden because of their size and unpredictability in the budgeting process. Legislation is under consideration in several states to limit liability burdens on local governments.

These developments are having a strong influence on trends in private provision of police support services. Both the contractor firm and the jurisdiction that hires the contractor may have liability in case of a lawsuit involving the behavior or performance of the contractor's employees. Small private security firms are often unable to obtain adequate liability insurance to protect themselves against the typical settlement in lawsuits involving police support services, and they cannot

survive such a settlement if uninsured. Consequently, the risks of doing business with local governments is rapidly increasing.

All U.S. business has experienced severe cost increases largely as a result of substantially higher insurance premiums. Some increases up to 400% are reported. The huge imposts are expected to dampen general activity in the near future.

—Mayne Nickless Limited, 1985 Annual Report

Larger security firms for the most part claim they are able to obtain adequate liability insurance. However, the costs of the insurance must be divided among their clients, thus raising their bid prices. Until recently, the liability insurance coverage of private security firms was an important consideration in their favor when communities lacking liability insurance evaluated the possibility of contracting for police support services. However, recent trends in court decisions indicate that the government cannot escape "third-party" liability for the actions of its contractors' employees, and damages may be awarded to plaintiffs from both the contractor and the government client. Unless future legislation limits the liability of government agencies but not the liability of contractors, we could see a reversal in the relative attractiveness of contracting for police support services.

As government agencies realize their responsibility for contractors' actions in case of lawsuit, the administrative costs of the government's monitoring and oversight activities will necessarily increase.

Corruption

The possibility of corruption of government officials by the representatives of private companies is one concern that is shared by virtually all administrators involved in competitive procurement or contract for services. The concern about the potential for corruption in provision of contract police support services has been exacerbated by recent cases that achieved high media attention. In 1986, several New York City officials were indicted for taking bribes to favor a particular private company as contractor for locating scofflaws who failed to pay their parking tickets.¹³ In

this instance, some of the contracted services were not actually received, and the investigation resulted in embarrassment to the mayor, suicide of one of the implicated officials, and destruction of the careers and livelihood of numerous city employees.¹⁴

This episode occurred in one of the nation's most visible contracts for police support services. Indeed, many of the pre-1986 publications we reviewed for this study cited the New York City parking ticket enforcement contract as an excellent example of privatization of police support services.

While it is tempting to consider any particular example of fraud or corruption as an exceptional case, any contract for services is likely to introduce vulnerabilities to corruption that were not present when the service was provided by public employees. The following government employees are particularly at risk for bribery attempts:

- Anyone with inside information on bids; for example, the lowest bid previously submitted.
- Anyone who investigates the qualifications of companies that submit bids.
- Anyone who conducts audits to insure that jobs are being carried out according to contract.
- Anyone given the responsibility for assessing "charge backs" (deductions to payments due contractors when they fail to supply personnel or services specified in the contract).
- Anyone who conducts audits to ensure that employees of the private providers meet the contract's requirements concerning hours of training, background checks, and so forth.

In addition, employees of private security or guard companies are also vulnerable to bribery attempts by private citizens. In fact, more than one police officer interviewed for this study strongly voiced the opinion that assigning law-enforcement tasks to private companies could easily result in miscarriages of justice. These officers believed low-paid private employees would be very likely to accept favors for "ripping up" tickets or "undoing" arrests.

Although concern about corruption is realistic, as are many of the other issues discussed above, they do not present insurmountable barriers. As discussed in the next chapter, several measures can be taken during the contracting process to avoid the most serious problems.

Endnotes

1. Hartley Fitts and Earl W. Lindveit, *Alternative Delivery Approaches Used by Local Governments* (Division of Governmental Capacity Sharing, Office of Policy Development and Research, U.S. Department of Housing and Urban Development, undated); E.S. Savas, *Privatizing the Public Sector: How to Shrink Government* (Chatham House Publishers, Chatham, NJ, 1982); Barbara Stevens, *Delivering Municipal Services Efficiently: A Comparison of Municipal and Private Service Delivery: Summary* (U.S. Department of Housing and Urban Development, Washington, D.C., June 1984).
2. Bruce L. Heining and Janine Urbanek, "Civilization of American Police," *Journal of Police Science and Administration*, Vol. 11, No. 2 (June, 1983), pp. 200-205.
3. William Cunningham and Todd H. Taylor, *The Hallcrest Report: Private Security and Police in America* (Chancellor Press, Portland, OR, 1985)
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5. Ibid.
6. James Kakalik and Sorrel Wildhorn, *The Private Police* (Crane Russak, New York, 1977); National Advisory Committee on Criminal Justice Standards and Goals, *Private Security: Report of the Task Force on Private Security* (Washington, D.C., December 1976); State of New York Commission of Investigation, *New York State's Private Security Guard Industry: The Need for Regulatory Reform* (New York, NY, October 1983).
7. Cunningham and Taylor, *The Hallcrest Report*.
8. State of New York Commission of Investigation, *New York State's Private Security Guard Industry: The Need for Regulatory Reform*.
9. Ibid.
10. Elinor Ostrom et al., "Policing: Is There a System?" *Crime and Justice in America—Critical Issues for the Future* (Pergamon Press, New York, 1979).
11. Martin Tolchin, "Private Guards Get New Role in Public Law Enforcement," *The New York Times*, November 29, 1985.
12. James Richardson, "Police in America: Functions and Control," *History and Crime: Implications for Criminal Justice* (Sage Publications, Beverly Hills, CA, 1980).
13. Richard J. Meislin, "U.S. Jury Hears Key Witness in Parking Case," *The New York Times*, June 4, 1986.

Chapter 5: Contracting for Police Support Services

Preparations you make before contracting for police support services can substantially influence the services you receive under the contract — their quality, cost, acceptability to employees of the police or sheriff's department, and resistance to corruption. The people we interviewed in government contracting agencies and private security firms alike agreed on a number of principles that help improve the contracting process. Their suggestions are described in this chapter, which also draws on the International City Management Association's publication *Issues in Contracting for Public Services from the Private Sector*¹ and the National Academy of Public Administration's *Productivity Improvement Handbook for State and Local Government*.²

Involve the Public Police in Planning

Police officers will need to work with the contracted private security personnel after the contract is let, and, as noted in Chapter 3, cooperative relationships can be engendered if the public police benefit in some way from the relationship and understand the nature of the benefit. For this reason, the police or sheriff's department should be involved in planning the contracted security services, even if some other government agency will actually be letting the contract.

Apparently minor symbolic aspects of the contract may be important to both the public police and the contractor's employees.³ Private security guards, as noted earlier, will often want to have uniforms, titles, and badges that allow them to appear as if they are police officers. But police officers will want to make sure that no confusion occurs in the mind of citizens between the contractor's employees and the public police. Advance planning should permit these competing expectations to reach a satisfactory compromise.

Prepare a Detailed Request for Proposals

Most competitive contracting procedures involve announcing a request for proposals (RFP) or request for qualifications (RFQ). The content of this document determines which potential suppliers of the service will choose to bid and the nature of the services provided by the eventual contractor. Our interviewees strongly recommended that the RFP should specify clearly the required qualifications of both the company and its

employees that will be expected under the contract. Otherwise bidders' competitive motivations will lead them to provide inexpensive, and thus less qualified, staff. Government officials who hope the private security firms bidding on the RFP will help explain or clarify the needed services are deluding themselves.

The process of preparing and distributing RFPs and reviewing proposals prior to awarding contracts is itself a protection against corruption and a way of assuring that the government is paying a reasonable price for the services it receives. These objectives can be achieved if the RFP's specification of required contractor qualifications is unambiguous and can be clearly documented by bidders, and if the description of work to be accomplished is not subject to varied interpretation by different readers.

Examples of qualifications that should be specified in the RFP or RFQ include:

- licenses the contractor is required to hold
- required previous duration of doing business in the private security field
- required liability insurance coverage for the contractor's employees
- requirements for age, education, and language skills of employees
- length and curriculum content of training required for new employees before they can be assigned to contract work
- limitations on past criminal records of employees
- specific steps that the contractor will take to conduct background checks on criminal records of prospective employees and to document the outcome of those checks to the government
- physical requirements for employees, and specific steps the contractor will take to assure and document that the physical requirements are met
- equipment and facilities to be available to employees when performing services.

Some representatives of security companies urged that the RFP should specify the wages and benefits to be paid, rather than qualifications or performance standards. Standards tell the bidder what the government

agency wants out of the contract, but they do not indicate what the vendor is willing to pay for.

The RFP should specify the level of experience, training, and turnover of employees, or it should specify minimum wages and benefits. Otherwise, the low bid will win, and the contractor will be later judged incompetent. It's not the contractor's fault; it's the fault of the local government RFP process.

—Vice president, security firm

In some states, uniform statewide procedures or guidelines cover contracts with private security firms and specify the details of qualifications that should be included. Specifying such details helps resolve many of the issues raised in the previous chapter of this report. Training requirements, in particular, can assure that personnel assigned to contract work are familiar with limitations on their powers of arrest, the distinctions between peace officers and private security officers in their state, and the potential consequences to themselves, their employer, and the contracting agency if lawsuits should arise from their misconduct. Requirements for licenses and background checks of employees are also intended to reduce the likelihood of misconduct and corruption.

The heart of the RFP is a specification of the nature of the work to be performed. The government agency must know what services it wants to buy, or the contracting process will not be satisfactory. If adequate thought is put into this part of the RFP, preparation of a contract later will be simplified and will lead to fewer disagreements requiring negotiation between the selected contractor and the government agency. Generally, the more detail the better in regard to the following aspects of the work:

- general objectives or scope of the service (e.g., maintaining order, controlling access to buildings, protecting premises against theft, or controlling traffic)
- specific tasks to be undertaken in support of the general objectives (e.g., maintaining a log, checking credentials, patrolling specified areas on foot,

preparing written inventories of reportedly missing property, delivering documents, issuing summonses, or completing arrest reports)

- geographical areas covered by the service
- a timetable for service provision and for phase-in.

If possible, the RFP should also include a copy of the boilerplate that will be included in the eventual contract (see below).

Encourage Bids by High Quality Contractors

Some features of the government contracting process are so frustrating to certain major security firms that they ordinarily remain out of the market. To the extent possible, consideration should be given to reducing or eliminating the impact of these aspects of contracting with government agencies. Those that are of greatest concern to the private companies include:

- lowest bid ordinances
- deferred payments
- hidden costs
- limitations on the duration of contracts.

When local ordinances require acceptance of the lowest qualified bid for contracted services, the more reputable private security companies tend to be driven out of the process of responding to solicitations for police support services. If a private company's internal criteria for employee selection and training are more stringent than the requirements specified in an RFP or RFQ, they cannot bid competitively without compromising their own standards. These companies will not risk their reputations by submitting a proposal and supplying services at a cost lower than expenses estimated for the services they believe are required by a prospective client. They are discouraged not only because they cannot compete, but also because they know realistically that services provided by the lowest bidder will be inadequate and therefore will perpetuate the unfavorable reputation of the industry as a whole.

Some security company officials pointed out that low-bid ordinances prevent firms from getting any credit for a good performance record. At the end of a contract period, the contractor with a good record has no advantage over other firms in the competition for the next contract. Thus, these officials argued, the government procurement process can bring about unnecessary

turnover in contractors, with consequent loss of the benefits of the accumulated experience of the contractor's employees.

Low-bid ordinances, although intended to eliminate political favoritism in awarding contracts, can actually encourage corrupt practices. If bidding companies judged to be incompetent can be removed from the competition, the people who decide whether or not a bidding firm is "qualified" hold considerable sway. If they can be influenced to declare the lowest bidders unqualified, a higher-priced bidder will become the lowest qualified bid.

Slow payment of contractors' invoices by some local governments constitutes a serious barrier against attracting reputable firms to compete for municipal or county contracts for police support services. While many jurisdictions' procedures permit rapid payment of invoices, the cities and counties that do incur delays in paying contractors have made some qualified companies leery to enter the field. Small private companies may be unable to meet their own payroll if the government delays payment for services already delivered. Larger companies may be in a position to absorb a delay of weeks or even months, but when such delays occur, the companies' local contract managers are constantly on the line to explain why they have not received payment or why they are incurring higher interest charges than other contract managers. Companies that are publicly owned cannot afford to show this form of deficit at the end of the fiscal year without serious questions being raised about continuing such contracts.

Similarly, requirements for contractors revealed after initiation of services cut into expected profits and discourage reputable companies from entering future bids. For example, if the RFP does not clearly specify the ongoing documentation that will be required from the contractor, and it is not calculated as part of the operating costs, smaller companies working on a narrow profit margin will be jeopardized; larger companies may question the appropriateness of continuing to market their services.

Requirements that limit contracts to a short term such as one year also discourage submission of bids from reputable companies. Long-term contracts allow companies to develop a cadre of trained stable employees. Short-term contracts, on the other hand, appear to foster high turnover rates and poorly qualified personnel. Therefore the more reputable companies with the more stable employees prefer to bid on contracts of two or three years' duration with a reasonable escape clause that protects the government against failure to provide adequate services.

Protect Against Interruption of Service

Contractors can go bankrupt, suffer strikes, or simply quit providing the contracted service. Traditional approaches for protecting against such service interruptions include checking bidders' past performance and financial standing, requiring performance bonds, and specifying adjustments of compensation (penalties) when services are not provided.⁴ For police support services, these protections may prove inadequate.

One possible solution is to plan for a small number of public police or other government employees to provide part of the service on a continuing basis, so that they are familiar with its operation in case a need should arise. Another solution is to hire multiple contractors to perform the same service. Under ordinary circumstances the contractors can be separated by geographical site or time of day, but any one of them would be able to carry out the entire function in case of default by one of the other contractors.

In New York City, the Human Resources Administration has hired four contractors to provide identical facility access control services in four geographical districts, and a fifth company to provide "emergency" or "contingency" services. The latter company is paid at a higher rate per hour, if called upon, but the amount spent annually on the contract is unpredictable to the contractor.

Prepare a Clear Contract

Many of the private security firms we visited indicated they had been mystified by at least some of the requirements placed upon them by government clients, especially at the beginning of their work for a particular jurisdiction. Part of the problem may be attributed to some security companies' inexperience in working under government contracts. Many heads of security companies are former law enforcement officers whose experience inside government did not include any close involvement with contract procedures. To the extent that the government's contract office can anticipate likely points of confusion and clarify them in advance, the cost and quality of the service provided can be improved.

Many of these issues can be handled by preparing a good boilerplate section for the contract. The boilerplate lists and describes the nonnegotiable laws and policies that must be fulfilled by the contractor. At a minimum it should explain:⁵

- the procedures for the contractor to bill the government

- the required record-keeping and documentation needed to justify bills that are submitted
- the conditions and timing of payment to the contractor
- penalties for nonperformance
- procedures for amending, cancelling, and renewing the contract
- types of monitoring and oversight the contractor can expect
- applicable federal, state, and local laws.

While the boilerplate typically includes information that would be pertinent to contracts of many different kinds, it can also contain specific information about the police powers, if any, of private security personnel working in the jurisdiction, and other legal matters that should be familiar to the contractor and its employees.

Monitor the Contractor's Work

No contractor can provide continuing satisfactory service in the face of changing circumstances without client oversight of its operations. In the contractual relationships we observed that seemed most satisfactory to both parties, the security firm was able to relieve the government agency of many administrative, financial, and personnel details that it would have had to handle if the service were provided by its own employees. But the contractor cannot relieve the government agency of its responsibility to the voters for developing sound policies and practices in its security services. The contract should explicitly identify the kinds of oversight activities that the government intends to undertake, and relative responsibilities of the contractor's own supervisors and the government's administrators in deciding future changes in policies and practices.

The contractual relationship essentially establishes a dual system of supervision for the contractors' employees. They are responsible to their own supervisors within the company, and they are responsible to the government agency for the work performed and the standards of quality they achieve in carrying out the work. Usually a period of ongoing negotiation between the agency and the contractor is needed before a satisfactory dual supervisory arrangement can be set up. Agencies that monitor only financial compliance of the contractor, and not day-to-day performance compliance, are unlikely to achieve the levels and quality of service that they desire. Moreover, agencies that are concerned about preventing corruption can separate the functions of financial compliance monitoring and

performance monitoring, assigning them to different staff members or offices within the department.

Rely on the Experience of Other Jurisdictions

We have attempted in this report to cover general topics that may be important to you in considering a contract for police support services. But successful implementation will depend on attention to more details than are given here; moreover, changes in legislation may lead to new considerations that should be addressed. So, to help you locate knowledgeable experts who will be able to give you the latest information and the benefit of their experience, we have assembled the list in Appendix B. The resource people listed there have experience in contracting for police support services and have agreed to respond to inquiries from readers of this report. They have prepared good RFPs and contracts in the past and may be able to provide examples of suitable text that you can adapt to your own circumstances.

Endnotes

1. Donald Fisk, "Issues in Contracting for Public Services from the Private Sector," *Management Information Service Report Vol. 14, No. 5* (International City Management Association, Washington, D.C., 1982).
2. Barbara J. Nelson, "Purchase of Services," *Productivity Improvement Handbook for State and Local Government* (John Wiley & Sons, New York, 1980).
3. James M. Tien and Richard C. Larson, "Police Services Aides: Professional for the Police," *Police Accountability* (Lexington Books, Lexington, MA, 1978).
4. Fisk, "Issues in Contracting for Public Services," 1982.
5. Barbara Nelson, "Purchase of Services," *Productivity Improvement Handbook for State and Local Government* (John Wiley & Sons, New York, NY, 1980).

Appendix A: Sources of Information about Private Provision of Police Support Services

Information and guidance for this study was obtained by site visits, telephone conversations, or written communications with the companies, organizations, and individuals listed below. Some individuals are quoted anonymously in the text and are not listed here. Companies that were contacted and simply informed us they do not provide police support services under government contracts are not included in the listing.

Private Security Companies

Allied Security, Inc.
Vince Papi

American Protective Services
Thomas Sutak

California Plant Protection
Thomas W. Wathen

Guardsmark, Inc.

Stanley Smith Security, Inc.; Mayne Nickless Limited

The Wackenhut Corporation:
George Wackenhut
George Zoley
Patrick Cannan
Frank Bisogno
James Poisant

Government Officials

Chief of Police, Indian Creek Village, Florida

Chief of Police, Sea Ranch Lakes, Florida

City Manager, City of Long Beach, California

County Commissioner, Leon County, Florida

Deputy Administrator, Human Resources Administration, New York City

Director, Bureau of Security Services, Human Resources Administration, New York City

Director, Office of Policy Development and Research, U.S. Department of Housing and Urban Development

Major, Planning and Budget Division, Baltimore County Police Department

Police Officers, Metro-Dade Police Department, Miami, Florida

Police Officers, Rochester, New York

Town Clerk, Mansfield, Connecticut

Town Clerk, Prospect Heights, Illinois

Town Clerk, Ranchos Palos Verdes, California

Town Clerk, San Juan Capistrano, California

Other Expert Sources

Menachem Amir; Professor, Faculty of Law, Hebrew University of Jerusalem

Richard Barry; Secretary, Committee of National Security Companies, Inc.

Sydney Cooper; John Jay College

William Cunningham; President, Hallcrest Systems, Inc.

Roland Dart; Chief of Police, Vallejo, California

Deborah M. Jacob; Senior Vice-President, Security Pacific National Bank

Robert McGuire; Pinkerton's, Inc.

Don Murray; Director, Criminal Justice Program, National Association of Counties

Carmine Orrichio; Vice President and Director of Security, Gimbels

E.S. Savas, Professor, Department of Management, City University of New York

Michael Shanahan, Chief of Police, University of Washington, Seattle

Martin Tolchin; The New York Times Washington Bureau

Clifford Van Meter; Director, Police Training Institute, University of Illinois

Augustus J. Young; Vice President and General Counsel, Pinkerton's, Inc.

Appendix B: Potential Resources—Government Administrators who Contract with Private Security Companies

Dr. Chris Petersen
Assistant Superintendent for Support Services
Flagstaff Public Schools
701 North Kendrick
Flagstaff, AZ 86001
(602) 779-6404
Night-time security for all schools; temporary
school crossing guards.

Ms. Pat Ingernick
Court Security Coordinator
Maricopa County Superior Court
201 West Jefferson
4th Floor Administration
Phoenix, AZ 85003
(602) 262-3204
Security for courthouse.

Larry Cheeves
Assistant Director of Public Works
12700 Norwalk Blvd.
Norwalk, CA 90650
(213) 929-2677 x246
Security for parks.

Linda Marchese
Senior Buyer
Purchasing Department
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731
(813) 893-7224
City-wide blanket contract for multiple purposes;
security for city-owned buildings; city parks
during construction parks.

Joseph M. Rotondi
Director of Management
Trustees of Health
and Hospitals
35 Northhampton St.
Boston, MA 02118
(617) 454-5800
Security for Boston city buildings housing
nursing school, parking structures and
recreational facility.

Joseph Sarrow
Superintendent of Library Buildings
Boston Public Library
666 Boylston Street
Box 286
Boston, MA 02117
(617) 536-5400 x352
Security for entire Boston public library system.

John Krusas
Director of Security
New Jersey Sports Authority
Box C-200
Meadowlands Racetrack
East Rutherford, NJ 07074
(201) 460-4115
Security for Meadowlands sports complex.

Robert Heegan
Director, Bureau of Security Services
Human Resources Administration
250 Church Street
New York, NY 10013
(212) 947-3730
Unarmed security guards for service facilities.

Thomas Walsh
Assistant Director of Pittsburgh Zoo
P.O. Box 5250
Pittsburgh, PA 15206
(412) 255-2365
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Appendix C: Description of the Data in the Tables of Police Activities and Necessary Skills Levels

The following tables are based on task analyses performed by the Portland, Oregon, Bureau of Police,¹ and four state agencies: the California Commission on Peace Officer Standards and Training,² the Michigan Law Enforcement Officers Training Council,³ and the Illinois Department of Law Enforcement Commission.⁴ The Illinois study applied only to administrative tasks.

The police activities listed in the tables were described in the reports produced by these agencies. The symbol P, M, I, or C in the column labeled "agency" indicates that the task specifically appeared in the Portland, California, Michigan, or Illinois reports. The symbol "c" indicates that some agencies within California perform the task and others do not. The symbol "?" indicates that the task was not specifically listed but is, in our judgment, probably performed.

Estimates of the necessary level of skills for each activity are based on secondary analysis of a California survey; the survey collected data on the extent to which 29 specific behaviors were required for successful performance of police tasks.⁵ The skill level assigned to each police activity summarizes these results using the following values:

Intelligence/education level and social psychological level:

- High: Task requires 5 or more specific behaviors of this type.
- Medium: Task requires between 1 and 4 specific behaviors of this type.
- Low: Task requires none of the specific behaviors of this type.

Physical:

- High: Task requires 3 or more specific behaviors of this type.
- Medium: Task requires 1 or 2 specific behaviors of this type.
- Low: Task requires none of the specific behaviors of this type.

Endnotes

1. Harvey E. McGowan and Glenn M. Riley, *Job Analysis of the Position of Uniformed Police Officer* (Portland Police Bureau, Portland, OR, 1975).
2. John Kohls, John Berner and Luella K. Luke, *California Entry-Level Law Enforcement Officer Job Analysis, Technical Report No. 1* (California Commission on Peace Officer Standards and Training, Sacramento, CA, 1979).
3. Employment Standards Section, Michigan Law Enforcement Officers Training Council, and Psychological Services, Inc., *Michigan Patrol Officer Selection and Training Standards: Summary Report* (Employment Standards Section, Michigan Law Enforcement Officers Training Council, Lansing, MI, 1981).
4. Barbara Patterson, *Illinois Department of Law Enforcement Occupational Analysis: Executive Summary* (Illinois Department of Law Enforcement, Springfield, IL, 1982).

Table C1
Police Activities and Necessary Skill Levels:
Duties that are Primarily Law Enforcement

	Agency			Intelligence Education	Social Psychological	Physical
Reads and is familiar with codes: penal, health and safety, welfare and institution, vehicle, municipal, business, ABC Act, US—illegal aliens, evidence, U.S. constitution, civil, fish and game	P	M?	C	medium	medium	low
Checks businesses/persons		M?	C	medium	high	medium
For compliance with licensing		M?	C	medium	high	medium
Responds as primary unit, crime in progress	P	M	C	high	high	high
Responds as backup unit, crime in progress	P	M	C	high	high	high
Pursues vehicles at high speed		M	C	high	high	high
Patrol during emergencies						
Reports damage to public or utility equipment		M	C	high	high	low
Flushes fuel spills		M		medium	medium	medium
Notifies citizens of property damage		M	C	medium	high	low
Directs public service personnel		M	C	high	high	low
Advises owners of hazardous conditions		M	C	medium	high	low
Protects citizens from hazards		M	C	medium	high	medium
Delivers emergency messages to family in cases involving death or injury		M	C	high	high	low
Delivers emergency supplies		M?	C	low	medium	low
Escorts emergency vehicles		M?	C	medium	high	medium
Transports injured or other people		M?	C	medium	high	medium
Searches fire debris for dead bodies or cause		M?	C	high	high	high
Radios for backup assistance				high	medium	low
Participates in wide area searches		M	C	high	high	high
Juvenile interactions						
Apprehends offenders		M	C	high	high	high
Confers with probation		M	C	high	high	low
Provides protective custody		M	C	high	high	low
Subdues attacking people		M	C	high	high	high
Investigation						
Evaluates scene to determine procedures	P	M?	C	high	high	low
Requests investigative assistance		M?	C	high	high	low
Interviews complainants	P	M?	C	high	high	low
Interviews witnesses	P	M?	C	high	high	low
Requests written information		M?	C	high	high	low
Talks to informants		M?	C	high	high	low
Reviews lab reports		M	C	high	high	low
Collects evidence	P	M	C	high	high	medium
Dusts and lifts latent fingerprints		M?	C	high	high	low
Makes fingerprint comparisons			c	high	low	low
Secures/seizes evidence	P			high	high	low
Photographs crime scene	P	M?		high	medium	low
Physically searches for contraband	P	M	C	high	high	high
Links recovered property to owner		M		high	high	medium
Conducts surveillance	P	M	C	medium	high	medium
Reviews Rap sheets and MOs of suspects		M?	C	high	medium	high

Table C1 (continued)
Police Activities and Necessary Skill Levels:
Duties that are Primarily Law Enforcement

	Agency		Intelligence Education	Social Psychological	Physical
Reviews records and pictures to identify suspects	M?	C	high	medium	high
Interrogates suspects	P	M	C	high	low
Obtains search warrants	P	M		high	low
Serves search warrants	P	M	C	high	high
Compares cases for similar mos	M?	C	high	medium	low
Organizes lineups	M?	C	low	medium	low
Arrests					
Determines cause	M	C	high	high	low
Plans strategy	M	C	high	high	low
Executes	P	M	C	high	medium
advises persons of rights			medium	high	low
explains nature of complaint			medium	high	low
Explains reason to onlookers	M?	C	medium	high	low
Transports prisoners	M	C	low	medium	low
Interviews prisoner for booking	M?	C	high	high	low
Talks with family of suspects	M?	C	high	high	low
Arranges for professional assistance for offenders with problems --not in custody	M?	C	high	high	low
Books evidence and personal property	P	M?	C	medium	low
Jail operations					
Checks officers' weapon	M		medium	medium	low
Investigates prisoner injury	M	C	high	high	low
Confers with physicians about prisoner medical condition	M?	C	high	high	low
Conducts custody search	M	C	high	high	high
Books prisoner	M	C	medium	medium	low
Fingerprints prisoner	M?	C	low	medium	low
Briefs prisoners about facility rules	M?	C	medium	high	low
Maintains custody	M	C	medium	high	high
Periodically searches quarters	M?	c	medium	high	high
Disciplines prisoners	M?	c	high	high	high
Custody other than jail					
Guards inmates	M?	C	medium	high	high
Civil process					
Serves subpoenas	M	C	high	high	high
Serves probate orders	M		high	high	medium
Case prosecution					
Confers with prosecutor about warrant	M	C	high	high	low
Reviews warrant	M	C	high	medium	low
Swears out complaint or warrant	M		high	high	low
Confers with other CJS personnel and victim to prepare testimony	M?	C	high	high	low
Arranges for appearance of witnesses		c	high	high	low
Testifies in court	M	C	high	high	low

Table C1 (continued)

Police Activities and Necessary Skill Levels:
Duties that are Primarily Law Enforcement

	Agency	Intelligence Education	Social Psychological	Physical
Border control				
Searches vessels or aircraft	M?	high	high	high
Apprehends smugglers	M?	high	high	high
Participates in raids	M	high	high	high
Requests help from news media for crime prevention or solution	M? C	high	high	low
Enforces DUI laws				
Determines necessary action	P M C	high	medium	low
Administers roadside tests	P M C	medium	medium	medium
Arrests DUI suspects	M C	high	high	high
Tests BAC with 'breathalyzer'	P M C	medium	medium	medium
Arranges for blood/urine tests	M C	medium	medium	low
Uses chemical test kit to test for CS	M? C	medium	medium	medium
Completes DUI document	M C	high	high	low

Table C2

Police Activities and Necessary Skill Levels:
Duties that are Primarily Patrol Operations

	Agency	Intelligence Education	Social Psychological	Physical
Care of patrol car				
Checks car	M	medium	medium	medium
Adds gas, water, air	M	medium	medium	medium
Requests repair	M	medium	medium	medium
Verifies repair	M	medium	medium	medium
Washes vehicle	M?	medium	medium	medium
Restocks emergency supplies	M? C	medium	medium	medium
Care of patrol vessel	M?	high	medium	medium
Care of patrol aircraft	M?	high	medium	medium
Routine foot/car patrol				
Reviews information	M	high	medium	low
--criminals in area	C			
--wanted vehicles	C			
--statistics for needs of selective enforcement	M? C			
Establishes rapport	M C	high	high	low
Responds to general concerns	M C	high	high	low
Secures buildings and vehicles, e.g. closes windows	M C	low	medium	low
Investigates suspicious or unusual activity	P M C	high	high	low
Searches unlocked homes and businesses for illegal entry	P M C	high	high	high

Table C3
Police Activities and Necessary Skill Levels:
Duties that are Primarily Public Order Maintenance

	Agency		Intelligence Education	Social Psychological	Physical
Routine order maintenance					
Arranges for removal of disabled, abandoned, cars	M	C	high	high	low
Makes bar checks	M?	C	medium	high	medium
Provides citizens with warnings	M	C	high	high	low
Juvenile interactions					
Counsels juveniles	M	C	high	high	low
Confers with parents	M	C	high	high	low
Civil disturbances					
Controls nonviolent crowds	P	M C	medium	high	medium
Confronts hostile group		M C	high	high	high
Mediates family disputes	P	M? C	high	high	high
Mediates other civil disputes	P	M? C	high	high	low
Emergency/disaster control					
Coordinates activities		M? C	high	high	low
Evacuates persons		M C	high	high	medium
Searches for bombs		M C	high	high	high
Secures area		M C	low	medium	low

Table C4
Police Activities and Necessary Skill Levels:
Duties that are Primarily Traffic-related

	Agency			Intelligence Education	Social Psychological	Physical
Traffic control-roads						
Assists stranded motorists	P	M	C	medium	high	medium
Removes obstructing vehicles		M		medium	high	medium
Removes hazard	P			medium	medium	medium
Directs traffic	P	M	C	medium	high	medium
Monitors traffic for violations	P	M	C	medium	high	medium
Stops suspicious suspected person		M?	C	medium	high	medium
Stops vehicles, investigates violations	P	M	C	medium	high	medium
Stops vehicles for felony arrest		M?	C	high	high	high
Explain law	P	M?	C	medium	high	low
Issues verbal warning		M		medium	high	low
Issues warning ticket		M?		medium	high	low
Issues citations		M		medium	high	low
Arrests		M	C	high	high	high
Traffic control-marine				medium	high	medium
Motor vehicle accident investigation						
Extricates person				medium	high	high
Reviews statistics for selective enforcement		M?	C	high	high	low
Coordinates actions		M	C	high	high	low
Interviews drivers/witnesses		M	C	high	high	low
Informs motorist of report procedures		M?	C	high	high	low
Searches scene		M	C	high	high	low
Interviews mechanics or towers about extent of damages		M?	C	high	high	low
Interviews physician or medics about injury		M?	C	high	high	low
Records physical details		M	C	high	high	low
Diagrams scene		M	C	high	medium	low
Collects and documents evidence		M	C	high	medium	low
Removes debris		M		medium	medium	medium
Documents investigation and cause	P	M	C	high	high	low
Reviews with accident investigators		M?	C	high	high	low
Analyzes information to determine enforcement		M?	C	high	high	low
Inspects vehicles for conformance with code		M?	C	medium	medium	low

Table C5
Police Activities and Necessary Skill Levels:
Duties that are Primarily Assistance to People or Groups

	Agency		Intelligence Education	Social Psychological	Physical
Citizen assistance					
Provides street directions	M	C	high	high	low
Cares for emotionally upset persons	M	C	high	high	low
Escorts to provide security	M	C	low	medium	low
Assists elderly, disabled people with minor problems (e.g. lockout)	P	M	low	medium	medium
Transports those needing assistance	M		low	medium	low
Transport mental patients	M?	C	medium	high	medium
Transports deceased	M?		low	medium	low
Refers to other agency	M?	C	high	high	low
Escorts funerals	M?	C	low	medium	low
Escorts dignitaries	M?	C	low	medium	low
Escorts oversized vehicles	M?	C	low	medium	low
Maintains peace in labor dispute			medium	high	low
Fingerprints persons for non-criminal matter		C	low	medium	low
Examines dead bodies to determine nature-cause of death, for personal property, post-mortem lividity	M?	C	high	medium	medium
Searches property of deceased for valuables	M?	C	low	medium	medium
Makes preliminary ID of deceased	M?	C	high	high	low
Provides community with crime prevention information	M?	C	high	high	low
Provides news media with information	M?	C	high	high	low
Juvenile interactions					
Assists lost children			medium	high	low
Administers first aid					
Resuscitation without respirator	P	M	C	medium	high
Resuscitation with respirator		M?	C	medium	high
Other first aid		M	C	medium	high

Table C6

Police Activities and Necessary Skill Levels:
Duties that are Primarily Administrative or Support Functions

	Agency		Intelligence Education	Social Psychological	Physical
Desk duties					
General office work	M		high	medium	low
Verifies vehicle title information	M		high	medium	low
Issues pick-up or wanted notices	M		high	high	low
Notifies motorists of towed vehicles			high	high	low
Notifies owners of abandoned vehicles	M?	C	high	high	low
Telephones various to locate people	M?	C	high	high	low
Prepares list of known criminals	M?	C	high	high	low
Prepares information for other agencies	M?	C	high	high	low
Issues equipment	M?	C	high	high	low
Keeps and controls access to records	M?	C	high	high	low
Collects bail	M?	C	high	high	low
Maintains inventory	M?	C	high	high	low
Prepares statistical data	M?	C	high	high	low
Develops work schedules	M?	C	high	high	low
Reviews writs and bail bonds	M?	C	high	high	low
Orders supplies	M?	C	high	high	low
Conducts background checks on job applicants	M?	c	high	medium	low
Investigates citizen complaints	M?	c	high	high	low
Communicates information on informal basis to other law enforcement officials	M?	C	high	high	low
Attends conferences			high	high	low
Communicates with supervisors for directions and advice	P M?	C	high	high	low
Administration					
Supervises training		I	high	high	low
Provides information		I	high	high	low
Acts as liaison		I	high	high	low
Sets objectives		I	high	high	low
Administers finances		I	high	high	low
Analyses information		I	high	high	low
Makes decisions		I	high	high	low
Supervises and controls investigations		I	high	high	low
Directly supervises personnel		I	high	high	low
Supervises emergency situations		I	high	high	low
Improves work procedures and practices		I	high	high	low
Coordinates departmental activities		I	high	high	low
Coordinates activities with other law enforcement agencies		I	high	high	low
Develops and implements technical ideas		I	high	high	low
Promotes safety attitudes and practices		I	high	high	low
Supervises communications		I	high	high	low
Develops employee potential		I	high	high	low
Promotes community-organizational practices		I	high	high	low
Report taking: [incident, missing persons investigative, confessions, complaints, citations]	P M	C	high	high	low

Table C6
Police Activities and Necessary Skill Levels:
Duties that are Primarily Administrative or Support Functions

	Agency		Intelligence Education	Social Psychological	Physical
Delivers agency, interagency papers	M?	C	low	medium	low
Police communications					
Receives and evaluates requests for service	M	C	high	high	low
Advises victims of criminal process	M	C	medium	high	low
Checks for out of area warrants	M?	C	high	medium	low
Dispatches cars	M	C	high	medium	low
Training					
Firearms training	P				
Maintains defense training	M	C	medium	high	high
Crowd control			medium	medium	high
Non-combative physical tasks	M	C	medium	high	high
Provides on-the-job training	M	C	medium	high	high
Provides in-class training	M?	C	high	high	low
	M?	C	high	high	low

Appendix D: Sites with Experience in Private Provision of Police Services

State	Jurisdiction	Type of Service
Alaska	Anchorage	Parking meter enforcement Parking meter collection Parking lot security
Arizona	State Flagstaff Maricopa County Phoenix	Parking lot enforcement School crossing guards Building security Crowd control
California	Federal Hawthorne Los Angeles Los Angeles County Norwalk San Diego San Francisco Santa Barbara	US Department of Energy facility security Traffic control during peak hours School crossing guards Patrol streets surrounding private university Traffic and security for special events Building security Park security Park security Housing project security Park security Building security Airport security Prisoner transport
Colorado	Denver Fort Collins	Building security Building security
Connecticut	Hartford	Sports arena security
Florida	Dade County Fort Lauderdale Pensacola St. Petersburg	Courts, building security Airport, building security Airport security Park security
Hawaii	State	Parking lot enforcement
Idaho	State Idaho Falls	Regional medical center security School crossing guards
Kentucky	Lexington	Housing project security
Massachusetts	Boston	Hospital, courts, library security—city, Library security—federal
Nevada	Federal	Nuclear test site security
New Jersey	Sports Authority	Sports arena security

¹The literature was surveyed using computerized reference services including LEXIS and NCJRS.

State	Jurisdiction	Type of Service
New York	State	Response to burglar alarms in state office buildings
	Buffalo	Court security--federal
	New York City	Security; compounds for towed cars
		Shelter security
		Human Resources Administration security
Oneonta	Building security	
	Locate cars with outstanding tickets	
	Arrests for retail store theft	
Pennsylvania	Suffolk School District	Management training; police
		Campus security
	State	Unemployment offices security
		Welfare offices security
	Philadelphia	Parking enforcement
Pittsburgh	Court security--federal	
	Patrol City Park	
	High school stadium security	
	School crossing guards	
	Transfer of prisoners	
Texas	Dallas/Fort Worth	Airport security including baggage checking
	Houston	Building security
Utah	State	Building security
		Training for transit police
Washington	Seattle	Building security
	Tacoma	Sports arena security
Washington, DC		Planning and management
		Federal building security

The following sites are mentioned in the literature, but at the time of the present study they were found not to have the private security services described in the literature. Some of the contracts existed in the past but were later terminated; others never had such services.

Oro Valley, AZ	Full police services
Indian Creek, FL	Full police services
Key Biscayne, FL	Full police services
Sea Ranch Lakes, FL	Full police services
Remainersville, OH	Full police services
Twinsburgh township, OH	Full police services
"Three towns in Illinois"	Full police services

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