

Private Security Services.

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Since the early 1970s, an escalating share of the responsibility for crime control in the developed world has shifted from public law enforcement agencies to private security companies. The trend has been especially pronounced in the United States. The American private security industry today employs far more guards, patrol personnel, and detectives than the federal, state, and local governments combined, and the disparity is growing. Increasingly, private security firms police not only factories and stores, but also office buildings, airports, bus and train stations, sports and entertainment centers, shopping centers, parks, government facilities, and even entire commercial districts and residential neighborhoods. On any given day, many Americans are far more likely to encounter a security guard than a police officer.

In some ways law enforcement has come full circle. Crime control in America was mostly a private affair—supplemented only by poorly funded, semi-amateur constabularies and night watches—until the rise of professional public police departments in the nineteenth century. Even then, police departments emphasized patrol and prevention, leaving the task of investigation largely to private firms such as Allan Pinkerton’s National Detective Agency. In the twentieth century, police departments and newly formed agencies such as the Federal Bureau of Investigation took over many of the investigative functions previously performed by companies like Pinkerton’s. The private firms reacted by gradually shifting their business to patrol and prevention, functions increasingly de-emphasized by public agencies. Today private firms have taken over much of the “beat patrol” work once thought to be the most basic job of the police.

The legal rules governing private security firms differ from those applied to public law enforcement organizations. The constitutional restrictions on the police do not apply to private firms, nor does the exclusionary rule, which often bars prosecutors from relying on evidence the police obtain illegally. On the other hand, private security employees facing civil damage claims do not share the immunity that public law enforcement officers enjoy for actions conducted in “good faith.” And private guards lack most of the special authority granted to the police to carry out searches and arrests; most private guards have only the arrest powers of ordinary citizens.

The growing role of private security firms has been controversial. There are perennial complaints that the firms are inadequately regulated and their employees unqualified. Police departments de-emphasized patrol in part because it is expensive, and private security firms have been able to fill the void in part because private guards earn much less than police officers. But the pressure to keep salaries low has made it difficult for private security firms to attract qualified candidates, to screen them carefully, and to train them well. In addition, private security firms answer to their customers, not to the community as a whole. In some respects this makes the firms more responsive than modern police departments often criticized for excessive independence and insularity—but it also means they are not subject to direct democratic control. It remains unclear, moreover, to what extent private security firms simply supplement public policing, and to what

extent they partially supplant it, dampening support, at least among their customers, for spending more tax dollars on law enforcement.

Bibliography

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