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Plural Policing and the challenge of democratic accountability

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Democratic accountability is a key concept in thinking and writing about Western political systems. The normative prescription that those in positions of power should be obliged to justify their use of power within a political forum that may lead to sanction is widely seen to be an intrinsic characteristic of ‘democratic governance’ (Bovens, 2005). As policing concerns the institutionalized use of authority in the task of ‘governing security’ (Johnston and Shearing, 2003), so – in turn – it requires governing in ways that hold those responsible accountable to democratic bodies. Accordingly, a key focus of policing debates has been on the institutional arrangements established for ensuring its structures of governance are democratically accountable. To date, however, research on the ‘democratic’ or ‘political’ accountability of policing has focused almost exclusively upon public police organisations (see for example, Lustgarten, 1986; Reiner, 1993; Reiner, 1995; Jones and Newburn, 1997; Walker, 2000). Relatively few authors have discussed private and other plural forms of ‘policing beyond the state’ when reviewing options for establishing democratically accountable policing (though see Loader 2000; Crawford et al., 2005; Sarre and Prenzler, 2005; Stenning, 2009). This tendency to restrict discussions to state-centric analyses of the nature of power and authority reflects a broader ‘myopia’ in policing scholarship (Shearing, 2006; Stenning, 2009). It appears, for instance, to be increasingly anomalous in light of recent empirical studies tracing the growing role of non-governmental, frequently commercial (or so-called ‘for-profit’), agencies in the authorisation and provision of policing (see e.g. Jones and Newburn, 1998; Noaks, 2000; Wakefield, 2003; Crawford et al., 2005).

In the light of this ‘myopia’, this chapter seeks to substantially broaden debates about accountability and policing. It does so by analysing the extent to which the mixed economy of public and private policing can be governed according to, and accommodated within, democratic principles (cf. Stenning, 2009). These principles, we suggest, offer a set of criteria for thinking about the challenges of governing plural policing networks in ways that are democratically accountable, and which, in turn, promote the idea of policing as a public good. This, we assert, is crucial because policing is a normative enterprise that holds significant implications not only for principles of human rights, due process, and fair treatment (Crawford, 2007), but also for utilitarian objectives of ensuring that citizens live in just and safe societies. A key challenge, however, is presented by the role of the market in determining

the extent to which policing is distributed and delivered equitably and effectively. In pursuing our argument, we query the extent to which market forces and free competition, even when seemingly functioning well, will serve to govern policing in ways that ensures its allocation and delivery accord with democratic values (cf. Trebilcock and Iacobucci, 2003).

Our line of enquiry focuses on ‘local security networks’ (Dupont, 2004) in England and Wales, the remit of which usually extends both to crime and disorder reduction, inclusive of the protection of public and private assets. These multi-organisational networks are constitutive of broader shifts in how power and authority are contemporaneously arranged, exercised and governed in late-modern societies. The statist, ‘command and control’ model of ‘government’ is said to have given way to a more ‘networked governance’ model, in which authority is not dominated by a single locus but exercised through dispersed, less hierarchical and a more pluralistic or ‘nodal’ set of institutional formations (Rose and Miller, 1992; Rhodes, 1997; Rose, 2000; Moran, 2001). In this context, governmentality theorists have highlighted how neo-liberal governmental reforms have separated the ‘steering’ functions of governance from the ‘rowing’ functions, transforming the role of the state to that of a regulator or facilitator of the governing activities of others (Osborne and Gaebler, 1992). In turn, governance and accountability relations have themselves become increasingly diversified and pluralistic (Mulgan, 1997; Baberis, 1998). As a consequence, the act of governing is no longer contingent on vertical chains of accountability that link providers of public services with institutional structures of the democratic polity. The rise of security networks comprising state, civil society and market actors, whose governance and accountability structures frequently stand outside of extant political structures, raises specific challenges if they are to be governed not only effectively but also democratically.

The chapter is divided into the following sections. The first outlines the recent growth of plural policing, identifying the conceptual implications that arise from this empirical development. The second contextualises the regulatory challenge of plural policing, before critiquing recent legal and policy responses. The third assesses plural policing against a set of democratic criteria, drawing attention to the governance and accountability challenges of prioritizing these democratic credentials. The fourth emphasises the need for a holistic approach to the governance of plural policing networks, and considers how this might be secured in ways that are democratically accountable.

The re-emergence of plural policing

Over the last four decades there has been a substantial growth of scholarly interest in the pluralization of policing. A widespread process of restructuring has seen policing become increasingly fragmented, multi-tiered and dispersed, resulting in the proliferation of forms of policing both ‘within’ and ‘beyond’ government (Bayley and Shearing, 1996, 2001). Indeed, the very idea of the police as monopolistic guardians of law and order has dissolved in the face of neo-liberal traits of governing that have stimulated twin-processes of pluralization and marketization of policing (Johnston, 2007). Much of the academic interest has focused on the so-called ‘re-birth’ of ‘private policing’ within the late-modern era (Johnston, 1992; Button, 2002; Van Steden, 2007), and particularly the commercial activities of the private security industry. The rise, for example, of private security guards has attracted much attention (see Rigakos, 2002; Wakefield, 2003; Button, 2007), generating debates inter alia of the similarities and differences between ‘public police’ and ‘private security’, particularly with regard to the interests each serves, their organisational forms as well as their mentalities, techniques and practices (Shearing, and Stenning, 1983; Johnston and Shearing, 2003; Wood and Shearing, 2007).

The post-war development of the private security industry has been famously described by Stenning and Shearing (1980) as a ‘quiet revolution’ in policing. Research has revealed how a burgeoning global private security industry undertakes a wide array of policing activities (Stenning, 2000; Johnston, 2007; Van Stedden, 2007), including the core police functions of law enforcement, order maintenance and crime investigation. Although problems of estimation mean that all figures have to be treated with caution, there is a consensus that the private security industry in England and Wales has expanded considerably in recent years and now employs significantly more people than the state’s public police forces (Jones and Lister, 2015). The growth of the industry has been fuelled by increasing demands for protective services across a range of economic and social contexts. Although much of the initial discussion about private security linked its expansion to the growth of ‘mass private property’ (Shearing and Stenning, 1981, 1983) such as shopping centres, holiday complexes, retail parks, educational campuses, leisure parks, its presence is now increasing in more openly accessible, public places, such as residential areas and town centres (Crawford, 2011). Accordingly, the orthodoxy that private security should be considered the ‘junior partner’ to the public police has become increasingly challenged. Many citizens therefore now live, work, shop and spend their leisure time in places where they are more likely to encounter private security guards rather public police officers. As a consequence, the nature of the social order

that private actors are tasked with constructing, and the styles of policing they subsequently deliver, bear significant implications for notions of citizenship (Shearing and Stenning, 1981).

The growth of private security, however, is but one focus of the broadening analytical lens through which developments in local policing must be viewed. Over the last two decades we have seen we has seen diversification and pluralization across a range of state and non-state actors delivering visible and organised forms of security-orientated patrols. The emergence of this mixed economy has been stimulated not only by citizens' demands for order and security, but also by a series of governmental initiatives that have encouraged local authorities, social housing providers, private businesses, voluntary sector and residents' groups to take greater responsibility for their own policing needs (Lister, 2007). The interlinked 'community safety' and 'anti-social behaviour' agendas in the latter part of the 1990s, for example, fuelled the growth of 'municipal patrols' such as 'neighbourhood wardens', 'street wardens' and 'city centre ambassadors' (Crawford et al., 2005). Broadly aimed at improving the social and economic well-being of public spaces, these new public auxiliaries were designed to contribute to local systems of social control by introducing an additional layer of intermediary personnel within civil society (Crawford and Lister, 2004a). By 2003 it was estimated that almost 500 warden schemes were in operation in England and Wales (NACRO, 2003), although the number has subsequently declined as a result of the loss of ring-fenced central government funding and the arrival of a new police patrol auxiliary in the form of 'police community support officers' (PCSOs).

Established by the Police Reform Act of 2002, PCSOs to provide a greater visible police presence on the streets represented further degree of pluralization of 'policing by government' (Loader, 2000). PCSOs are 'civilian' officers directed and controlled by the Chief Constable, but undergo less training and have fewer legal powers than professional police officers. With a core remit to reassure the public and reduce anti-social behaviour, PCSOs represent the visible face of the community safety agenda. There are now just over 13,500 PCSOs in England and Wales undertaking a wide range of front-line policing duties. As they are cheaper to recruit and deploy than police officers and lend themselves to more stable assignments, PCSOs have enabled the police to assert a degree of control over the patrol function by competing more effectively with other (non-police) providers in local markets for patrol (see Blair, 2003). Local authorities, along with other social housing providers and private businesses, have increasingly entered into contractual agreements with police forces to fund the localised provision of PCSOs. Consequently the introduction of PCSOs has been interpreted not only as a governmental attempt to ensure the police retained greater control

over the patrol function, but also as a 'monopolistic' state approach to integrating the activities of plural policing within the police organisation (Crawford, 2008).

Over the same period we have also seen further 'pluralization below the state' in the form of order-definition and maintenance, rule-making and regulation exercised by non-commercial, community and voluntary organizations (Lea and Stenson, 2007). Part of this has arisen from new developments in the 'responsibilization' of non-state organizations to take control of their own security, and the spreading language of partnership, co-production and community self-governance (Garland, 2001; Wood and Shearing, 2007). Although it is difficult to assess claims about changes in policing 'from below' in the absence of reliable longitudinal data, Bayley and Shearing (1996) have suggested that 'citizen-led' policing expanded in many countries in the latter part of the 20th Century. Indeed, although in England and Wales 'citizen-led' patrols, such as organized residents' groups, crime prevention associations and faith-based organizations, have not been extensively researched, they do appear to have increased recently both in diversity, scale and degree of organization (Crawford, 2008; Jones and Lister, 2015). Suffice to say, the activities of these 'citizen-led' and 'third sector' groups add further complexity to the localised division of labour between public, private and hybrid policing actors (Johnston, 1992).

These developments signify that it has become increasingly acceptable for organisations other than central government to assert a degree of control over their own security needs, often by purchasing policing services on the open market. Policing has become not only pluralized but also increasingly marketized, commercially arranged and governed by market-based and privately contracted forms of accountability. The separation of those authorising from those delivering policing reflects the growth of purchaser/provider splits in its arrangement and provision (Bayley and Shearing, 1996). Subsequently, public bodies have become major purchasers of policing services from both the public and private sectors; equally, private sector, commercial organisations routinely purchase policing services from the state's public police forces. The complexity of these de-centralized and multi-lateral arrangements demonstrates their 'hybrid' character, in which conceptually and empirically they straddle the traditional public/private divide (Bayley and Shearing, 1996; Dupont, 2004). There is no neat compartmentalisation of public and private policing resources deployed to 'public' or 'private' spaces, for instance (Stenning, 2009). Rather, the mounting spatial complexity of urban life is stimulating increasingly complex policing arrangements. Privately funded policing though predominantly found on private property or land, is not restricted in this way. The growth of commercial areas leased to and managed by private sector landlords

in many British towns and cities, for instance, has seen an increase in private security guards patrolling public spaces (Crawford, 2011; Jones and Lister, 2015). Likewise, privately purchased ‘public’ police officers can also be found operating within spaces owned or temporarily managed by private corporations, such as leisure festival venues or sports stadia. As a consequence, the nature of what is ‘public’ and what is ‘private’ has itself become increasingly conceptually contested.

Such conceptual and empirical developments have significant implications for how we might understand the character of contemporary policing, as well as how it might be democratically governed. As alluded to above, the growing diversity and heterogeneity of policing providers has rendered the idea of hierarchical formulations of power increasingly redundant such that the state is but one (albeit important) node within a broader network of policing or ‘security governance’, more broadly defined (Johnston and Shearing, 2003). Rhetorically referred to within policy discourses as the ‘extended policing family’ (Home Office, 2001), the emergence of these multi-organisational, security networks raises acute questions of coordination, oversight and effectiveness. Harnessing the diverse efforts of the assemblage of local providers has foregrounded ‘partnership’ approaches to policing and community safety, which seek to integrate the breadth of activities and increase the functionality and effectiveness of the network as a whole. Whilst of itself this ambition raises considerable challenges, these arguably pale in comparison to the challenges of subjecting networked or ‘nodal policing’ to democratic governance. It is in consideration of this regulatory challenge to which the remainder of this chapter now turns.

Regulating plural policing

Given the prevalence of plural orders of policing in contemporary systems of social control, it is important to develop ways of connecting them to democratic structures of governance. As Loader (2000: 324) suggests, ‘the questions...that have long vexed discussions of police policy and (mal)practice in liberal democratic societies press themselves with renewed force under the altered conditions of plural policing’. Yet, if the contested nature of police ‘governance’ and ‘accountability’ relations gives rise to complex and daunting challenges, they become even more so when considering the complex ‘policing web’ (Brodeur, 2010) of public and private agencies and actors. Where police – at both the individual and institutional level – in England and Wales are rendered accountable through a series of principal-agent relationship chains that link them to elected political structures, offering a symbolic as well as

a functional element of democratic responsibility for, and control over, local policing, there is no equivalent apex of authority governing plural policing networks. Rather, the emergence of a pluralized and marketized landscape of policing has given rise to a more diversified set of horizontal accountability relations, undermining reliance on vertical chains of political accountability that have traditionally characterised accountability relations within more monopolistic, state-based formations of policing (Bovens, 2005).

The shift towards market-based allocations of policing, therefore, raises acute regulatory challenges if the activities of autonomous private providers are to be aligned with public values and democratic principles (Greve, 2008). The form of contractual governance within market arrangements is highly individualised and distinct from the wider modes of responsiveness to democratic bodies envisaged in idealised notions of local police accountability. It tends to be a narrow style of managerial accountability, related to costs and outputs, rather than deeper questions of resource allocation, priorities and policing styles. Moreover, as Shearing and Stenning (1983) famously asserted, commercially-arranged policing has a 'client-defined' mandate. It is overwhelmingly instrumental in purpose, designed to serve the exclusive, and often elitist, interests of those who pay for its provision. It therefore risks sidelining the interests of non-paying parties, who may experience malign effects from such arrangements but have no forum to give voice to their concerns (Reiner, 2010). Rendering market-based policing responsive to and considerate of the wider public interest thus presents a significant policy challenge, particularly if both the authoriser and the provider are private sector bodies.

This is not to say, however, that there have been no attempts to bring public accountability to plural forms of policing. Whilst the institutional mechanisms of police accountability pay little attention to non-state policing providers, recent legal and policy developments in England and Wales have attempted to address this gap. The main mechanism of external accountability introduced has been in the form of systems of regulation of the private security industry. The Private Security Industry Act 2001 established the Security Industry Authority (SIA) to license those working in particular sectors of the industry, including static guards, door supervisors, wheel-clampers, bodyguards, private investigators and security consultants. Employment in these sectors requires a licence, which is contingent on both training and criminal records vetting. The Act makes it an offence to work without a licence or to employ someone without a licence. Breaching various conditions, including gaining a conviction prescribed as relevant, can lead to licence revocation. Although the Act

did not introduce mandatory licensing for security companies, it did establish a voluntary scheme to which they can submit themselves.

The licensing regime has, however, attracted a significant amount of criticism. For some its scope is too narrow, excluding significant sectors of the security industry such as security systems installers and in-house guards (White, 2010). Others have argued that the voluntary licensing of companies amounts to little more than an ineffective self-regulatory model (Button, 2002). Moreover, the narrow scope of the regulation signifies its failure to recognise the role of multi-lateral networks in policing, and – perhaps as a consequence – it has largely failed to improve relations between public police and private security firms, which remain widely plagued by mutual distrust trust and antipathy (White and Smith, 2009). According to plans of the Coalition Government, however, the regulation of private security is set to change to a more self-regulatory ‘business licensing’ regime in which the focus of control will shift from licensing individuals to the licensing of private security firms. Under the proposed reforms, the state will adopt a more ‘arms length’ approach with companies handed responsibility for ensuring that required checks on individual employees are carried out. Although it remains to be seen what impact these changes will have on the private security industry (see White, this collection), it seems apparent that the regulation will continue to focus primarily on protecting members of the public rather than safeguarding broader notions of the public good (Stenning, 2009).

The narrow focus of the SIA licensing regime can be contrasted with ‘Community Safety Accreditation Schemes’, which were introduced by the Police Reform Act 2002. The Act gives Chief Constables authority to accredit neighbourhood wardens, private security guards and other ‘non-police’ actors who meet a prescribed standard of professionalism, for example, in training and vetting arrangements. In so doing, accreditation schemes aspire to foster techniques of ‘arm’s length’ governance, offering the police a potential means for harnessing and steering the community safety efforts of those deemed to be ‘police compliant’ (Blair, 2002). Furthermore, in choosing who and who not to bestow accreditation upon, the police may be able to influence market demand for specific security providers. This, however, raises the spectre of the police – in effect – regulating those they compete with in the market place (Loader, 2000; Crawford et al., 2005). In practice, however, accreditation has not gained widespread support from either the police or the private security sector. As Crawford (2013) notes, the market benefits to be accrued from gaining accreditation status do not appear to outweigh the costs of securing this status. By the end of 2010, across 26 participating forces, there were 2,219 accredited persons (ACPO, 2011), most of who were local authority

employed wardens and anti-social behaviour enforcement officers. Consequently attempts to establish holistic oversight mechanisms over plural policing networks have been few and entirely limited to highly localised, short-lived efforts by police and community safety partners.

Despite the introduction of these legal and policy responses to the growth of plural policing in England and Wales, their impact on the function and orientation of local policing systems is narrow and appears, at best, to be limited. In the following section we offer a set of democratic principles, which serve as a means for thinking about the challenges of governing plural policing networks in ways that ensure their arrangement and provision advance democratic values. In so doing, we draw on a range of debates to identify the normative prospects and governance challenges of aligning plural policing to these democratic criteria.

Plural policing and democratic values

Previous work involving one of the authors identified a number of ‘democratic criteria’ against which governance and accountability mechanisms for policing can be assessed (Jones et al., 1996). This work suggested that a combination of themes or values can be associated with democratic arrangements, and that distinct policing systems place a different order of priority on these. The criteria identified were: equity, delivery of service, responsiveness, distribution of power, information, redress, and participation.

Equity

Perhaps the greatest democratic challenge for plural policing concerns equity, the idea that resources should be distributed fairly between groups and individuals such that the benefits (or harms) to be derived are spread equitably. Debates here must be seen in the context of pluralization under market-auspices, as described above. As problems of crime and disorder tend to cluster in places that are socially and economically marginalised, free market allocations of policing are likely to skew resources towards those communities of least need. The burden of harm on disadvantaged areas will be further increased if territorially defined policing merely displaces rather than prevents local problems. Although the benefits of policing may bleed into neighbouring areas, commercialised policing, by definition, privileges the narrow and partisan interests of its paymasters (Crawford and Lister, 2006). As such, accountability to market-based contracts promotes exclusion and social selectivity.

Furthermore, if those turning to commercial policing refuse to pay twice, through both taxation and fee-based arrangements, and withdraw their financial and political support for state policing, then those unable to turn to the market may experience a qualitative and quantitative poorer service (Bayley and Shearing, 1996).

On this view, then, much pluralized provision threatens to exacerbate unequal provision of policing services, in terms of both over-coercion and under-protection of disadvantaged groups. The increasingly fragmented policing landscape has clear exclusionary and polarizing tendencies. Whilst the rich are increasingly protected within commercially-governed and safe 'private' spaces, the have-nots are left to fend for themselves in increasingly dangerous 'public' spaces, policed by an increasingly adversarial public police force (Minton, 2012). This is not to deny, however, that state policing in Britain also has a problematic history in terms of equity. Even in those spaces that remain unconditionally 'public' and open access, security and policing provision is increasingly following the exclusionary and risk-based policies privileged by private forms of government. The spread of crime prevention by environmental design, as well as the exclusionary use of 'anti-social behaviour orders' and other such anticipatory interventions (e.g. dispersal orders, youth curfews), are serving to privatize public space by public means (Crawford, 2011; Minton, 2012). 'Banishment', as Van Swaaningen (2005: 303) notes, 'is the new metaphor of this politics of public safety and the fears of law-abiding citizens are the driving force behind it'. On the other hand, it has been argued that, in any case, the public police organization is predicated upon universalist egalitarian principles, even if they have repeatedly failed to live up to such principles (Zedner, 2006). Above all, the public police are supposed to deliver equal policing services to all citizens, 'without fear or favour'.

Whilst this normative conception of public policing draws sharp contrast with private government, it has been nonetheless argued that the pluralization and marketization of policing may offer ground-breaking possibilities for a more democratic and just distribution of security services. Over a decade ago, Bayley and Shearing (1996) argued that publically-funded 'voucher schemes' or 'block grants' could enable especially underprivileged communities to participate in security markets. Enhancing access to security in this way, the argument runs, would address the distributional inequalities raised by the growth of commercial policing, but also serve the interests of these communities more directly than has been the case under state-organized policing arrangements. This example of local governance can be seen as an experiment in which allowing citizens to self-organise their policing may lead to a more equitable and fairer deliverance of security (Wood and Shearing, 2007). Whilst this argument

offers a potential means for addressing a key democratic challenge of policing under pluralised conditions, greater engagement with, and the subsequent expansion of, the market may have far reaching consequences. Security goods have a self-fulfilling and expansionist logic, as the more they are actively pursued the more they may not only fuel further public anxieties, but also heighten unrealistic public expectations about the extent to which ‘policing’ alone can deliver harmonious forms of social order (Crawford and Lister, 2006; Jones, 2012; Zedner, 2009). If security begets security, then broader and deeper engagement with market forces raises pressing and inter-linked questions of sustainability and desirability.

Service delivery

Several authors have argued that plural policing heralds the possibility of improvements in the efficiency and effectiveness of service delivery. For example, Bayley and Shearing (1996, 2001) have suggested that the numerical expansion of policing agents due to the proliferation of providers would enhance aggregate levels of security in society. In addition, the distinctive nature of private policing – in terms of its innovative, embedded, consensual and risk-oriented preventive approaches – has been contrasted favourably with the slow-moving, bureaucratic and punishment-oriented approach of the public police (Johnston and Shearing, 2003; Wood and Shearing, 2007). The assumption posited here is that the privileging of ‘security’ within the mentalities of private security lends itself to problem-focused approaches, which in turn provide greater levels of safety for local communities (Bayley and Shearing, 1996). In a related argument, it might be suggested that the competitive dynamic engendered by plural policing, in which providers compete in the market, helps to encourage value for money, innovation and efficiency. An exemplar of this argument is the aforementioned ‘police community support officer’ (PCSO), the introduction of which led to substantive increases in police visibility within local neighbourhoods (see Crawford et al., 2005).

Against this, however, the fragmentation and multiplication of policing providers can generate inefficiencies. As policing is increasingly market-arranged, attempts to coordinate activities and construct mutually beneficial alliances between different providers may be undermined by the pursuit of market advantage (Jones and Newburn, 1998; Noaks, 2000). The research of Crawford et al. (2005) in northern England, for instance, found strong evidence of ‘market failure’ in the provision of local patrol services. Local efforts to tackle crime and disorder were undermined by a lack of cooperation and information sharing between policing agencies. Furthermore, these researchers reported that well-developed, joined-up working

practices between different providers were relatively rare and relations between them were often highly varied. Where local police did seek to establish partnership relations, their efforts were at times hampered by the sheer number and diversity of local providers. They also found that partnership relations were stymied by different working cultures, mentalities and practices, as well as by deep-rooted structural obstacles, both at operational and strategic levels. Municipal policing actors, for example, reported being fearful of jeopardising their good relations with local residents if they were perceived to be working too closely with the police. The resulting coordination deficits hampered attempts to ensure an effective response to local problems of security and order.

A further way in which plural policing may reduce effective service delivery arises from its concentration in local neighbourhoods at the relatively 'soft' end of policing functions (e.g. 'reassurance', 'community work' and 'social service' activities). Given this focus, an effect of pluralization may be to free up police officers to focus on more serious incidents of crime and disorder. In so doing, however, it may reduce the amount of 'non-adversarial' contact that police officers have with the wider public (Crawford and Lister, 2006). If 'community policing' is entirely devolved to state and non-state policing auxiliaries, then the police risk becoming a 'residualised' service focused mostly upon law enforcement and aggressive intervention in situations of conflict. The possible negative implications for notions of 'policing by consent' could have serious ramifications for the effectiveness of the organisation along a range of performance dimensions. If the police lack legitimacy in the eyes of the public, then citizens are less likely to pass on crime and disorder related information, co-operate as witnesses, respond positively to requests for assistance from police officers, and comply with police directives. On this view, 'democratically accountable' policing is not just morally desirable, but is instrumentally superior to 'unaccountable' policing.

Responsiveness

The extent to which policing is responsive to local publics has become viewed, at a policy level at least, as increasingly important, reinforcing the idea that democratic policing ought to reflect the wishes of the people it serves (Manning, 2011). To this end, successive recent governments have attempted to increase police engagement and consultation with local communities, as demonstrated by the advent of the mutually reinforcing 'citizen-focused' and 'neighbourhood' policing agendas (Home Office, 2010). The difficulties of ensuring that police engage in dialogue with and respond meaningfully to the wants and needs of local

communities are, however, historical and arguably deeply entrenched (Keith, 1988; Jones and Newburn, 2001). As police governance in England and Wales became more and more centralised, particularly over the last three decades, so police forces became increasingly responsive to the bureaucratic and political imperatives of the Home Office, at the expense of local communities (McLaughlin, 2005). Although the recent introduction of elected Police and Crime Commissioners (PCCs), designed to be democratic advocates for local communities, aimed to reverse this trend by ensuring the police do respond to community concerns, there remain significant structural and cultural obstacles to overcome if this is to be achieved in a fair and meaningful way (see Reiner, Raine, this collection).

Against this, local private and community-organized forms of security provision may not only be more responsive to community concerns, but also able to draw more effectively upon local capacities and knowledge when compared to the top-down hierarchical bureaucracies that have traditionally characterized public policing (Bayley and Shearing, 1996). The legal role of contracts within accountability arrangements governing commercial policing gives opportunity for those paying to articulate and specify a clear set of 'service expectations' to which providers must attend. Where policing is purchased from a private security firm by a public body (e.g. the local authority) on behalf of its constituents, again market logics suggest the provider will make some attempt to demonstrate value for money by responding to the needs of beneficiaries. Critics, however, stress that local and multiple publics seldom speak with a consensus and, moreover, it is open for debate whether what 'the public' wants of local policing is always desirable (Johnston, 1992). Although security is often promoted as a universal and democratic good for the benefit of all, in fact its pursuit runs the risk of fostering intolerance and aggravating social exclusion if a community wishes to seek isolation and seclusion (Zedner, 2009). It would be very undemocratic for police and policing professionals to adopt such a segregating, and perhaps discriminatory, policy.

Power distribution

According to this democratic ideal, power to influence and review policing policy should not be concentrated in too few hands, but should be distributed across a number of institutions and agencies. The intention here is to negate conflicts between different constituents within any given social formation, and ensure stable compromises such that scarce policing resources can be allocated in ways that serve the interests of all constituents (Jones et al., 1996). Plural policing arguably scores highly on this democratic criterion. Rather than concentrating power

in the hands of a single, centralized state bureaucracy, by definition it involves a range of alternative providers and authorizers. As suggested above, local authorities that are dissatisfied with public policing provision in their area of jurisdiction, for example, can organize and direct their own municipal auxiliary patrols, either by employing community warden type providers, or by contracting-out the service to commercial security companies. Markets imply choice, and efficient markets presuppose the presence of suitable, alternative providers.

Against this, however, we should not ignore the structuring tendencies of security markets to accumulate power and market share within the auspices of a handful of institutions. The corporate take-overs and mergers that characterize the development of the domestic and global private security industry have resulted in market domination by a few very large companies (Johnston, 2007; White, 2010). If the oligopoly conditions found within the private sector provision of criminal justice services are repeated in the domain of security and policing, then the resulting concentration of power is likely to be to the detriment of democratic accountability. Moreover, despite the appearance that power may be distributed more locally, unregulated cooperation and information-sharing by plural policing bodies may result in ‘policing beyond the police’ ultimately forming a formidable and sinister ‘reserve arsenal’ of social control for the state (Cohen, 1985). Although – as described above – the empirical evidence suggests that disorganization and lack of coordination are, in fact, the norm in pluralized security networks (Crawford et al., 2005; Terpstra, 2013), from a democratic viewpoint, it is vital to recognize the potential for abuse. Simultaneously, where plural forms of policing are arranged and delivered wholly under private auspices then the distribution of power is highly skewed towards serving the specific and parochial interests of those paying for its provision.

Information

The provision of a good level of information is a requirement for democratic accountability, enabling the authorities and the public to be informed about local policing. Securing this objective is potentially problematic in diversified policing networks, not least because fundamental information, such as who is authorising policing and who is providing it, may be unclear. In this, the multifaceted structures of relationships between public and private policing bodies blur the boundaries of responsibilities between them, which, in turn, can hamper the transparency of arrangements (Mashaw, 2006). Such amorphous, hybrid arrangements can also generate accountability deficits by obscuring not only ‘who is

responsible to whom and for what' (Rhodes, 1997), but also how a specific policing arrangement is organised and whose interests it serves. In this context, the average citizen in any British urban area might find themselves moving through areas that are policed by an array of public and private actors wearing a range of official police-type uniforms, but have little sense of the different interest groups represented. In their study of plural policing patrols, Crawford et al. (2005) highlight how, within this context, the blurring of roles, responsibilities, powers and identities, both of and between, plural policing personnel can foster public confusion and create uncertainties over what the public might expect of different providers. Such concerns are by no means baseless. The activities of the public police have traditionally been primarily focused upon unambiguously public spaces. Hence residential streets, public parks and open spaces, public roads and motorways etc have formed their primary spatial locus. But, as mentioned above, sizeable tracts of commercially-developed land, traditionally seen as 'public' spaces and therefore subject to public forms of authority, are now increasingly leased to and controlled by private, corporate interests (Crawford, 2011). It would be unsurprising if such developments did not generate uncertainty among some citizens, unsure of the legitimate authority of those private guards policing such areas. If this holds true, then the growing spatial complexity of land patterns, and the knowledge deficits that may arise, are likely to harbour problematic implications for democratic notions of policing.

Redress

How the malpractice of individual policing agents is dealt with is a key question in any system of accountability. Where an individual has been wronged then there should be access to a formal and external procedure to ensure that grievance is investigated and acted on accordingly. The importance of this principle is reflected, both at a rhetorical and practical level, by police officers being held accountable to the criminal law for their actions when on duty. Whilst formal complaints mechanisms are now an established part of the police accountability framework in England and Wales, these have yet to develop comprehensively in the field of plural policing. For example, there are no such procedures of redress for private and volunteer-based forms of plural policing, raising concerns of unaccountable vigilante groups (Johnston, 1992). Although the licensing procedures discussed above, introduced for contracted private security actors, do offer a means for redress where required standards of conduct have been breached, their effectiveness, for instance, to remove rogue elements from

the industry by refusing or revoking licences is limited (White and Smith, 2009). Indeed, there is some evidence to show that citizens do not readily complain to external bodies about the conduct of private security actors when the circumstances indicate they have strong grounds to do so (Lister et al., 2000). Furthermore, the types of surveillance and order-maintenance that have arisen within many of the quasi-public spaces policed by private actors may herald a more invasive approach to citizen privacy than traditionally apply in other spatial contexts. Contracted private security guards derive considerable de facto legal powers from property law, which allows them to exclude people or subject visitors to random searches of their possessions before entering premises such as football stadia, discotheques and airport terminals. A key concern of critics here is the absence of formal restrictions on the exercise of this private authority coupled with the limited nature of the external accountability relations that govern its use (Reiner, 2010). Institutional mechanisms of democratic accountability have not kept pace with these trends, leading to debates about exacerbating ‘democratic deficits’.

Whilst these observations suggest the public police meet this criteria more than other sectors of policing, significantly the police complaints system has been dogged by perceptions of inefficiency and ineffectiveness, resulting in a succession of ‘failed’ watchdog bodies (Smith, 2006). Further, notwithstanding the recent infusion of private sector management principles within the public police, in all but fairly serious incidents of misconduct it remains bureaucratically and legally complex to remove or dismiss a police officer for wrong-doing. By contrast, it can be argued that market disciplines pressurize commercial policing bodies to be more responsive in this regard than existing state arrangements. For example, an inefficient or ineffective security company can expect to lose its contract with the purchaser, and individual security officers who under-perform or misbehave can expect to be sacked. In this respect lay narratives of policing, which commonly draw a sharp distinction between ‘accountable’ public police officers and ‘unaccountable’ private security guards, tend to be overstated.

Participation

Various authors have argued that plural policing can provide great opportunity for community participation in the organization and delivery of security. In particular, Shearing and colleagues have described innovative forms of community self-governance in less advantaged communities such as the ‘peace committees’ of Zwelethemba in South Africa (Wood and Shearing, 2007). A fundamental advantage claimed for such arrangements is that they closely

reflect the requirements of local people, and involve them in deliberative decision-making about potential solutions to security (and other) problems. This argument stems from the recognition that contractually governed forms of policing have a 'client-defined' mandate: they purposefully serve first, foremost and arguably exclusively, the interests of the paying customer. This, however, is something of a double-edged sword. Whilst it may enable 'consumers' of policing to have their voices heard, equally it risks the likelihood of an accountability deficit for those non-participants who may nonetheless experience negative consequences of the arrangement. Crawford and Lister (2006) found such evidence in their study of a privately paid, public policing initiative in northern England. They reported how residents in an adjacent area to this initiative felt that they had suffered a loss of policing as a result of the police being contractually bound to provide an additional level of resources to the area covered by the contract. Furthermore, these 'non-participating' residents also perceived that crime and disorder had been displaced into their village as a result of the greater policing presence in their neighbours' area. As such, beneficiaries of commercial policing tend to be a narrowly constructed group, which may generate tensions with those who are excluded (Loader, 2000; Zedner, 2009).

Responding to the democratic governance challenge of plural policing

The pluralised nature of contemporary policing brings both challenges and opportunities for democratic governance. From the above discussion, it offers some potential opportunities for enhancing the democratic content of security governance. For example, community forms of security governance 'from below' may extend participation in the organisation of local policing and render its impacts more equitable, market choice may provide real alternatives in cases of ineffective or unjust policing, and contractual forms of market regulation may offer a much more direct form of accountability than traditional institutional mechanisms are able to deliver. However, at the same time pluralization raises particular concerns of inequitable distribution of policing, potential confusion about the functions and legal powers of different policing bodies, and threats to effective service delivery due to lack of coordination and duplication of functions. The central challenge, however, concerns the fact that there are no institutional mechanisms for rendering local patchworks of security governance responsive to democratic direction and oversight.

Structures of governance and accountability within the web of policing – mirroring formations of policing – are dispersed, fragmented and splintered. Hence, institutionalised

practices of account giving are mostly compartmentalised, segmented and bureaucratically aligned (Crawford and Lister, 2006).² Moreover, many of the accountability relations within these networks are not ‘public’ in that they are neither transparent to the public, nor involve ‘public’ sector bodies. Indeed, the contracts governing commercially-arranged policing initiatives are frequently subject to commercial confidentiality clauses, shrouding normative assessments of their compatibility with the public interest. It is therefore important to underline the need to establish holistic mechanisms of oversight and accountability, which connect policing networks with democratic structures. Democratically accountable policing should be ‘congruent with the values of the community in which it works and responsive to the discrepancies when they are pointed out’ (Bayley, 1983: 146). Not only must we develop ways of subjecting policing authorisers and providers other than the state and public police to regulation and control, but in addition ‘plural policing has to be assessed as a whole, in terms of its complexly interconnected practice and impact’ (Walker, 2000: 280). Yet, as different providers within policing networks tend to be subject to different regulatory regimes, there is no single point of governance of the networks’ various nodes. As a consequence, there is no oversight mechanism for the totality of ‘nodal policing’ in any given locale. This is not to argue that plural policing networks are completely unaccountable and unregulated: elements of such networks clearly do operate with varying degrees of accountability to different audiences. It remains the case, however, that under current institutional arrangements in England and Wales there are no formal mechanisms for rendering plural policing networks as a whole accountable to democratic values.

One possible way forward, and one that acknowledges the changed landscape of contemporary security governance whilst reasserting the notion of security as a public good, has been put forward by Loader (2000). He suggests the establishment of significant new accountability institutions – Policing Commissions – to take responsibility for coordinating and monitoring the range of bodies involved in policing and security provision at the local, regional and national levels. Such Commissions would be democratically driven and inclusive, with part of the membership being directly elected, but the other part appointed to ensure adequate representation from a range of social groups. The proposed Policing Commissions would have a formidable range of powers and functions, including the role formulating and co-ordinating policy, licensing security providers, subsidizing extra provision in under-serviced areas, and the monitoring and evaluation of standards. They would have a statutory responsibility to ensure that all citizens receive a ‘fair’ share of policing services, which would require attention both to over-policing and under-protection of particular social groups.

These proposals appear to offer an imaginative way forward for promoting the effective involvement of local community knowledge and capacities in security governance. They also offer the possibility of public, democratic fora that can provide more effective coordination of the complex networks of security governance. In so doing, they could promote more equitable provision that balances the demands of security against those of other valued social goods. The proposals have been supported by Crawford et al. (2005) following their empirical study of plural policing in various parts of England and Wales. They argue it is at the regional level that such Commissions might have most impact. Operating at this scale, Commissions could not only balance the competing pressures of local and national interests so evident in the push and pull of policing policy, but also provide oversight of the diverse range of policing and community safety agencies operating across local authority and current police force boundaries. In addition, it would align better with any shift towards regional police forces, whilst closely mapping the jurisdiction of Commissions to the regional bases of the corporate private security industry.

Alternatively, and in the absence of any new institutional architecture, such as policing commissions described above, it might be plausible to hand responsibility for regulating local plural policing networks to elected Police and Crime Commissioners (PCCs) (Crawford, 2013), a powerful democratic institution operating at local and regional levels. There is a logic to this suggestion, not least as PCCs already have responsibility for the oversight and accountability of ‘policing by the police’, and moreover are required by law to work with local community safety partners to produce holistic and coordinated responses to crime and disorder. This option, however, raises both normative and practical concerns.

First, serious doubts remain about the design of this model of governance (Jones et al., 2012). By definition PCCs are ‘Police’ commissioners, not ‘Policing’ commissioners (Loader, 2013; Crawford, 2013), suggesting a narrow focus to the role that is reinforced by the relevant legislation defining the ‘totality’ of local policing for which they have responsibility solely in terms of those resources controlled by the Chief Constable (Lister and Rowe, 2015). Whilst legislative reform could address this conceptual shortcoming, the wind of political pressure to expand the role of PCCs is blowing forcefully towards it subsuming responsibility for other criminal justice institutions and emergency services rather than regulating non-police providers of policing (Home Office, 2010; May, 2013). Second, there remains a broader concern that PCCs stand outside the established local system of public service administration. This is likely to restrict the capacity of PCCs to engage and influence the range of public policy domains (e.g. housing, education, youth services, health, etc) under the auspices of

which plural policing initiatives are arranged and delivered. As a consequence, to be effective, PCCs would need to overcome significant administrative and organisational barriers were they to gain this responsibility. Third, as PCCS are ‘commissioners’ of policing services it follows that they ought not to be tasked with regulating the market within which they are significant participants. Just as Loader (2000) suggests the police – as providers of policing services – should not be given responsibility for rendering accountable other providers within the network, so it is normatively unsustainable for a purchaser within the marketplace to have this over-arching responsibility. Indeed, as we have stressed throughout this chapter, purchaser / provider accountability arrangements tend to be narrow, insular and structured to serve parochial interests less so commonplace, public interests. As such, in our view, any new institutional architecture designed to regulate marketised networks of policing ought to have administrative separation from the market and its participants. Fourth, such an option would reflect a wholly state-centric model of regulation, which acting alone may be unable to address the fundamental problem of asserting democratic leverage over ‘private government’. As open ‘public spaces’ are increasingly located within privately-owned or managed land, and legal rulings during the past decade or so have confirmed the power of corporations to organise and undertake security provision themselves, then making them responsive to or compliant with democratic principles may be an uphill struggle. In short, PCCs have no more legal authority over the operation of private policing in mass private property than did local police authorities and chief constables under the former system of police governance. For this reason, and following Stenning (2009), it seems logical to suggest that any regulatory framework for policing ought to comprise a plurality of organizational modes. Bringing together multi-lateral representation from different sectors would also address the age old concern that the governance of policing should not be rendered accountable to, and thus risk being ‘captured’ by, any one single locus of democratic, political authority (Lustgarten, 1986).

Despite the challenges and opportunities brought by the pluralization and marketization of policing, concerns over the absence of any external regulator of market-led policing networks remain largely confined to the academy. Yet the need for such institutional innovation is likely to become more pressing with the continued impact of austerity policies on the further fragmentation of policing. Sizeable cuts to police budgets have already led to substantial reductions in the numbers of police officers and PCSOs, and government ministers have indicated that further expenditure reductions will be imposed on public police forces should they be returned to office at the next General Election. At the same time, austerity policies have reduced the capacity of the local state to fund the purchase of commercial and

municipal forms of visible patrol. Partly as a result of these developments, policing forms ‘below government’ (in the form of provision by voluntary, community and faith-based groups) appear to have been increasing both in scale and diversity (Jones and Lister 2015). The accountability challenges raised by pluralization are thus likely to become more rather than less daunting in future years.

Conclusions

The growth of multi-lateral, local security networks reflects the shifting nature of responsibility for policing and community safety between the market, civil society and the state. Their proliferation raises a number of conceptual, empirical and normative questions that have far-reaching implications security governance. As we have suggested, they give rise to a series of what we might term ‘constitutional issues’ over how we can govern these networks in ways that ensure they function in ways that accord with democratic principles. To this end, our primary aim in this chapter has been to steer debates towards the challenges of aligning the order of plural policing to a set of democratic criteria. In so doing, we have drawn caution to the role of the market in ordering the patterns and practices of plural policing. This is not to argue that plural policing cannot deliver socially desirable goals, such as improved security for local neighbourhoods, but rather, we suggest, an unregulated market for policing services may be counter-productive to securing social justice. As we have described, this is an area within policing scholarship which is beginning to emerge from the long shadow cast by the state provision of policing and security; it is also one that has given rise to rich theoretical and practical debate. On one view, for example, the growth of plural policing networks provides the possibilities for a more just and accountable provision of security (Johnston and Shearing, 2003; Wood and Shearing, 2007). On the other hand, the proliferation of policing authorizers and providers raises concerns amongst other authors, not least in terms of the potential for exacerbating social exclusion and polarization (Crawford and Lister, 2006; Reiner, 2010; Jones, 2012). Within these debates, however, there is consensus for plural policing networks to be subjected to democratic processes of regulation in order to ensure their arrangement and provision attends to the public good. As Stenning has argued, how this is to be achieved in terms of designing suitable institutional architecture will require not only sophisticated theoretical modelling, but also persuasive and impactful arguments that are able to mobilise the necessary political resources behind the cause.

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² An important recent exception to this has been introduced by the Anti-social Behaviour, Crime and Policing Act 2014. Section 135 of the Act extends the remit of the Independent Police Complaints Commission to private sector actors who are contracted by the police to provide services (e.g. detention officers).