APPENDIX B

England and Wales
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I Summary

The police in England and Wales consist of 43 territorial police forces (including the City of London Police and the Metropolitan Police), responsible for all police tasks. Besides the police, a National Crime Agency is responsible for the reduction of serious and organised crime in the United Kingdom (UK). This National Crime Agency has a cybercrime unit. Policing in England and Wales, highly influenced by the Peelian Principles, is based on the idea of a democratic police. Central notions in this model are policing by consent, trust in and legitimacy of the police, accountability, freedom and equality.

In the last decade, the police in England and Wales were confronted with major budget cuts. Although this may seem a reason for pluralization of the police, pluralization has been a key theme in policing since the nineties of the previous century. In England and Wales, pluralization has entailed a growing mixture of policing providers, both public and private actors, with the private security industry being one of the most visible sectors that has grown expansively. Private security companies play an important role in the prevention of crime and other risks. Two other important developments contributing to the pluralization of policing in England and Wales are the introduction of Neighborhood Wardens and Police Community Support Officers.

Besides the private security industry, private policing in the broad sense (including for example private investigation and security consultancy) has also increased since the eighties. However, according to the interviewees, this increase of private policing is not seen as a development leading to a re-evaluation of policing in England and Wales. There are some fundamental concerns regarding equity, trust in the police, accountability and the need for regulation. However, private policing is not seen as a major issue at this moment, due to the regulatory framework (although there are also some fundamental critics about this framework). Private policing and the influence of non-state actors in policing is considered troubling when it comes to digitalization.

The digitalization of society has sparked debates about the necessity of reconsidering policing in England and Wales. A central question is what the role of the police in England and Wales should be and how other actors (public as well as private) should be involved and under which conditions. The Police Foundation is currently revisiting the role of policing in England and Wales. Regarding digitalization our interviewees point at some fundamental concerns. First, they suggest that there is a run on the police regarding online security and that this is too much to deal with only by the police. Other parties should be involved, but what is their role and what is the role of the police? In general,
it is stressed that the police should also have a broad task online, however
the amount of data, technological developments, dependence on non-state
actors and globalisation make fighting online crime highly complicated.
The interviewees do recognize that if the police are not able to keep up
with these developments, citizens will seek (online) security elsewhere.
This stresses the relevance of regulation, accountability and equity.

a. Overview in numbers

**Police** 129,110 police officers in total (full-time equivalents; March 2020)
208 police officers per 100,000 inhabitants (March 2020)
57 per cent clearance rate (offences with identified suspects; ‘solved cases’)
March 19-March 20

**Cybercrime** The United Kingdom (Computer Misuse Act 1990)
distinguishes between:
- Cyber-dependent crimes: *crimes that can be committed only through the use
  of ICT devices, where the devices are both the tool for committing the crime,
  and the target of the crime*;
- Cyber-enabled crimes: *traditional crimes which can be increased in scale
  or reach by the use of computers, computer networks or other forms of ICT
  (such as cyber-enabled fraud and data theft).*
Number of Computer Misuse Act offences increased by 72 per cent from March
19-March 20 https://www.ons.gov.uk/search?q=cyber+crime

**Private security industry**¹²
830 SIA approved private security contractors (big four: Mitie, G4S, Securitas, OCS)
372,177 SIA licence holders (74 per cent ‘door supervision’, 16 per cent ‘security
guarding’, 14 per cent ‘public space surveillance (CCTV)’; 192 nationalities, 90 per
cent male licence holders
Regulated by the Private Security Industry Act 2001

The following data is based on open data provided by the Security Industry Authority (SIA), which is a
Home Office non-departmental public body, which regulates the private security industry in the UK.
Possessing an SIA licence means that an individual has undertaken formal training, gained a relevant
qualification, and has undergone criminal record and identity checks. For an in-depth look see
https://www.gov.uk/search/research-and-statistics?organisations%5B%5D=security-industry-authority&parent=security-industry-authority
About 8 billion euros revenue in 2020
In principal no special legal powers, only rights which apply to every person
No special firearms provisions or privileges for private security personnel

II Policing in England & Wales

The UK has three distinct legal systems and correspondingly, law enforcement is also separately regulated in England and Wales, Scotland and Northern Ireland. The main law enforcement agency at the state level is the National Crime Agency, employing approximately 1,800 officers, that is chiefly responsible for tackling serious and organised crime and also harbours the National Cyber Crime Unit.

a. The organisation of the police in England and Wales

Two acts of parliament constitute the main legal framework for law enforcement in England and Wales. The organisation of the police is regulated by the Police Act 1996; the specific powers of the police officers are governed by the Police and Criminal Evidence Act 1984 (pace).

Police forces

The Police Act 1996 organises the police in England and Wales in a decentral way. This means that generally, policing functions are being conducted by territorial police forces of which there are 43 in England and Wales, containing about 129,110 (sworn) police officers in total. These forces include the City of London Police and the Metropolitan Police.

Although the police were organized in a decentralized way, under New Labour policy (1997-2010) the police became increasingly centralized by giving more power to central government and the Home Office. After 2010, under the coalition government of prime minister Cameron, this centralizing tendency got turned around with the introduction of Police and Crime Commissioners (pcc) in the Police Reform and Social Responsibility Act 2011. This act prescribes that each police force (outside of London) is to have an appointed Chief Constable, who is responsible for the direction and control of the police force. Since the introduction of this act in 2012, the Chief Constable is held accountable by a directly elected Police and Crime Commissioner (pcc) instead of the former police authorities. This pcc also has the power to appoint a chief constable. It was expected that these pccs would be more effective in ensuring
local interests and reconnecting the police and the public.\textsuperscript{5} Evidence of the extent to which these goals are achieved in practice are ambiguous.\textsuperscript{6}

PCCs are expected to issue police and crime plans after consultation of the Chief Constable.\textsuperscript{7} These plans should include (among others) police and crime objectives, the policing of the area and the financial and other resources for the Chief Officer to exercise his functions.\textsuperscript{8} As such, the PCCs are responsible for developing a local policing strategy. The Chief Constable should, in exercising his functions, have regard to these plans.\textsuperscript{9} Moreover, in order to reconnect with the public, Chief Officers also have to engage with local citizens. They should consult them about crime and disorder and inform them about policing in their neighbourhood.\textsuperscript{10} Inspections and reviews of the police in England and Wales are done by Her Majesty’s inspectors of constabulary. These inspectors shall inspect and report on the efficiency and effectiveness of every police force. Local policing bodies can ask the inspectors to carry out an inspection any time.\textsuperscript{11}

**National Crime Agency**

Next to the 43 police forces, the National Crime Agency (NCA) is constituted by the Crime and Courts Act 2013 and made responsible for the reduction of (the impact of) serious and organised crime in the UK.\textsuperscript{12} The agency should prevent and detect serious and organised crime, investigate related offences and otherwise carry out activities to combat serious and organised crime.\textsuperscript{13} The NCA combats for example fraud, drug trafficking, child sexual abuse, illegal firearms, money laundering and cybercrime. The agency responds to these forms of crime locally, regionally and nationally.

\textsuperscript{5} Loveday 2013: 101, 104, 105.
\textsuperscript{6} See for instance Raine 2015; Murphy, Eckersley and Ferry 2016; McDaniel 2018; Loveday 2018.
The strategic priorities of the nca are set by the Secretary of State after consultation of at least the strategic partners and the Director General. This last one has the function of direction and control of the nca and has the power to decide which and how particular operations by the nca officers are conducted. The Director General also has the ability to request the police forces to assist the agency in performing its tasks.

b. The tasks of the police

Policing in the UK is highly influenced by the Peelian principles of policing (Sir Robert Peel, Home Secretary in 1829).

**Peel’s principles of policing**:  
1. The basic mission of the police is to prevent crime.  
2. The ability of the police to perform their duty is dependent upon public approval of police existence.  
3. The police must secure the willing cooperation of the public in voluntarily observing to keep the law.  
4. The degree of public cooperation diminishes when physical force and compulsion is made in achieving police objectives.  
5. Police should be impartial, friendly, and courteous and use humour and be ready to sacrifice themselves to protect and preserve life.  
6. Physical force should be used only as necessary to secure observance of the law.  
7. The police are the public and the public are the police.  
8. The police should direct their actions towards this function and should not act as judge and jury.  
9. The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with them.

The British policing model, which includes England and Wales, is based on the idea of a democratic police. Central to this model are the notions of accountability of the police to every citizen, trust in and legitimacy of the police, policing by

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17 Rogers 2017.
consent, freedom and equality. Community policing in the UK can be seen as the manifestation of the democratic policing model. The function of the police in England and Wales is a broad one, however its purposes have changed along with successive governments: from crime control in the nineties under the Conservatives, to reassurance policing with a focus on the prevention and control of disorderly and anti-social behaviour under Labour (1997-2010) to, crime-fighting again in the recent decade.

An important theme in policing in England and Wales since 2000 is the so-called ‘reassurance gap’. As was also the case in other western European countries, including the Netherlands, policy makers have been confronted in this recent period with declining crime rates. However, despite this decline, feelings of insecurity among citizens were growing, and trust in the police was declining. This paradoxical development resulted in the dominance of ‘reassurance policing’ as a key theme, which was based on the idea that citizens would feel reassured if the police would be visible on the streets, addressing also disorderly behaviour. Based on this premise, Neighbourhood Policing Teams were introduced, not merely to reduce crime, but also to provide social services as core areas of policing.

In the recent decade the police in England and Wales have been confronted with major budget cuts (20 per cent of the funding of the police). The coalition government introduced these cuts for the police to become more efficient, that were accompanied by a decrease police officers. This development raises the question how the police is able to fulfil all of the expectations while financially being cut. According to Rogers the main challenge of the police is “to pull back from functions without losing public confidence”.

c. Plural policing in (semi-)public space

Based on the former description of the budget cuts within the police, it could be expected that this development resulted in the pluralization of policing. However, far before the budget cuts, pluralization of the police function had already become a key theme in policing in England and Wales. Pluralization of the police in England and Wales is seen as a shift from ‘police’ to ‘policing’, which points at the growing mixture of several policing providers. This pluralisation was shaped in the late nineties, early 2000 by some important
national policy developments, such as the possibility for the police to charge other parties for goods and services, the introduction of Crime and disorder reduction partnerships in 1998, the introduction of the neighbourhood wardens programme, the introduction of Police Community Support Officers and an Anti-Social Behaviour Action plan. Next to these policy developments, commercial developments occurred, such as a ‘dramatic’ growth of the security sector. 24

Due to this pluralisation, the role of the state has changed in policing. Loader provides a distinction between: policing by government (the state as a provider of policing by means of the public police forces), policing through government (enlisting policing providers by government), policing above government (policing unfolding above the level of the sovereign state), policing beyond government (the commercial market in security systems and policing services) and policing below government (the provision of security by citizens, for example neighbourhood watches, vigilantism and civil policing). 25 An important point of concern regarding this development of pluralization is the question how the principles of democratic policing can be maintained in this pluralized and networked policing context. 26

In the following, three important developments regarding plural policing in England and Wales are described: the growing market of the private security industry, in particular private security officers, the introduction of Police Community Support Officers, and the use of neighbourhood wardens. 27

Private security

Although a shared definition of private security is lacking, which complicates making an accurate assessment of the size of the sector, it is generally supposed that the sector has grown since the eighties. 28 Factors contributing to this growth are amongst others the rise of a risk society pre-occupied with security, the increasing deployment of private security officers in areas of mass private property and residential communities, the growth of the entertainment sector, “a ‘roll back’ of the state, the inability of the state to meet society’s demands for security” 29 and a decline of secondary social control. 30

26 Rogers 2017.
29 Button 2019: 30, 164.
The private security industry plays an important role in prevention. Based on the Peelian principle that the police should prevent crime, it is expected that prevention is a core task of the police. However, in the nineties this task came under pressure in England and Wales, due to growing reactive demands. As a result, the police lost this task as a central element of police work. Instead, private policing got a central role in crime and risk prevention.31

Until 2001 the private security industry was not regulated in England and Wales.32 Firstly in 2001 a national licensing regime for private security officers and their managers was introduced by the Private Security Industry Act.33 According to White34, the introduction of this act “marked the beginning of a critical new era in the politics of private security”. The regulation of the private security industry was seen as a possibility to control the sector by the state and restore its monopoly in the security field.35 In this act, the Security Industry Authority (sia), an independent body that reports directly to the Home Secretary, got appointed to license and regulate private security providers36. The goals of licensing were to ensure private security officers to be fit and proper, properly trained and qualified and to prevent the industry from abuse and criminality.37 For example, a full criminal record check and suitable training is required for private security officers38, although it should be said that not all private security officers fulfil police functions (for instance, some are ‘bouncers’ in nightclubs). However, it turned out that at least in the beginning the expectations and ambitions of the sia were too optimistic. In theory the sia would give an impulse to the private security sector to come in line with the values of the public good and enhance legitimacy of the sector, but in practice the sia suffered from “down-to-earth realities” hampering meeting all of the grand expectations and ambitions.39

Since 2012 the future of the regulation of the private security industry has been debated.40 In 2016 and 2017 a review of the SIA took place.41 This review recognises the importance of the private security industry in England and Wales in providing security. This industry covers an important part of the

32 Rogers 2017.
33 Crawford et al. 2005.
34 White 2010: 141.
35 White 2010.
37 Rogers 2017.
38 Crawford et al. 2005.
39 White 2010: 141-163.
40 Rogers 2017.
41 Home Office 2016/17.
security economy. Along with the growth of the sector, risks of abuse and criminality were also increasing. However, in general the private security industry was found to operate effectively, also thanks to the regulation. This is why the review stresses the importance of regulation of this sector and its retention and improvement. However, pointing at the future of regulation, the review also recommends the SIA to start de-regulatory targets where possible. The reviewers were concerned about the accountability of purchasers of private security in their decision-making regarding quality standards and public protection. The review recommends implementing legislature on this point.

One of the most visible sectors of the private security industry is the manned guarding sector – and this sector is also the most debated part of the private security industry. The private security officers or security guards are a significant symbol of private policing and play an important role in public space. They have a broad range of tasks including patrolling the streets or area they guard, controlling access, searching and screening visitors, enforcing rules and laws (that is, in public transport), keeping order, responding to incidents, helping people, transporting and escorting those with valuables, monitoring systems (CCTV systems) and sharing information (with the police).

In principle, private security officers do not have more powers than ordinary citizens (or property owners) have. However, there are some exceptions in England and Wales, as they can be provided with additional powers. For example, the local police could accredit powers to private security officers. This is based on the Community Safety Accreditation Scheme in the Police Reform Act 2002. Despite this opportunity, Terpstra et al. ascertain that in practice security firms are hardly accredited with these powers. The reason for that is not determined but might have to do with possible costs that scare off companies or, as Button states, many companies fear potential legal consequences.

Police Community Support Officers (PCSOs)

One important development in England and Wales is the introduction of the Police Community Support Officers. Despite the former described trend of

42 Home Office 2016/17.
44 Button 2019.
47 Terpstra et al. 2013: 53.
48 Terpstra et al. 2013: 53.
49 Button 2019: 197.
the extending role of other agencies in policing, the PCSOs, responsible for surveillance work in public space, were integrated in the police organization. This was realized by the architect of the PCSOs, London police chief Ian Blair. In his view, the police should be the dominant supplier of services in public space, increasing their visibility. As such, he turned against the increasing role of private security and the fragmentation of surveillance functions in public space.  

As described before, in the early 2000s ‘reassurance policing’ became an important policy theme in England and Wales. As a result, the National Neighbourhood Policing Programme was implemented, leading to Neighbourhood Policing teams in each police force. The PCSOs were chosen as the main actor to increase the visibility of the police by patrol and strengthen community policing, an important policing model in England and Wales since the eighties and nineties. PCSOs do not have similar powers and training as sworn police officers have. PCSOs have twenty standard powers, such as the power to ask name and address, to issue fixed penalty notices for offences like littering, to seize drugs. Next to these standard powers, chief police officers may confer other (limited) powers to PCSOs, such as the power to stop and search citizens, or the power to issue fines for the violation of certain by-laws. As a result, the powers PCSOs have, may vary from neighbourhood to neighbourhood and from force to force.  

After the first PCSOs started working on the streets of London in September 2002, the number of PCSOs increased – until budget cuts. Due to these cuts, the number of PCSOs has been declining every year since 2010. In 2010 there were almost 17,000 PCSOs. In 2019 there were only 9,180 left.  

Studies on the work of PCSOs are for a large part concentrated on the question whether in practice they focus on community engagement or law enforcement. The findings on this point are ambiguous. O’Neill (2019) found that much of the work of PCSOs is enforcement related, community engagement, administrative or emergency related. Due to the fact that PCSOs work in a local context, the time

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51 Terpstra et al. 2013: 41-43.  
52 Crawford et al. 2005.  
55 ACPO 2007.  
56 Home Office 2020.  
spent on these tasks and the types of tasks vary depending on those local conditions, but also on personal preferences and the level of demand.\textsuperscript{59}

**Neighbourhood wardens**

The Crime and Disorder Act 1998 established the duty for local authorities and the police to create crime and disorder reduction partnerships at the municipal level. Next to these partnerships, new roles at the municipal level were introduced to improve community safety and reduce anti-social behaviour. In 2000 a Neighbourhood Wardens Unit was established for the first time and after that, warden schemes were established across the country.\textsuperscript{60} At first, these schemes were introduced in residential areas to reduce crime and fear of crime, however they were broadened over time and also entered the (semi)public space beyond residential areas, such as street wardens in city centres.\textsuperscript{61}

The Wardens (inspired by the Dutch so-called ‘stadswachten’\textsuperscript{62}) have a rather broad description of their tasks and duties to keep them as flexible as possible as they are confronted with different kinds of problems. They should improve quality of life by contributing to the reduction of crime, fear of crime, and reassure the public. They are the ‘eyes and ears’ of the local agencies, talking to residents in order to see what kind of problems there are in the area. They may “constitute the glue that binds people together and promotes social capital (...) by building relations with the communities they serve”.\textsuperscript{63}

Part of the wardens are, similar to private security officers, accredited and provided with extra powers (such as issuing fixed penalty notices for disorder). These are called the Accredited Community Safety Officers (introduced in the Police Reform Act 2002 next to the\textsuperscript{PCSO}s). In this case they are mostly hired by local government councils in order to improve community safety and reduce anti-social behaviour.\textsuperscript{64} The last National Audit of the Accreditation scheme shows that there is only a limited number of\textsuperscript{ACSO}s (around 2,200 in 2011\textsuperscript{65}). It is acknowledged that the introduction and rise of the\textsuperscript{PCSO}s resulted in a drop of the number of wardens.\textsuperscript{66}

\textsuperscript{59} O’Neill 2019: 77.
\textsuperscript{60} Crawford et al. 2005; O’Neill 2019.
\textsuperscript{61} O’Neill 2019.
\textsuperscript{62} Terpstra et al. 2013: 50.
\textsuperscript{63} Crawford et al. 2005: 35
\textsuperscript{64} O’Neill 2019.
\textsuperscript{66} Terpstra et al. 2013.
III Digitalisation and cybercrime law enforcement

a. Background

One of the most important challenges for the police and policing according to our interviewees and according to the studied policy documents is digitalisation. As one of our interviewees says:

“The creation of the internet has reorganised society. The way people interact and share information has changed. As a result, the nature of crime has changed.”

Despite the fact that crime rates have dropped in England and Wales since 1995, our interviewees all point at an increase of the number of cybercrimes. This is confirmed by crime statistics regarding cyber-enabled crimes. For example, the crime statistics of England and Wales show an increase in fraud (the most common types are banking and payment card fraud, consumer and retail frauds, and advance fee payment frauds) over the last couple of years, based on the crime survey.¹ In 2018-2019 (in the year ending March 2019) there were an estimated 3.8 million fraud incidents, which is one-third of all the estimated crimes based on the crime survey, an increase of 12 per cent compared to the year ending March 2017. More than half of all the fraud incidents reported (54 per cent) were cyber-related (which is the same portion as recent years). Based on the crime survey, in 2020 (year ending June 2020) in England and Wales 4.3 million fraud offences were counted.² The latest report shows that registered fraud offences have also increased in England and Wales over the last couple of years.

Next to fraud, other cyber-enabled offences that increased and are seen as troubling are for example cyber-bullying³, hate crime⁴ and sexting⁵. Another, frequently mentioned type of crime which is seen as problematic in England and Wales is child sexual abuse, enabled by internet.⁶ Although, according to the Home Affairs Committee⁷, a substantial part of child abuse takes place

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⁶ Also The Police Foundation 2020.
offline, at home (in a familial setting), the police are confronted with new challenges regarding online child sexual abuse, stating that this is “reaching epidemic levels”. The internet (including global technology, anonymization and encryption, and changes to victims’ behaviour, such as children spending more time online) has played an important role in the increasing demand on policing child sexual abuse.  

Remarkable is that next to this rise in cyber-enabled crimes, the prevalence of some cyber-dependent crimes has dropped. For example, there is a decrease in computer misuse (covering computer viruses and any other unauthorised access to computer material). These offences include the spreading of viruses and other malicious software, hacking or gaining unauthorised access to information and denial-of-service (DoS) attacks. The crime survey 2020 shows an estimated 1.6 million computer misuse offences. This is 0.6 million offences more than in 2019, however this is a decrease compared to the first report in 2017. In 2017 1.8 million incidents were reported.

Besides these cyber-related offences, a major challenge for the police is seen in (digital) misinformation. The College of Policing sees the spread of misinformation or disinformation as a possible threat to society, because it can, among other things, create social tensions. This is a challenge also for those tasked with maintaining social order, including the police.

Of course, in order to tackle cybercrime and respond to digitalisation of society, the police undertook several actions. For example, the police established specialised units, such as the National Cyber Crime Unit and regional organised crime units, also focussing on cybercrime. Moreover, the police also engaged in some preventative activities.

However, it is generally felt that in this area the demand on the police is much higher than their capacity. This is why the police focus on the heaviest cases, leaving the high-volume cases of for example fraud, rather under-policed. Moreover, the online world also delivers an enormous amount of information that needs to be investigated and collected for evidence. According to some interviewees the amount of data makes it harder and more labour-intensive to successfully investigate, gain evidence and prosecute cybercrime offenders.

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8 Home Affairs Committee 2018: 32-33.
10 The College of Policing 2020.
11 See for example Home Affairs Committee 2018.
Besides capacity issues, interviewees also point at insufficient (technical) skills and capabilities of the police. According to the Home Affairs Committee the police forces “have been delayed in upskilling their officers to deal with Child Sexual Abuse”\(^\text{12}\). However, this is not only the case for child sexual abuse, but also for other types of cybercrime. Moreover, one interviewee mentioned the existence of a ‘leadership gap’, suggesting that leaders in particular may lack the capabilities to adequately identify the main threats.

Most of the interviewees stress that more and better trained police officers is an important issue to address, but that this might not be sufficient to adequately combat cybercrime and cyber-related problems. Most of them point to the underlying, bigger question what the role of the police and other parties involved in online policing should be. The internet is here to stay, as one interviewee mentioned: “We can’t put internet back in the bottle”. This means that it is necessary to think about the role of the police on the internet and their priorities more fundamentally.

b. Fundamental questions

In England and Wales, it is felt that it is necessary to re-evaluate policing. Think-tank The Police Foundation (2020) is reviewing policing strategies in England and Wales. In their first report, they state that it is necessary also to (structurally or regularly) rethink the role of the police in promoting public safety and security. They identify four underlying reasons\(^\text{13}\):

1. It is important to revisit the role of the police because the police exercise a monopoly on the lawful use of force and, in a democracy, it is important to scrutinise how that power is being deployed and for what purpose.
2. The police are publicly funded, so there is the need to be clear about what people expect the police to do in order to assess how effective they are in achieving it and to decide what the role of other actors and institutions should be.
3. This question needs to be revisited regularly in the light of social change (currently, among others, the digitalisation of society). The social changes require an explicit debate about the role and purpose of the police.
4. Finally, some of the standard responses (for example a list with the core tasks of the police or the reference to the Peelian Principles) simply don’t answer the question what the police should be doing and do not help with placing boundaries around what the police should and should not be doing or what they should or should not be prioritising.

\(^{12}\) Home Affairs Committee 2018: 36.
\(^{13}\) The Police Foundation 2020: 52-53.
The question what the role of the police should be, is to be addressed in the second report of the strategic review of policing in England and Wales by the Police Foundation. Its starting point is the idea that the police does more than only crime fighting, for example order maintenance and protecting the vulnerable.\textsuperscript{14} Moreover, it raises the question whether the police should employ a reactive strategy or should mainly focus on proaction and prevention. In strategic documents, it is stressed that policing should be focused on proactive and preventive activities instead of merely reacting to crime once it has occurred\textsuperscript{15}, however, some of our interviewees have serious doubts about the possibility of the police to act in this proactive and preventive way.

The role of the police in the online world

As mentioned briefly before, one of the most fundamental and central questions regarding digitalization is what the role of the police should be in the online world. The answer to this question is, according to our interviewees, not immediately clear. Several interviewees mention that actually there is another question to be answered first. This is the question of what kind of internet society wants. If you have an answer to that question, it is easier to find the answer to what kind of police society wants in relation to the internet. Does society want the police only to react to cybercrime and focus on criminal investigation? Do people want the police to focus on proactive and preventative activities online? To what extent can policing in the offline world be translated to an online context? For example, should the police reassure the public also on the digital highway instead of solely on the streets? And if so, how should they be doing that? What should be the role of other parties regarding online security? And what should be the role of the private companies providing online services such as Facebook, Google et cetera regarding online security?

One of our interviewees stated that a systematic prevention system for cybercrime is still lacking. He suggested that the first main activity to tackle cybercrime is to educate the public. This is not solely the role of the police, but also of other parties, according to some of the interviewees. The second activity is reducing opportunities to commit crimes online. Again, not only the police should be involved, but in the first place this could be done by social media platforms, manufacturers of the digital facilities, et cetera. Government should regulate this. The police should gather information by their investigations and disrupt the criminal networks, the interviewee suggested.

\textsuperscript{14} Loader 2020; The Police Foundation 2020: 57.
\textsuperscript{15} Association of Police and Crime Commissioners and National Police Chiefs’ Council 2015; 2020.
In most policy documents it is stressed that the police should do more than only react to crime once it happened. However, our interviewees state that the police cannot do it all by themselves as digitalization is not restricted to local, regional or national borders. Complicating is the fact that a large part of this kind of crime is international, so going beyond national jurisdictions. However, the problems express themselves on the local level. Moreover, since people do more and more online, the opportunity for cybercrime grows, which is actually already felt in the crime statistics. According to the interviewees, the police have never been able to do it all. One interviewee even says: “The limitations have always been there, the sovereign state is a myth (…) The police have a marginal role in society, historically seen other parties had a much bigger role. (…) We need to confront with that. We kind of acknowledged it, but we have carried on. (…) What the police should do is a big, public debate which we should confront now.”

Almost all interviewees agree on the idea that if the police do not respond to the increase in cybercrime and are not able to offer security online, citizens will seek their security elsewhere. Also in strategic documents of the police it can be found that there is an important role to play for the private sector in securing the internet and that the police should strengthen the cooperation with the private sector. Although not necessarily problematic, all interviewees stress the need for regulation of the (private) security sector providing online security (also see below). Besides that, for the police it is seen as a major challenge, because if the police are not able to keep up with these new trends in crime, the police will lose public trust, which is one of the basic principles of policing in England and Wales.

Vigilantism

A related problem is vigilantism or ‘digilantism’. As our interviewees suggest that digitalization enhances vigilantism, because internet created the opportunity to investigate by citizens and locate suspects. Moreover, the police have limited resources to fight all kinds of crimes. In practice this leads to all kinds of private policing, in some cases not only promoting violence, but also leading to the exclusion of some groups of people. One example relates to paedophile hunters. It is a challenge for the police to respond to these groups. According to one of our interviewees this development is simply unstoppable. That is why he stresses the importance of a regulatory framework.

17 The College of Policing 2020: 75.
Accountability and equity
Related to the former suggestion that if citizens do not get protected from online harm by the police, citizens will look for alternatives, such as private policing in the online world. As is the case with privatisation (see below), also private policing of the internet, raises questions about equity and accountability. For example, citizens who can afford it, will be able to purchase private protection on the internet, leading to a “further extension of the problem of digital divides”. Moreover, accountability mechanisms, which are obvious for the public police, lack existence for the private policing sector, also online.

Influence and dependency on non-state actors (in particular technology companies)
One of the trends regarding digitalization is the growing influence of non-state actors, in particular technology companies. According to the College of Policing these often multinational corporations are becoming increasingly powerful, gaining “control over more data, providing new public services and demanding concessions from national governments”. These developments are at odds with the traditional perspective of the state as the primary actor in shaping society in the UK. It is foreseen that effective regulation is lacking and criminals are taking advantage of opportunities created by a high level of anonymity. This means that the need for security in online spaces is becoming a more pressing concern. Private actors play an important role in providing security and in law enforcement and thereby are significant parties in deciding “what harms to govern, how to govern them and who ultimately benefits”. Besides this, technology is developing so fast that the college points at the need for the police to cooperate with other parties and build strong partnerships.

All of the interviewees confirm this development leading to fundamental questions about the influence of private parties in the digital world and the dependence of state and citizens on these private parties. They all stress the need for more regulation, because these companies are quite slow if not resistant in assuming responsibilities. Moreover, regulation is needed in order to make sure that also public interests are guaranteed, and the focus does not remain solely on profit.

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18 Yar and Steinmetz 2019: 231.
IV Private policing

a. Background

As we saw earlier, private policing in England and Wales has been on the rise since the eighties.\(^1\) This applies to the private security industry with, as the most visible sector, the private security officers and guards. However, this is not the only sector that has grown. Also private investigation, security consultancy, detention services and installing, distribution and manufacturing of physical security equipment have increased.\(^2\) A large part of the private investigations take place in organisations by their own staff or via external contractors focussing especially on internal and external frauds (increasingly facilitated by cyberspace).\(^3\) However, there also are business opportunities for private investigators for example in cases of missing persons, investigating a person for potential employment or potential romance, matrimonial enquiries, or intelligence-gathering investigations.

Button (2019) also points to a ‘new’ private security industry that has been growing. With this new industry he refers to the management and security of new risks and problems related to cyberspace. This sector involves, among other things, outsourcing cybersecurity solutions, designing, building and maintaining security systems, phishing awareness, digital investigation services and cyber security software products.\(^4\) For example, the management and security of banks to prevent them from becoming a victim of hacking and stealing money is part of this sector. The Home Affairs Committee of the House of Commons (2018) actually made an appeal to the industry to do more to prevent online fraud and to protect customers and improve their accountability. And if they do not follow through voluntarily, the Home Office is willing to set out minimum standards for banks.\(^5\)

Another growing sector is corporate security management (including personnel protection, access control, asset protection, investigations, risk management and the protection against new (cyber) risks and information technology problems). According to Button, this is the most important part of private policing because of the great power these companies typically have within organisations. Yet, this sector is largely neglected by academics.\(^6\)

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1 Button 2019.
3 Button 2019.
4 Button 2019: 158-159.
5 Home Affairs Committee 2018: 30-31.
As stated before, the police and other governmental agencies in England and Wales have been confronted with major budget cuts. According to some of our interviewees, a popular strategy for the public sector to become more efficient and effective is by outsourcing non-core tasks, such as immigration detention centres or the so-called back office tasks of the police. However, preliminary numbers suggest that these measures do not lead (over the long term) to the anticipated cost reduction.

b. **Fundamental questions**

Our interviews in England and Wales indicate that at this moment the issue of private policing is not a hot topic in public debates, except in relation to digitalization (see before). Although private policing is increasing, the basic principle is that the police still have a broad task and that the tasks of the police are not limited to criminal justice.\(^7\) There are some fundamental concerns though, however these concerns were considered more relevant around a decade ago. Privatisation and the private security industry are not seen as big issues anymore. Private (and other) parties are even considered as being an essential provider of security, since the police cannot tackle all problems by themselves.\(^8\) However, this does raise the question what role the police and other parties should play in the security field.\(^9\)

According to our interviewees, the fact that privatisation is not considered a major issue at the moment, has to do with the regulatory framework by the SIA (see before), the experiences the police and other public policing agencies have with cooperating with private parties and the digitalisation of society that fundamentally changed the public space. However, there are some exceptions to this rosy image, which will be dealt with below.

**Trust, policing by consent and the relevance of regulation**

One of the fundamental concepts of the police model in England and Wales is legitimacy. The police have fundamental powers to use against citizens, which only can be maintained if the public trusts the police using those powers in a legitimate and fair way and to a minimal degree. “Without this trust and confidence, the model will fall over”, as one of our interviewees said. This interviewee also stated that private parties do not need the confidence of the public to exist and operate, nor do they need public consent. They only have to be accountable to their clients. According to the interviewees, this raises

\(^7\) Also The Police Foundation 2020.
\(^8\) The Police Foundation 2020: 57.
\(^9\) Also Crawford 2014.
the fundamental and political question what a liberal democracy allows to private agencies.

In England and Wales their powers are constrained by a regulatory framework. The **SIA** is the regulatory body in this case. Although it is found that the existing regulatory framework is important for the good functioning of the private security sector, some interviewees point at serious problems with this framework. These problems are also mentioned in academic literature. For example, Button and Brooks found in their study of private policing in the insurance sector, that private policing is becoming increasingly ‘deep’. By ‘deeper policing’ they mean that the investigation is more focused on criminal and quasi-criminal outcomes (for example, the registration in the Insurance Fraud Register). This way of policing has more far-reaching consequences for citizens involved and, according to Button and Brooks, the regulatory framework is not up to date. One of our interviewees also mentioned that in general it is accepted that the standards of proof are lower in cases of quasi-criminal outcomes, such as the closing of a bank account or a registration in the Insurance Fraud Register. In the last case, for example, the simple burden of proof is that “the person in the database needs to have done something that could be handed over for criminal prosecution”. However, this is not seen as controversial by the public, simply because, according to one of our interviewees, people do not have a clue what is happening within those private parties.

This is also relevant in light of cooperations between police and private bodies. It has been argued that a regulatory framework is needed to guarantee that the police can cooperate with other parties and are not threatened by the risk of illegitimate behaviour by the private parties. This is especially relevant if criminal investigations and prosecutions are largely reliant on information originating from such private parties using far-reaching means in their investigations.

**Monopoly of force**

In general, it is quite clear that in England and Wales the use of violence is seen as a monopoly of the state and this power should not be outsourced to private parties. This is why the consequences of outsourcing and privatisation are not seen as problematic in regard to the basic notion of policing by consent with its idea to avoid pressure and act by consent of the citizens. However, the idea of a distinction between the public police and private security parties drawn by the state monopoly on force is also seen as too simplistic. According to one of

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10 Button and Brooks 2016.
12 Button and Brooks 2016.
our interviewees “the lines are more blurred than simply the division of the police using force and private parties using no force”. Freedom can be limited by private parties in other ways as well. So, the basic idea is that carefulness is needed with the increasing exercise of control on citizens by private parties.

**Equity and a public good**

Security is seen as a public good and the rise of the private sector in this area comes with serious implications for the distribution of security, since the police backed down on several tasks. The emergence of so-called gated communities in England and Wales is one of the outcomes of this development and can be perceived as an illustration of the widening gap between the wealthier and the poor. However, at this moment, this is not a major issue, because, all-in-all, the increase of these gated communities has been modest. One of our interviewees said:

“As we look back twenty years in time, it was predicted that privatisation would be a big issue in society and that the policing landscape would change fundamentally. However, this didn’t happen. Even in the UK there was no extreme boom in the private sector when the police backed down on some tasks. The gated communities, for example in rich neighbourhoods in London are extremes. The privatisation agenda went much slower than we thought in the late nineties. (…) Maybe declining crime rates affected this development.”

Another topic that was introduced by one of the interviewees is the fact that the Metropolitan police has a unit to investigate fraud which is funded by insurance companies. According to this interviewee the insurance companies understand and accept that the police do not have enough capacity to investigate all of their cases (because there are too many). They decided to fund this police unit, in order to facilitate investigation. Although this raises several fundamental questions, this development has not been subject to public debates.

**Accountability**

A relevant question that arises from the considerations above is to what extent these private parties can be held accountable in providing (the public good) security. One of our interviewees mentioned that this question is relevant today, because most private parties are not willing to share information, because the information is commercially sensitive, they must keep it secret. Moreover, according to one of the interviewees, the world of private policing is still a hidden world for most academics. Scholars barely get access to private companies providing policing services in order to do independent scientific research. This also stresses the importance of regulation by the state. Our interviewees generally feel that self-regulation is not sufficient.

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Also Home Office 2016/17; Home Affairs Committee 2018.
V Other trends

Although our interviewees mentioned that with digitalization and privatisation (in relation to digitalization) we grasped the most important developments relevant for the future of policing, other trends were mentioned or appeared in policy documents. One important source is the Future Operating Environment 2040 of Policing in England and Wales by the College of Policing (2020). Although some interviewees mentioned that we cannot predict the future, most of them subscribe that it is a good idea to think about the future of policing.¹ Some of the interviewees point at some of the trends the College of Policing discerns.

The College of Policing made a sketch of the future operating environment of the police in 2040. One of the main trends they identify relates to digitalization, such as the changing trust landscape by new technologies which undermine and allow people to sidestep existing actors, the expanding and unregulated information space, technological changes and convergence, artificial intelligence and workforce automation. Besides these trends, they also expect rising inequality in society and social fragmentation, a larger, older and more diverse population, a fragile global economy and last, but not least, climate change, environmental decline and competition for resources.² This sketch of the future operating environment of the police is used to think strategically about the impact and implications of these trends for policing.³ They sketch several scenarios for the policing environment in order to open debates about the future of policing. As a result, the College of Policing distinguishes five challenges:

1. Balancing the benefits and risks of artificial intelligence in an emerging surveillance society;
2. Policing digital disinformation;
3. Building trust in a digital era;
4. Shaping the future police workforce;
5. Operating in conditions of increasing complexity.

In addition to these trends, the Police Foundation also stress the increase and changing role of organised crime groups.⁴ They expect (and already see) organised crime groups exploiting all kinds of opportunities in current and future society, such as the online opportunities for crime and their changing tactics to move away from traditional offences to for example money laundering and fraud.

¹ Also The Police Foundation 2020.
² Also The Police Foundation 2020.
³ College of Policing 2020.
⁴ Police Foundation 2020.
VI  List of interviewees

Dr. Rick Muir – Rick Muir is Director of the Police Foundation, the UK’s independent policing think tank. During his career as a researcher, he focused on public policy. Most latterly he was working at the Institute for Public Policy Research (IPPR) on public service reform, including on policing and criminal justice policy.

Professor Ian Loader – Ian Loader is a professor in Criminology at the University of Oxford. Policing, pluralization of policing, private policing and local security are among his main research topics.

Professor Mark Button – Mark Button is a professor in Criminology at the Institute of Criminal Justice Studies at the University of Portsmouth. His research focuses on private policing and resulting from that, more recently fraud is also one of his main research topics.

Professor Adam Crawford – Adam Crawford is a professor in Criminology and Criminal Justice at the University of Leeds. His areas of expertise include policing, urban security and regulation of public space.

Benoit Guerin BA, MPhil – Benoit Guerin worked formerly as a senior researcher at the Institute for Government in the UK, focusing on law and order, accountability in government and specialist skills in the civil service.

Chief Constable Mike Cunningham – Mike Cunningham is Chief Constable at the College of Policing, the professional body of the police service in England and Wales. He used to be Chief Inspector of the Police.
VII Literature


