

Performance of Police Order Maintenance Functions by Private Security Officers

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Abstract

The fundamental precept of order maintenance policing involves police officers regulating individual conduct that members of society have deemed to be inappropriate in public areas. The inherent difficulty faced by police officers in employing discretionary decision-making authority is to refrain from violating a citizen's due process rights when enforcing social control policies. For this reason, police officers are provided with rigorous and standardized academy training regarding the constraints upon discretionary enforcement authority. However, by the late twentieth century within the United States private security officers increasingly assumed responsibilities for performing order maintenance policing functions which were previously the exclusive domain of government employed police officers. Accordingly, this study is designed to examine whether private security officers have the knowledge needed to perform police order maintenance functions within contemporary American society: reviewing the current pluralistic nature of policing in American society; examining the concept of order maintenance policing functions; scrutinizing the order maintenance policing functions as performed by public police officers and private security officers; and considering the legitimate exercise of police enforcement authority by private security officers.

Performance of Police Order Maintenance Functions by Private Security Officers

In the mid-nineteenth century state and local government agencies in the United States began to assume responsibility for police functions that were currently being performed through the private provision of security services. In 1892, with the actions of private security officers coming under increased scrutiny amid allegations of abusing enforcement authority, the private security industry became the target of a congressional investigation. The prevailing opinion of Congress at this time was that public police officers were solely responsible for the policing of American society since they were established by law and paid with government funds (Auerbach, 1966). The public perception of the private security industry during this period was personified by Representative William Jennings Bryan who conveyed the belief that public government would have failed if the private sector were allowed to police society (Joh, 2006). Consequently, the private security industry became rapidly disorganized with private security officers relegated to a watchperson role for protecting property.

By the late twentieth century not only had the private security industry persevered, but the United States Supreme Court had recognized the legitimacy of empowering private security officers with police powers for the protection of private property (Menez & Vile, 2004). Public police officers had also become increasingly reliant upon private security officers to assist in meeting increased citizen demands for police services. This resurgence of the private security industry into the realm of public policing also led to a gradual change in the nature of social control in American society as private security officers began to perform police order maintenance functions. The prevailing concern with this expansion of enforcement authority on the part of private security officers is the increased potential of violating citizen's due process rights based upon limited government regulation and oversight of the private security industry.

This study is designed to examine the increase of police authority associated with the performance of order maintenance policing functions by private security officers in the United States. Accordingly, research efforts exclude the evaluation of service related activities performed by the private security industry such as alarm monitoring, remote surveillance, personnel screening and background investigations. Similarly excluded is the private provision of security services associated with correctional facilities, federally regulated security activities, protection of critical infrastructure and participation in military operations. Bounding the issue in this manner allows for a more in-depth examination and comparison of the responsibilities, training and authority of private security officers with public police officers who perform order maintenance related activities in contemporary American society.

Past research efforts have provided an abundance of information about the private provision of security services within the United States. Likewise, a significant body of research exists concerning the evolution of the public policing function as well as all facets of police operations. From the perspective of criminology, the order maintenance policing function has been the subject of numerous crime control research studies during the last three decades. Similarly, studies within the last three decades have also begun to focus upon the increasing use of security officers to perform core police functions in the United States. However, scholarly research focused upon the use of private security officers as agents of social control in the performance of police order maintenance functions in contemporary American society are less prevalent and when available, are dated. Therefore, this study consists of the following question:

Is government oversight of the private security industry in the United States sufficient to ensure that security officers possess the knowledge needed to perform core police order maintenance functions in American society?

Literature Review

Governance of and by the people embodies the basic precepts of equality, justice and liberty that are fundamental to the broad concept of democracy (Emerson, 2012). Integral to the ideal of a democratic society is the establishment of laws necessary to protect the constitutional rights of all individuals and maintain public order. As a matter of course, members of society must be willing to obey the rule of law as well as accept that the government is empowered with enforcement authority to restrict individual behaviors (Georgantzas & Contogeorgis, 2012).

Research studies have indicated that criminal activity can be constrained by internal controls that are intended to reinforce acceptable behaviors and voluntary adherence with the established laws of society (Henson, Wilcox, Reyns & Cullen, 2010; Hollis, Felson & Welsh, 2013; Sampson, Eck & Dunham, 2009). Research studies also recognize that behavioral controls often require a more stringent external deterrence mechanism which possess the ability to impose sanctions in order to secure law abiding behavior (Apel, 2013; Braga, 2012; Jacobs, 2010; Nagin, 2013; Paternoster, 2010; Pyne, 2012; Tittle, Botchkovar & Antonaccio, 2011). The most widely recognized external controls take the form of police officers who enforce laws and constrain criminal behavior. However, while police enforcement authority has its basis in constitutional principles, the policing of American society is not the sole responsibility of government (Phillips & Terrell-Orr, 2013; Rosenfeld, 2001; Sklansky, 2006; Stewart, 1985). Accordingly, empirical research indicates that private security officers are increasingly assuming the responsibility for performing core police functions within twenty-first century American society (Abrahamsen & Williams, 2007; Brewer & Grabosky, 2014; Hummer & Nalla, 2010; Goold, Loader & Thumala, 2010; Kim & DeGuzman, 2012; Mastrofski & Willis, 2010; Ruddell & Patten, 2011; Schulhofer, Tyler & Aziz, 2011).

Pluralism of Policing within the United States

The policing of American society is not now, nor has it ever been an exclusive function of government (Bayley & Shearing, 2001; Johnston, 1999; Jones, 2002). However, the disparate nature of public police and private security enforcement authority does not allow for the current pluralistic manner of policing to be viewed as merely the continuation of a longstanding historical collaboration between government and the private sector. The prevailing issue then becomes one of whether the private exercise of police order maintenance enforcement authority can be managed to serve the best interest of democratic American society (Loader, 2000).

Impetus for change. Studies identify that a primary reason for the increasing prevalence of security officers in the United States is the inability of many police agencies to adequately respond to the gamut of policing needs demanded by American citizens (Thumala, Goold & Loader, 2011; Williams, 2004). Concurrent with increasing demands for police service, economic issues have forced some government entities to privatize or outsource policing functions to the private security industry in order to address budgetary constraints (Ascunce, 2013; Bucy, 1996; Fixler & Poole, 1988; Lee, 2010; Mulone, 2013; Roberts, Roberts & Liedka, 2012; Sklansky, 2006; Strom et al., 2010). This combination of factors ultimately resulted in private businesses and organizations employing private security officers to provide protection services that in the past would have been performed by public police officers. An additional factor which served to hasten the collaborative efforts between public police agencies and the private security industry was the terrorism events of September 11, 2001. With public police officer being assigned additional duties related to homeland security, private security officers were increasingly recruited to perform core police functions in American society (Busch & Givens, 2012; Ferrandino, 2014; Loader, 2000; Ritchey, 2010; Vindevogel, 2005).

Demise of the public policing monopoly. By 1990, research of the private security industry in the United States indicated that an unprecedented growth period had occurred during the 1980s while the ranks of public police officers had become stagnant (Cunningham, Strauchs & VanMeter, 1990; Cunningham & Taylor, 1985). Studies also identified that private security officers were increasingly being used to conduct patrols of industrial facilities, commercial establishments, public parks and residential neighborhoods (Joh, 2006; Johnston, 1999; Shearing & Stenning, 1981; Strom et al., 2010; Williams, 2003; Vindevogel, 2005). Accordingly, with little public notice or discourse, the policing of American society evolved from being monopolized by government agencies to one in which order core police functions were accomplished through the combined efforts of public police officers and private security officers.

The Concept of Order Maintenance Policing

The intent of order maintenance policing activities is to manage public order by aggressively enforcing laws associated with minor offenses such as drunkenness, loitering, vandalism, littering and panhandling. From the perspective of criminology, this application of the order maintenance function of policing is directly correlated to the broken windows theory of policing. As developed by Wilson and Kelling (1982), the broken windows theory stipulates that ignoring less serious offenses begins a downward spiral that leads to the occurrence of more serious criminal activity. However, studies of the theory are not conclusive in identifying whether the implementation of order maintenance policing efforts provides for a reduction in serious criminal activity (Harcourt, 1998; Howell, 2009; Kane & Cronin, 2013). Nevertheless, research indicates that police agencies in the United States continue to use order maintenance policing tactics to address the underlying cause of more significant criminal offenses (Kane & Cronin, 2013; Kenney & Reuland, 2002; Rosenfeld, Fornango & Rengifo, 2007; Sekhon, 2011).

Quality of life initiatives in American cities. Order maintenance policing tactics are not a panacea for the entire gamut of criminal activity and cannot resolve all social problems within a community. However, when properly implemented, order maintenance policing efforts to control minor offenses can provide a viable solution for addressing the underlying cause of more significant criminal offenses. As such, the concept of order maintenance policing has expanded in the United States through the concerted efforts of police agencies to reduce crime and increase the quality of life by managing minor offenses and disorders within high crime areas (Office of Community Oriented Policing Services, 2003).

Expansion of mass areas of private property. It is not a foregone conclusion that order maintenance policing always curtails serious crimes, however, studies indicate that citizens will often modify their behaviors and avoid areas where police tolerate the occurrence of minor criminal offenses (Bowling, 1999; Greene, 1999; Muniz, 2012; Paparozzi & Schlager, 2009; Parks, 2008). Accordingly, order maintenance policing strategies are increasingly being implemented in American society to regulate conduct in vast expanses of private property such as shopping malls, entertainment venues and special incentive districts (Greene, Seamon & Levy, 1995; Hutchinson & O'Connor, 2005; Ruddell, Thomas & Patten, 2011; Sharpe, 2014; Shearing & Stenning, 1983; Stenning & Shearing 1980; Thomas & Patten, 2011; Vindevogel, 2005). Order maintenance policing activities in these locations are focused upon preventing criminal conduct by controlling minor social order offenses such as panhandlers, public intoxication, vandalism, verbal harassment and similar activities that tend to instill a fear of crime in law abiding citizens. Studies have also identified that order maintenance policing efforts in these vast expanses of private property often provide crime control benefits for adjacent neighborhoods (Brooks, 2008; Hoyt, 2004; MacDonald, Stokes, Grunwald & Bluthenthal, 2013).

Public Police and the Order Maintenance Policing Function

Traditionally, the duties of police officers in the United States are grouped into the core functions of order maintenance, crime control and public service. However, within the past three decades police agencies within the United States have placed an increasing emphasis upon order maintenance policing function in an effort to better maintain public safety in an increasingly complex and diverse society (Gau & Gaines, 2012; Kane & Cronin, 2013; Sharpe, 2014; Thacher, 2004). Research studies have also shown that the police focus on order maintenance policing activities generally remains unchanged even when social evolutions occur that result in more complicit behavior by citizens (Bayley, 1992; Ferrandino, 2014; Kelling & Moore, 1989; Maguire & King, 2004).

Ambiguous nature of enforcement authority. The order maintenance policing function provides the police with an effective means of responding to citizen's demands for service in addition to providing a method of deterring more serious criminal activity. Accordingly, research indicates that the majority of a police officer's daily duties involves the management of minor order maintenance related offenses (Gau & Gaines, 2012; Phillips & Sobol, 2012; Roberts, 1999; Sharp, 2014; Sousa, 2010; Thacher, 2004; Zhao, 2014). Nevertheless, critics contend that the ambiguous nature of order maintenance policing provides police officers with too much discretionary authority in determining whether or not to intervene in a given situation. This contention is supported by research studies which identify that order maintenance policing enforcement efforts often result in a police officer exceeding their discretionary authority by restricting public activities which are not clearly violations of the law (Dickinson, 2011; Howell, 2009; Lombardo & Lough, 2007; Muniz, 2012; Sharp, 2014; Stroshine, Alpert & Dunham, 2008; Taylor, 2006; Xu, 2005).

The application of police discretion. Police historians have identified that the effective use of police discretion portrays an officer as a reasonable individual and implies that their judgment is an essential component in the decision to exercise enforcement authority in resolving an incident (Goldstein, 1963). This consideration is underscored by studies which have identified that the majority of a police officer's daily duties consists of order maintenance policing activities involving unsupervised discretionary decision-making situations (Burke, 2013; Gau & Brunson, 2010; Gau & Gaines, 2012; Lowe, 2011; Phillips & Sobol, 2012; Roberts, 1999; Sharp, 2014; Sousa, 2010; Thacher, 2004; Zhao, 2014). The broad concept of discretionary decision-making involves a vague and often convoluted determination of an officer to enforce the intent of the law rather than the letter of the law. More precisely, discretionary decision-making requires that an officer assess the totality of a given situation in order to identify a viable solution. Subsequently, an officer must determine whether actions other than an arrest could provide a better solution for a given situation even though a criminal offense has already been committed (Bronitt & Stenning, 2011).

It is inherently difficult to define the concept of police discretion in a manner that allows an officer to consistently avoid accusations of arbitrary decision-making or discrimination. For this reason, the actions of a suspect aside, studies have identified that the experience and training of a police officer are critical in the decision to use discretionary justice rather than exercising arrest authority to resolve a situation (De Lint, 1998; Dunham, 2005; Johnson, 2011; Johnson, 2013; LaFrance & Day, 2013; Mastrofski, 2004; Paoline & Terrill, 2007; Stroshine et al., 2008). Additionally, a police officer must possess a comprehensive understanding of their enforcement authority in order to identify acceptable alternatives for resolving a given situation (Gould & Mastrofski, 2004; Logan, 2011; Murphy, Mazerolle & Bennett, 2013; Peeters, 2010).

Constraints and guidance for enforcement authority. One of the basic tenants of democracy is that laws must be consistently and impartially administered by the legal system (Jiabing, 2012). However, the myriad of prescriptive criminal laws and procedures has a profound impact upon the ability of a police officer to comprehend the constraints and guidance associated with the exercise enforcement authority (Rosigno, 2011; Rudzkis, 2011). The effective application of legal concepts is further complicated by the often exigent nature of order maintenance police function which requires that an officer make an instantaneous discretionary decision in response to a wide array of dynamic and often violent situations (Logan, 2011; Mugford, Corey & Bennell, 2013; Rai, 2012).

The rule of law. In American society, the rule of law provides the fundamental guiding principles for police enforcement authority. Accordingly, studies have indicated that the manner in which the rule of law is enforced has a profound impact upon the willingness of citizens to adhere to police authority (Gottschalk, 2010; Schafer & Martinelli, 2008; Sherman, 1993; Wu, 2013). Research of police encounters also show that individuals often defy police demands when laws are not consistently enforced or applied in an equitable manner (Dai, Frank & Sun, 2011; Gau, 2014; Mastrofski, Snipes & Supina, 1996). Accordingly, it is imperative that a police officer performing order maintenance policing functions possess an in-depth knowledge of constitutional laws and the legal ramifications associated with the exercise of enforcement authority (Finckenauer, 2002; Heffernan, 1982; Klinger, 2012; Tankebe, 2013; Wyatt-Nichol & Franks, 2009). To assist in this endeavor, prescriptive criminal procedures are used to detail the manner that the police enforce the rule of law (Anderson & Giles, 2005; Fan, 2011; Luen & Al-Hawamdeh, 2001; Mazerolle, Antrobus, Bennett & Tyler, 2013; Meyer, Steyn & Gopal, 2013; Murphy et al., 2013).

Criminal procedures. In democratic American society the police do not have unlimited power to exercise enforcement authority and must respect the rights of citizens by adhering to criminal procedures when enforcing the rule of law (Skogan & Meares, 2004). In identifying the boundaries of police enforcement authority, criminal procedures provide prescriptive requirements for probable cause and due process as mandated by the Fourth and Fifth Amendments to the Constitution. Accordingly, when a police officer does not fully comprehend the legal basis for exercising their enforcement authority, the distinct possibility exists that an arrest could result in unlawfully depriving an individual of their constitutional rights (Bradley, 2013; Grano, 2013; Hassel, 2010; Logan, 2011; Picinali, 2013; Zaring, 2011).

The advent of order maintenance policing stipulated that the police use heretofore seldom enforced low-level offenses as a means to regulate criminal conduct (Howell, 2014; Kohler-Hausmann, 2013; Messner & Baumer, 2012; Roberts, 2013). A critical component of the order maintenance policing function is the need for police officers to fully comprehend the application of existing legal principles to a new manner of crime control (Gau & Brunson, 2010; Sunshine & Tyler, 2003; Tyler, 2011). The prevailing issue in this regard is the somewhat unrealistic expectation placed upon police officers to interpret complex laws and constitutional principles with the same degree of academic rigor and competency as more highly trained members of the judicial system (Logan, 2011). However, studies have shown that educating police officers in the intricate details of criminal procedure and the nuances of constitutional law is, at best, an arduous task (Marion, 1998; Ness, 1991; Oliva & Compton, 2010; Ross, 2000; Wasby, 1978). Given this consideration, it is imperative that police guidelines and policies define the acceptable and unacceptable basis for exercising enforcement authority associated with order maintenance policing functions (Brown & Benedict, 2002; Rosenbaum, 2010; Stenning, 2003).

Policies and guidance. It is impossible to provide specific direction for every discretionary decision-making situation that would apply to all order maintenance activities that could be encounter by an officer. Therefore, to ensure that ambiguous legal concepts are consistently implemented by officers, police administrators must establish clear polices and guidelines that define the acceptable and unacceptable basis for exercising discretionary enforcement authority (Fallon, 2013; Kelling, 1999; Stenning, 2003). Although the policing function entails a wide array of diverse situations, the implementation of effective policy level guidance can greatly minimize the potential for problems in the interaction between police officers and citizens. Nevertheless, policies concerning the exercise of discretionary enforcement authority by the police are not only difficult to clearly articulate, the actions listed are fluid and require frequent review for the need to update guidance based on the changing expectations of contemporary American society (Zelcer, 2013). However, instead of detailing the response to every type situation that could be encountered, effective police policy provides the guidance necessary for officers to resolve similar incidents in a consistent manner (Finckenauer, 2002).

Studies of organizational policy level guidance have generally concluded that police administrators possess a keen awareness of the need for effective policies to control officer behavior and provide consistent enforcement practices necessary to protect the rights of citizens (Millen & Stephens, 2012; Neyroud, 2009; Terrill & Paoline, 2013). Nevertheless, despite police administrators having the foresight to develop carefully worded organizational policies, the information provides no tangible benefit if policies are not effectively implemented. Accordingly, studies indicate that officers must receive training that instills the knowledge necessary to fulfill their assigned duties in a fair and lawful manner (Dominey, 2010; Klinger, 2012; LaFave, 1990; Logan, 2011; Werth, 2011).

Training of public police officers. The policing of contemporary American society involves the performance of an increasingly complex array of tasks associated with the performance of police order maintenance functions (Bayley, 1992; Ferrandino, 2014; Kelling & Moore, 1989; Kim & DeGuzman, 2012; Lamboo, 2010; Lee, 2010; Maguire & King, 2004; Zhao, He & Lovrich, 2003). For this reason, studies have identified that police officers must be provided with in-depth training regarding criminal law and procedures in order to readily identify the boundaries of their discretionary authority (Armstrong, 2013; Bradford & Pynes, 1999; Gau & Brunson, 2010; Logan, 2011; National Research Council Committee on Law and Justice, 2004; Scott, 2009). The United States Supreme Court has also reinforced the position that training and knowledge of police officers is a significant factor in properly applying the rule of law during the exercise enforcement authority (Lee & Vaughn, 2010; Kinports, 2010).

Research studies have consistently identified the necessity of providing police officer with the knowledge required to effectively discharge their assigned responsibilities (Cordner & Shain, 2011; Gau & Brunson, 2010; Pinizzotto, Bohrer & Davis, 2011; Rai, 2012; Scott, 2009; Thacher, 2004). However, research that is specifically focused upon the manner in which law enforcement training should be developed is sparse and, more often, dated (Bielaczyc, Pirolli & Brown, 1995; McCoy, 2006). Studies have also concluded that law enforcement training efforts generally fail to implement adult learning and instructional design strategies that facilitate the long-term retention of complex legal principles needed to effectively discharge assigned duties (Karp & Stenmark, 2011; Martin, 2014; Mugford et al., 2013; Mumanthi & Hazel, 2014; Oliva & Compton, 2010; Peeters, 2010; Rai, 2012; Werth, 2011; White, 2006).

Initial academy training. Beginning in the mid-nineteenth century the training for police officers in the United States was accomplished through an apprenticeship system (Gourley, 1962). It was not until the mid-twentieth century amid public demands for law enforcement professionalism that states began to establish a formalized process to certify police officers and establish minimum training criteria. During this period training provided for police officers varied between the states, however, was typified by the state of California that required police training to consist of at least 150 hours (Jameson, 1966). As a result of financial assistance from the federal government, by the 1970s a substantive increase in the training of police officers occurred with some state police academies requiring in excess of 600 hours, while others required a few as 240 hours (Wasby, 1978). By the early twenty-first century the Bureau of Justice Statistics (2009) identified that that average basic academy training session consisted of approximately 761 hours of classroom education with an average of 48 hours devoted to criminal procedure and constitutional law topics.

Field training. As public law enforcement progressed into the twenty-first century, formalized field training programs began to be increasingly used as a supplement to basic police academy training (Werth, 2011). Studies have shown that this type of post academy training provides an effective supplement to classroom training and better prepares officers to perform core police functions within contemporary society (Hilal, Densley & Zhao, 2013; Paterson, 2011). This competency based approach to the training of police officers also serves to supplement academic learning by allowing for an evaluation of the practical skills required to perform the daily duties and responsibilities of police work (McDermott & Hulse, 2012; Peeters, 2010). As such, the Bureau of Justice Statistics (2009) identifies that the national average field training requirement used as a supplement to initial police academy training is 453 hours.

Private Security and the Order Maintenance Policing Function

Early in the twenty-first century the Bureau of Labor Statistics (2014) identified that private security officers outnumbered public police officers in the United States by nearly a three-to-one margin. Accordingly, the increasing presence of security officers in everyday life has quickly become the rule rather than the exception within most every part of contemporary American society. Further, there are very few police activities that have not been assumed in some manner by the private security industry (Brewer & Grabosky, 2014; Dupont, 2014; Ewoh & Zimmerman, 2010; Jones, 2002; Mulone, 2012; Noaks, 2000; Walsh & Conway, 2011). However, it is the performance of order maintenance policing activities that represents a momentous expansion in the authority of private security officers (Strom et al., 2010).

The expanding role of authority of private security officers. From the perspective of criminology, the pervasive presence security officers in everyday life provides a capable guardian that serves to deter criminal acts and deviant behaviors (Cohen & Felson, 1979; Miller, 2013). This consideration is of increasing importance given growth of mass private property where publicly accessible, but privately owned areas are more often policed by private security officers than public police officers (Hutchinson & O'Connor, 2005; Ruddell et al., 2011; Sharpe, 2014; Stenning & Shearing 1980; Thomas & Patten, 2011; Vindevogel, 2005). As a result, studies have identified that it is has become exceedingly difficult to distinguish between the duties of public police officers and private security officers (Busch & Givens, 2012; Brunger, 2012; Kim & DeGuzman, 2012; Mulone, 2013; Rowland & Coupe, 2013; Ruddell et al., 2011; Strom et al., 2010; Treverton, 2011; Zagaris, 2011). The issue with this consideration is that the enforcement authority of security officers is focused upon an employer's private interests rather than the due process concerns and interests of society as are public police officers.

Considerations for due process. Studies identify that within the past thirty years the relationship between the public law enforcement sector and private security industry has evolved from an uneasy cooperation to established working relationships in a combined effort to curtail criminal activity (Cunningham & Taylor, 1985; Cunningham et al., 1990; Hummer & Nalla, 2010; Nalla & Hummer, 1999; Shearing, 1992; Walsh & Donovan, 1989). In contemporary American society security officers not only outnumber the police in many jurisdictions, but perform many of the same day-to-day activities as public police officers (Ruddell et al., 2011). Additionally, the scarcity of police resources in some smaller jurisdictions often results in public order maintenance functions being the predominant responsibility of private security officers (Hutchinson & O'Connor, 2005).

Studies have identified that the increasing presence and expanded authority of security officers in everyday life has resulted in a complex blurring of the police identity which is gradually changing the nature of social control within American society (Busch & Givens, 2012; Kim & DeGuzman, 2012; Mulone, 2013; Rowland & Coupe, 2013; Strom et al., 2010; Walsh & Conway, 2011; Zagaris, 2011). The prevailing issue in this regard is that security officers are not constrained by the same constitutional restrictions for the protection of citizen's due process rights as are government empowered police officers (Dorfman & Harel, 2013; Greene et al., 1995; Ruddell et al., 2011; Shearing & Stenning, 1983; Stenning, 2000). This allows security officers to exercise enforcement authority with little fear of reprisal from the violation of constitutional restrictions because they are operating in a private capacity rather than government agents as are public police officers (Hummer & Nalla, 2010; Ruddell et al., 2011). The lack of national standards for the regulation and oversight of the private security industry further exacerbates this issue of the expanding authority of private security officers.

Oversight of the private security industry. Studies identify that the public police function has evolved in a more controlled and structured manner than the private security industry in terms of government oversight and constitutional constraints upon enforcement authority (Johnston, 1999; Mulone, 2012; Shearing & Stenning, 1981). Accordingly, a vast body of scholarly research has provided rigorous analysis and recommendations for most every facet of police operations while, by comparison, studies of the private security industry are sparse and dated. However, since the mid-1960's the prevalence of research efforts which have been focused upon the provision of private security in the United States identified the need for additional regulation and oversight of the private security industry (Becker, 1974; Braun & Lee, 1971; Cunningham & Taylor, 1985; Cunningham et al., 1990; Rushin, 2012; Southern California Law Review, 1967; Stenning, 2000; Task Force on Private Security, 1976).

Government regulation and accountability. In contemporary American society, private security officers perform many of the same policing activities as public police officers. Nevertheless, studies indicate that the government regulates the public police and private security functions in a different manner (Briken & Volker, 2012; Joh, 2005; Mastrofski & Willis, 2010; Rushin, 2012; Strom et al., 2010; Thumala et al., 2011; Whetsell, 2013). With respect to the public policing function, during the last half century there has been a significant growth in the laws and procedures that are intended to hold police agencies in the United States accountable for their policies, practices, actions and decisions (Harris, 2012; Walsh & Conway, 2011). Conversely, studies indicate that the imposition of detailed statutory requirements designed to regulate the authority and actions of private security officers has not been commensurate with that of the public police (Cunningham & Taylor, 1985; Cunningham et al., 1990; Lobel, 2004; Kakalik, 1971; Nalla & Crichlowb, 2014; Rushin, 2012).

Effective government regulations help to ensure that business services adhere to professional standards and measures of public accountability for the licensed entity (Arnold, 2011). Contrary to this assumption, there is a vast disparity in the manner that state governments regulate the actions and authority of private security officers (Hemmens, Maahs, Scarborough & Collins, 2001; (Rushin, 2012). Additionally, some states require that licensing be accomplished by a municipal government for the location that a security officer is performing duties (Rushin, 2012). Further compounding the regulatory issue is that the licensing requirements in a many states are dependent upon whether a security officer is employed directly by a given company or contracted through a third-party provider of security services. However, the disparate nature of private security regulations aside, a more critical consideration is that as of 2012 there were nine states that did not have any state statutes for regulating the private security industry (Rushin, 2012).

The guiding principles of economic freedom stipulate that there should be a limited degree of government regulation that inhibits the growth of private business (Dickinson, 2011; Schneiberg & Bartley, 2008). Support for this consideration is provided by studies which have identified that rigorous licensing requirements often result in a reduction of competition when business can no longer compete in a market driven economy (Carpenter, Knepper, Erickson & Ross, 2012; Andrade, 2014; Kleiner & Krueger, 2010). However, the current absence of a national standard for regulating the burgeoning private security industry in the United States has resulted in studies identifying concerns with the legitimate exercise of enforcement authority by private security officers (Abrahamsen & Williams, 2007; LaFave, 1990; Nalla & Crichlowb, 2014; Rushin, 2012; Stroshine et al., 2008). Therefore, it is imperative that the private security industry implement standards to enhance the professionalism and quality of security services.

Private security industry standards of accountability. The exercise of power involved in performing order maintenance policing functions warrants a considerable degree of accountability for the exercise of police enforcement authority (Elms & Phillips, 2009; Tankebe, 2013; Thumala et al., 2011). The primary consideration with this issue is that despite the fact that security officers are not constrained by the same constitutional restrictions as their public counterparts, a security officer is still accountable for their actions through the criminal and civil liability processes of the judicial system (Rushin, 2012; Stenning, 2000). Accordingly, some members of the private security industry have partnered with professional associations in an attempt to voluntarily regulate the activities and conduct of security officers (Nevers, 2010; Ranganathan, 2010; Thumala et al., 2011).

Professional security associations provide voluntary guidelines and standards intended to address emerging issues as well as increase the professionalism and public perception of the private security industry (American Society for Industrial Security, 2010). Additionally, studies have concluded that the majority of security providers voluntarily use criminal history checks, background investigations, drug testing and psychological evaluation to ensure that individuals are well suited for employment as a security officer (Dickinson, 2013; Lipman, 1988). Further, by incorporating basic standards of performance into contractual agreements a security provider can create a binding rule that requires adherence to an otherwise voluntary expectation. However, attempts at self-regulation aside, with an estimated ten thousand security providers in the United States there are a significant number of smaller firms with lower standards of training and operation that bring the integrity of the private security industry as a whole into question (Elms & Phillips, 2009; Nalla & Crichlowb, 2014; Stenning, 2000; Strom et al., 2010; Thumala et al., 2011).

Training of private security officers. A 1971 study published by the U.S. Department of Justice identified that the typical security officer: received no more than eight to twelve hours of training; was not knowledgeable of their legal authority; and did not fully comprehend the policies and procedures governing their duties (Kakalik, 1971). Similarly, five years later a study by the Task Force on Private Security (1976) identified that inadequate training for private security officers was a detriment to the credibility of the private security industry. More than a decade later, a 1990 report on the private security industry identified that a security officer in the United States only received an average of six hours of initial training before assuming their duties (Cunningham et al., 1990). However, within the last two decades there have been no other definitive studies conducted in the United States regarding the duration or adequacy of training provided for private security officers (Manzo, 2012).

Industry recommendations for training. In 2004 efforts by leaders within the private security industry to enhance the training of security officers resulted in the publication of a Private Security Officer Selection and Training Guideline by the American Society for Industrial Security. In part, this guideline recommended that initial training requirements for private security officers should encompass a minimum of forty-eight hours and include topics related to law and criminal procedures (American Society for Industrial Security, 2004). While some private security firms adopted these minimum security officer training recommendations, the security industry as a whole continued to adhere to the minimum requirements imposed by state regulations (Nalla & Crichlowb, 2014). As a result, in 2010 the American Society for Industrial Security revised the Private Security Officer Selection and Training Guideline to delete the reference for a specific number of initial training hours and recommend that training be provided as required by applicable state requirements (American Society for Industrial Security, 2010).

Government mandated training. Notwithstanding the training efforts of more progressive security firms, studies contend that improving the quality of training provided to security officers requires government regulation and oversight (Goold et al., 2010; Strom et al., 2010). However, a review of current state laws and regulations completed as part of this study identifies that there is no standard minimum training requirements for security officers in the United States. Further, a small number of states have no regulatory required training requirements for security officers, and many leave the training decision at the discretion of the security provider. For those states which do have regulations that prescribe minimum initial security officer training requirements, the duration ranges from four hours to forty hours (Florida Private Security Services, 2013; South Carolina Private Security Regulation; 2006). By comparison, the occupations of a barber in the United States has extensive licensing requirements that range from 700 to 2000 hours of formal training (Edlin, 2014). This consideration alone gives credence to studies that identify that the training of security officers is widely neglected within the realm of government regulation (Nalla & Crichlowb, 2014).

Economic considerations for training. The crux of efforts to provide security officers with additional training is not the absence of government regulations. Rather, in many respects the absence of consistent standards for training security officers in the United States is a direct result of the competitive bidding process and budgetary constraints associated with security services. The desire to provide increased training for security officers is effectively thwarted by the monetary cost and need for contract security firms to remain competitive in a market driven economy. This consideration is validated by studies which identify that the private security industry is challenged by the desire to provide increased training while simultaneously being constrained by budgetary requirements (Nalla & Crichlowb, 2014; Thumala et al., 2011).

Perception of Legitimacy and the Authority of Private Security Officers

A significant issue in the performance of police order maintenance functions is the belief that the exercise of coercive enforcement authority is a legitimate function of a police officer or security officer. The public perception of all facets of police functions within the United States has been the focus of a vast body of literature and research activities. However, despite the pervasive presence of private security officers in everyday life, very little research has been conducted concerning the public perception of legitimacy for the private security industry. This issue is exacerbated in consideration of studies which identify that an individual's belief in the legitimacy of authority has a direct impact upon their willingness to accept and adhere to expectations of conduct (Mazerolle, Bennett, Antrobus & Eggins, 2012).

The prevailing public perception of the private security industry is focused upon the characteristics and competency of security officers in the performance of assigned duties within American society (Steden & Nalla, 2010; Thumala et al., 2011). More specifically, research has identified that the regulation, training and professionalism are key factors in the public perception of legitimacy in the performance of enforcement activities by private security officers (Thumala et al., 2011). In this regard, the security industry and security officers are rarely portrayed in a positive manner by the news media or motion picture and television industry. However, studies have concluded that the negative stereotypical image of security officers is unfounded given the results of surveys which indicate that the majority of Americans have a positive impression of private security officers (Nalla & Heraux, 2003; Shearing, Stenning & Addario, 1985). Although these studies are limited in scope, the findings suggest that the public is receptive to private security officers being capable of legitimately performing traditional police order maintenance functions within contemporary American society.

Discussion

By the early twenty-first century, a new form of pluralist policing was thrust upon the American public as private security officers outnumbered public police officers in the United States by a three-to-one margin. During the last three decades, public police officers have also become exceedingly reliant upon private security officers to assist in meeting citizen's basic expectations for police services and crime control. More significantly, the collaborative policing efforts have continued to increase and the authority of private security officers has expanded into the realm of police order maintenance activities in vast areas of publically accessible private properties such as shopping malls, entertainment venues and recreational facilities. However, research does not support the conclusion that the expanded authority of private security officers in American society can be attributed to an increasing number of security officers or the growth in mass areas of private property. Nevertheless, the pervasive presence of security officers in the United States has created a complex blurring of the police identity which is gradually changing the nature of social control within American society.

Despite the increasing numbers and expanding enforcement authority of private security officers in the United States, public police agencies continue to lead the policing effort within American society. However, concern with the expansion of enforcement authority by private security officers into the realm of order maintenance policing persists. The foremost concern is that the private security industry is characterized by weak or inconsistent government regulations, and private security officers receive minimal training in constitutional laws and criminal procedures needed to perform order maintenance police functions. Further, private security officers and public police officers have distinctly different agendas in the performance of order maintenance policing activities.

As duly sworn agents of the government, public police officers are charged with enforcing laws, controlling crime and protecting all citizens within the boundaries of a given jurisdiction. The exercise of authority by public police officers is significantly constrained by prescriptive criminal procedures designed to protect citizen's due process rights. Conversely, private security officers are hired to perform specific duties that are focused upon serving the interest and protecting the property of a private employer. By operating in a private capacity, unlike police officers who serve as an agent of government, a private security officer can exercise enforcement authority with little fear of reprisal from the violation of constitutional restrictions. Further exacerbating the issue of legal knowledge is the absence of minimum national training standards for private security officers.

The order maintenance policing function is characterized by the intervention and suppression of behaviors that are offensive, threaten to disturb the public peace or result from public conflicts between individuals. The ambiguous nature of order maintenance policing activities requires that both police officers and security officers exercise discretionary enforcement authority in resolving a given situation. For this reason, research studies have consistently concluded that the effective resolution of order maintenance policing situations requires that an officer possess a comprehensive understanding of laws and criminal procedures. However, despite criticism of the adult learning and instructional design strategies for training public police officers, the typical initial police academy training period within the United States consists of 761 hours of classroom education. This training also incorporates an average of 48 hours devoted to criminal procedure and constitutional law topics. By comparison, minimum government mandated regulations for security officer training range from four to forty hours with some states having no regulatory required training requirements for security officers.

Professional security associations and many private security providers in the United States promote the adherence to training standards above minimum prescribed government requirements in order to ensure that security officers can perform assigned duties, including order maintenance policing functions. Nevertheless, with more than ten thousand security companies in the United States, the lower standards of training by many security providers bring the integrity of the entire private security industry into question. However, this disparity in the training of private security officers is not a recent phenomenon in the history of the private security industry in the United States. A 1971 Department of Justice study identified that the typical security officer received no more than twelve hours of training and, as a result, did not possess the legal knowledgeable of enforcement authority needed to perform core police functions. The significance of this 1971 twelve-hour training standard is magnified upon considering that over forty years later in 2012 some states only require four hours of training for security officers. The significance of this issue is magnified upon considering the extensive government imposed training requirements for other professions such as barbers.

Since the mid-1960s, research of the private security industry in the United States has identified the need for additional government regulation and oversight. Although government oversight alone cannot resolve all issues, effective government regulations do help to ensure that private businesses adhere to prescribed professional standards and measures of public accountability. Accordingly, many state governments have adopted stringent regulations for oversight of the private security industry. However, a vast disparity still exists in the manner that more progressive state governments regulate the actions and authority of private security officers when compared to states with minimal regulations. More significantly, as of 2012 there were nine states that did not have any statutes for regulating the private security industry.

Conclusion and Implications for Future Research

This study was focused upon the increasing use of private security officers to perform order maintenance policing functions in American society and posed the following question: *Is government oversight of the private security industry in the United States sufficient to ensure that security officers possess the knowledge needed to perform core police order maintenance functions in American society?* In exploring this question, the literature review identified that the performance of order maintenance policing functions required an officer to possess an acute knowledge of due process constraints as well as the legal aspects associated with the use of discretionary decision-making authority. Additionally, the absence of national standards results in a significant disparity in the manner that states oversee and license the private security industry. Further exacerbating the issue is the minimal government mandated training for law and criminal procedures that are stipulated for private security officers as compared to similar requirements for public police officers. Accordingly, for the reasons stated above, the conclusion of this research study is that government oversight of the private security industry in the United States is not sufficient to ensure that security officers possess the knowledge needed to perform police order maintenance functions in American society.

This examination of the order maintenance policing functions as performed by private security officers in American society explored a topic that has been the focus of minimal academic studies. Accordingly, this research contributed to the body of available literature and identified the need for additional research of the private security industry in contemporary American society. Future research efforts should also consider the importance and need for maintaining current statistics of the private security industry in the same manner as is currently accomplished for public police agencies.

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