



Quasi-Policing

Leonard Jason-Lloyd

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I have endeavoured to state the law as at 31 March 2003.

Leonard Jason-Lloyd
April 2003

Author's note

On completion of the proof-reading of this book, it is apparent that this area of study is both vast and fast-moving; therefore, it is likely that a further edition may soon follow this first attempt to focus on the important issues raised by the subject-matter. In this respect, I hope I have succeeded, at least in part.

I am sure there may be a number of points that will invoke discussion and differences of opinion, especially in view of the wide and potentially volatile nature of this subject. Constructive observations will therefore be welcome from readers of this book and may be submitted via the publishers or direct to me at the following email address: lenjl@waitrose.com

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INTRODUCTION

This book is intended to enhance awareness of a rising trend that constitutes an important issue in modern times. Its principal focus is on the increasing use of civilians who have been given special powers under statute for the performance of specific public protection duties. Despite its significance, this evolving trend seems to have gone largely unnoticed, especially within a legal context.¹ Although significant research on the relationship between private security and public policing has been undertaken in recent years,² there is a lack of information on the specific subject covered in this book.

The term 'quasi-policing', as featured in the title, has been used to convey the fact that many hereto police and prison service functions are being devolved from these State bodies to specially empowered civilians. Therefore, this book focuses on the powers and duties of these civilians, who are performing certain functions more commonly associated with police and prison officers. These individuals are to be distinguished from the uniformed operatives engaged in *general* security duties, such as those who patrol or guard factory and building sites, office blocks, supermarkets and other commercial centres, as well as uniformed security guards employed on cash-in-transit duties, who operate from armoured vehicles.

General security operatives are primarily employed to protect the assets of the clients who utilise their services, and are therefore limited to ordinary citizens' powers in the course of their duties. These include the relevant powers to make arrests, in respect of arrestable offences, under s 24 and Sched 1A of the Police and Criminal Evidence Act 1984,³ the common law power to prevent or deal with a breach of the peace, and s 3(1) of the Criminal Law Act 1967. Such powers come under the general heading of citizens' arrests and will be discussed in detail below. However, certain provisions under the Police Reform Act 2002 are beginning to change the overall balance between the powers of civilians and the police. This will be discussed at length in the second Part of this book.

Most of the operatives discussed here are part of the private security industry. Many of them are supplied by security companies that are among the market leaders in this field. In recent years, this industry has increased massively in size and scope, and the Private Security Industry Act 2001 was passed mainly in response to this continuing expansion. It was also enacted due to increasing concerns regarding a minority of rogue elements within the industry. These have inflicted disproportionate damage to the image and overall standing of the legitimate aspects of this activity. In view of the increasing size and responsibilities of the private security industry, the 2001 Act will be crucial in enhancing public confidence in the providers of private security services. This is particularly important in view of the specialised role of private security operatives who are specifically employed to perform public protection duties.

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- 1 See Jason-Lloyd, L, 'Criminal justice legislation and the private security sector' (Parts I and II) in (1996) *Criminal Lawyer*, March/April, pp 5–7 and May/June, pp 4–8; and Jason-Lloyd, L, 'The devolution of public protection to the private security sector' (2001) 74(1) *Police Journal*, pp 68–71.
 - 2 For a criminological perspective on this subject, see George, B and Button, M, *Private Security*, 2000, Leicester: Perpetuity; and Button, M, *Private Policing*, 2002, Devonshire: Willan.
 - 3 This may also apply to the 'any person' arrest powers as illustrated in Appendix 3 (see below, p 109).

The Private Security Industry Act 2001, once fully in force, is intended to regulate the private security industry through a new body, named the Security Industry Authority (launched on 2 April 2003). Its principal duties will include the maintenance of a licensing and inspection regime, as well as other work related to improving general standards within the industry. The roles due to be regulated include manned guarding, already mentioned above, as well as key holders, security consultants, private investigators, door supervisors and even wheelclampers.⁴ Currently, the Lord Chancellor's Department is endeavouring to include bailiffs within the ambit of regulation under the 2001 Act. A fuller account of the Private Security Industry Act 2001 will be made in the third part of this book.

The first Part of the book will portray the powers and duties attributable to civilians who are specially empowered to perform specific public protection duties. These special duties include security in magistrates' courts, airports, privately-managed prisons, the prisoner escort service, secure training centres and their escort arrangements, immigration removal centres and their escort arrangements, and security in and around the Channel Tunnel. There will also be coverage of civilian enforcement officers, created under the Access to Justice Act 1999 in order to execute routine arrest warrants instead of the police. Very importantly, discussion of all the above operatives will include a number of contentious legal points concerning their powers.

The second part of this book focuses on what is called the 'extended police family' under the Police Reform Act 2002. For a number of reasons, this involves a slightly different concept to that covered in the first part. Although the second part describes the extended use of civilians in police duties, it is important to note that many will be subject to the direct control of the relevant chief officers of police. However, the statutory provisions concerning these designated and accredited civilians also contain many contentious points, which will be the subject of later discussion.

It is interesting to note that some designated or accredited civilians may come from the private security industry, which is a further example of this industry becoming increasingly involved in public protection duties. Many would argue that this blurs the distinction between private and public security even further. This assertion will be analysed in the second part of this book, although it will be some time before the full effects of these measures are finally known. Meanwhile, the current role of the private security industry, in public protection duties rather than purely commercial risk management, will now be discussed.

4 According to s 3 and Sched 2 to the Private Security Industry Act 2001.

PART I:
THE DEVOLUTION OF
PUBLIC PROTECTION
DUTIES TO THE PRIVATE SECURITY
INDUSTRY

