

Governance and accountability in a plural policing environment - the story so far

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“[T]he increased public/private blurring, whereby certain state functions are delegated to private actors, requires the creation and adoption of more “efficient” accountability mechanisms. Traditional forms of accountability are seen as too rigid to deal with the new, blurred boundaries. This is particularly so, it is argued, because the “power” is no longer (if it ever was) centralized or hierarchically organized. New mechanisms of accountability are needed to more accurately portray and allocate responsibility.” (Harrington & Umut Turem, 2006: 197-198)

The idea that the public police no longer (if they ever did) have a monopoly over policing provision has by now become a truism (Bayley & Shearing, 1996). Countless scholars, as well as many senior police executives themselves, have recognised that the responsibility for policing provision in liberal democratic societies is now in practice shared between a growing plethora of governmental and non-governmental providers (Jones & Newburn, 2006). As the international policing scholar, David Bayley, nicely put it in a conference plenary address in 2005, policing provision has expanded “up, down and sideways”¹ (Bayley, 2005) - that is to say that the growing diversity of those institutions and people who “do policing” now includes government and internationally sponsored “public” and “private” supra-national policing providers (“up”), a growing diversity of highly localised, “community-based” governmental and non-governmental providers (“down”), and a dizzying array of national and regional domestic governmental policing and security organisations (“sideways”). “The police”, as commonly thought of, are now but one member -

¹ Reflecting a similar point made by Walker (1999), Loader (2000) and Loader & Walker (2001: 10).

albeit still a very significant and influential one - of an ever extended “policing family” (Crawford & Lister, 2004). Like most families, however, the “policing family” is not always a very harmonious one, and is frequently riven with jealousies, enmity, competition, conflict and lack of mutual respect and common goals.

Despite this growing understanding of the diversity of policing provision, most of the literature on governance and accountability of policing has remained stubbornly polarised between research and writing on the governance of “the police” (see e.g. Walker, N., 2000, and Walker, S., 2005), on the one hand, and a largely separate (and much smaller) literature mainly bemoaning an alleged lack of adequate and effective governance and public accountability of “private security” on the other (e.g. George & Button, 1998; Zedner, 2003). Attempts by some of us (Sarre, 1998; Stenning, 2000; Sarre & Prenzler, 2005) to argue that these separate bodies of literature present an exaggerated and distorted view, both of the adequacy and effectiveness of the governance and accountability of the public police, and of the inadequacy and ineffectiveness of the governance and accountability of private police, have largely fallen on deaf ears. More importantly, however, and with a few notable exceptions which will be considered further below, the challenge of developing an holistic conception of governance and accountability which might be appropriate for the “plural policing” environment of the 21st Century has been largely ignored by policing scholars and policy-makers alike (Loader, 2000 is a notable exception).

In this article, I confine myself to considering the prospects for such an holistic conception of governance and accountability for policing at the “domestic” (nation state) level only. At least at this level, distinguishing between the roles of government and “civil society” (or the “private sector”) in the provision and

governance of policing, while not entirely unproblematic, is relatively straightforward compared with addressing such matters at the supra-national level.

Governance and accountability of “public” and “private” policing

The legal and institutional arrangements for the governance and accountability of “public” and “private” policing in most jurisdictions have typically been based on an underlying premise according to which these two policing “sectors” are institutionally distinct, occupy quite separate positions in society, and have quite different roles and responsibilities (see e.g. U.K., Home Office, 1995). This understanding typically emphasises that while the “public” police are sponsored and mandated by society generally (through legislative and executive government provision), and are accordingly given special powers, duties and immunities in serving “the public interest”, “private” police share none of these attributes; they have no special status, enjoy no powers, nor have any duty or responsibility toward the “public interest”, beyond those of the ordinary citizen, and are assumed and expected to serve the private interests of those who employ them (Zedner, 2003). Thus, while arrangements for the governance and accountability of the “public police” are designed to ensure that they do indeed serve the public interest, do not abuse their special powers, and are publicly accountable for what they do, arrangements for the “regulation” of “private police” are designed primarily to protect the public (including their clients) from them (e.g. by ensuring that they are not infiltrated by criminals, do not attempt to exercise powers that they don’t possess, etc.). This is why, in most jurisdictions, only the contract security sector (i.e. commercial firms which provide security services to clients under contract), and not the “in-house” sector (security departments etc. which provide security services only for the particular company

which employs them), are the subject of government regulation (Stenning, 2000). While the governance and accountability regimes for the “public” and “private” sector do share some common features and objectives (e.g. providing for minimum standards of recruitment, accreditation/ licensing and, in some jurisdictions, training, and ensuring adequate institutions and processes for receiving and processing complaints, etc.), they are generally, and are generally thought quite properly to be, quite different and separate from each other.

Public and private spheres

Such distinctions reflect a deep-seated dichotomy between the “public” and “private” spheres, the assumption being that the “public” police operate in the public sphere and only encroach, and are only permitted to encroach, on the private sphere either by invitation or when it is essential to do so to protect the public interest (e.g. to arrest an offender on private property) (Stinchcombe, 1963), while the “private” police operate exclusively in the private sphere and have no jurisdiction or authority to encroach on the public sphere (e.g. to patrol on public streets). It is questionable whether there ever has been, in constitutional theory or in practice, such a clear distinction between “the public” and “the private” in social or economic life, but there can be little doubt that to the extent that there has been, it has been closely and directly associated with the rise of the modern nation state and modern property relations (Ariès & Duby, 1987-1991). What is abundantly clear, however, is that such a dichotomy between “the public” and “the private” has increasingly *not* provided an adequate characterisation of social organisation, economic life and property relations in the late Twentieth and early Twenty-First Centuries. One of the clearest illustrations of this has been the emergence and growing prevalence during this

period, particularly in urban environments, of what has come to be characterised as “mass private property” and other forms of “communal property” (Shearing & Stenning, 1983; Jones & Newburn, 1999; Kempa *et al.*, 2004).

“Mass private property” is property in which the traditional associations between private ownership, privacy and the concept of a private place, in contrast to the traditional associations between public property and public space or a public place, have been disrupted. Mass private property is property which, although under private (usually corporate) ownership, to all intents and purposes constitutes a public place because the general public are routinely and often aggressively invited and encouraged to frequent it - indeed public patronage of such property usually constitutes its essential economic rationale. The corporately owned and operated suburban shopping mall provides the quintessential exemplar of such property, but of course there are many other examples of it (e.g. sports stadia and other recreational and entertainment centres, airports and other transport hubs, etc.) which provide the standard facilities of modern life.

Other modern forms of “communal property” (such as gated communities) similarly, although in more restricted fashion, disrupt the traditional congruence between private property, privacy and the concept of a “private place” - that is, they undermine a clear distinction between the “public” and “private” spheres on which the supposedly separate and distinct roles and responsibilities of “public” and “private” police are predicated.

In recent years, these terrestrial property developments have been matched by developments in the virtual world. While traditionally the mail and, later, telecommunications, even if publicly provided, were considered as falling within the private sphere, the advent of the internet, although privately provided and operated,

has opened up a whole new public sphere of communication and discourse, with concomitant debates about which elements of it are still to be considered “private” (e-mail?) and which “public” (Wikipedia, Facebook, UTube, chatrooms, the Blogosphere, etc.). Thus the internet, like terrestrial mass private property, poses challenges for the appropriate allocation of policing responsibilities between “public” and “private” police/policing providers (Wall, 2001).

Buying in and outsourcing - the policing market

The challenges of governance and accountability of policing have been further complicated by the increasingly common interfaces between the “public” and “private” sectors. Research as long ago as the 1970’s demonstrated clearly both that governments (local, regional and national) have been major clients of private contract security providers (Shearing *et al.*, 1980; Jones & Newburn, 1998) and that in many countries² public police services frequently sell policing services to corporate and other private clients (e.g. at weddings, bar mitzvahs, private parties, etc.), either through “moonlighting” or on a more or less regulated “paid duty” basis (Freedman & Stenning, 1977; Reiss, 1988). This means not only that private security personnel frequently police public places under contract (Wakefield, 2003; Mopas, 2005), but also that public police officers commonly bring their public policing powers and responsibilities with them when policing private property and private places. Rather than a clear distinction between the roles and remits of “public” and “private” police, therefore, there is increasingly in reality a relatively open market for policing services in which both sectors compete for business (Wood, 2000; Crawford & Lister, 2006).

² Although not apparently (yet, at least) in the U.K.

Research on the private sector has similarly shown that the contract and in-house sectors do not have clearly distinct roles and remits - traditionally the justification for their differential subjection to governmental regulation. Rather, corporate decisions whether to meet their policing and security needs by establishing their own in-house security organisations or by buying in policing and security services from the contract security sector (or even from the public police) are made not so much on the basis of the “public” or “private” character of the environments and enterprises to be policed, as on the basis of other corporate interests such as economy, degree of control, desire not to put off customers or antagonise their workforces, or a preference for dealing with policing problems without recourse to the criminal justice system, etc. (Shearing *et al.*, 1975; Jeffries, 1977).

Taken together, these realities make it clear that the traditional rationales for separate and discreet governance and accountability regimes for “public” and “private” police, as well as for the differentiations between governance and accountability within the private sector, no longer reflect the current realities of policing provision, and the roles and responsibilities of the increasing diversity of the providers of such services. As I expressed it a few years ago, “it is now almost impossible to identify any function or responsibility of the public police which is not, somewhere and under some circumstances, assumed and performed by private police in democratic societies” (Stenning, 2000: 93). I doubt if the qualification about democratic societies, reflecting the particular context in which I was writing at that time, is strictly necessary. What is required in the Twenty-First Century, then, is an holistic, coherent and integrated regime of governance and accountability for the policing market as a whole. Yet so far, there has been relatively little attention paid to

the question of what such a regime might entail and what principles it should reflect, let alone how it might be established and implemented.

Governing the policing market

Effective governance seeks to achieve a variety of goals: optimum use of available resources; maximum achievement of desired objectives; specification of minimum standards of service and ensuring that they are met; achieving the most cost-effective service provision; maintaining public or client confidence in the service; maintaining high morale, commitment to service and ethical values, and compliance with service standards, within the workforce; and ensuring that complaints about the service or the service providers are fairly considered and properly responded to. In the case of policing, effective governance also requires attention to legality, respect for human and civil rights, and equitable access to services that are considered to be “public goods” (Hope, 2000; Loader & Walker, 2001; Zedner, 2003).

In the case of the regular public police, achievement of these goals has typically been sought through a diverse range of governance and accountability institutions and mechanisms. Ministers of police or, at the more local or regional level, police authorities or police commissions or boards, in collaboration with their police commissioners, chief constables or chiefs of police, take on responsibility for achievement of the broader governance goals, while other external bodies (police complaints commissions, ombudsmen, the courts, commissions of inquiry, human rights and equality commissions, coroners, etc.) are given primary responsibility for addressing service failures, complaints, and non-compliance with applicable laws and regulations. Other government bodies (audit commissions, treasury boards, inspectors,

etc.) also play a role in ensuring compliance with service standards and fiscal constraints. Ensuring internal morale and discipline is usually primarily the responsibility of the police commissioner or chief of police, often in more or less close co-operation with police associations or unions. Because the police are a public service with a mandate to serve the “public interest”, a high degree of transparency and accountability is these days expected with respect to all these institutions and mechanisms of police governance (see Jones, 2003 for a UK-focused summary). Other state-sponsored policing agencies (such a railway police, border control agencies, security and intelligence services, postal inspectors, etc. etc. – the list grows with each passing year) are subject to similarly multiplex governance and accountability regimes.

By comparison, regulation of private policing, and in particular governmental involvement in it, is very different. Specifically, it tends to reflect a business regulation model rather than a model of public service governance. Government involvement in such regulation is typically limited to setting and enforcing minimum standards of service (and sometimes qualification and training) through licensing and certification, and protection of clients from fraud and malpractice, and of the public generally from abuses, through insurance and bonding requirements, and through mechanisms for receiving and responding to complaints. Typically, a single government agency is given responsibility for all these regulatory functions. All the broader objectives of governance are considered to fall within the purview of the businesses themselves, and sometimes of business associations of which they are members, and governments are not considered to have any responsibility for these. For the most part, to ensure privacy and fair competition in the marketplace, such regulation is not characterised by a high degree of transparency and public

accountability. Under this model of regulation, in-house security, because it is not a business offering services to third-party clients or the public generally under contract, is generally considered to be rightly exempt from such regulation (Stenning & Cornish, 1975; Johnston, 1992: 86-93; Sarre & Prenzler, 1999; Button, 2002: Ch. 10)

When governments outsource policing responsibilities to private providers under contract, those private providers typically do not thereby fall within the purview of governance and accountability institutions and mechanisms for public police, but remain subject to the regulatory regime for private police, albeit supplemented sometimes by specific provisions in the contract for services itself. The laws and regulations under which such public policing by private police is provided are thus not the same as would be applicable to public police officers performing the same policing tasks. By the same token, the regime of governance and accountability under which policing is provided at, for instance, a football stadium, will be quite different if the stadium management decides to pay for public police officers to do the policing, than if it decides instead to deploy its own in-house security service, or contract for the services of a commercial security company. Yet the experience of being policed, and any associated risks (e.g. of inadequate protection or excessive or unjustified use of force) - that is, the public interest in appropriate, lawful and effective policing of a public event in a public place - will not be significantly different for the football fans in either case³. It is hard to see how such great differences in governance and accountability for policing in such circumstances, consequent solely on a business decision by the stadium management, can be justified.

At issue here is the nature and extent of the responsibility of governments for governance and accountability of what may be described as “public policing” (as

³ In the UK, all football matches are assessed for potential public order problems and relatively few are entirely “police free” even if the public police presence is not visible to the fans. I am grateful to the anonymous reviewer of this article for pointing this out.

opposed to the public police), regardless of who actually undertakes it. Admittedly, defining with sufficient precision (and securing agreement on) what does, and does not, constitute “public policing” in this sense is likely to be difficult, and contested. But a starting point might be to define it as the policing of members of the general public in what may be considered to be public places (regardless of whether they are publicly or privately owned, and whether they are terrestrial or virtual).

An early attempt to address this issue was that of a Task Force established in Ontario, Canada, in the mid-1980’s to consider the implications of the law of trespass for youth and members of minority groups who frequented “publicly-used private property” such as shopping malls. At that time, the law in Ontario allowed the owners and management of shopping malls, through their private security personnel, to use the trespass legislation (applicable to all private property owners regardless of the public or private character of the property in terms of access and use) as a tool to police their malls, and it was alleged that it was being used discriminately against young people and members of visible minority groups. Specifically, the law gave private property owners the right to require people to leave their property, and ban them from visiting it in the future, without having to give any reason or cause for doing so. Such a requirement could, in the absence of voluntary compliance, be enforced through the use of reasonable force, and failure to leave when so required constituted a prosecutable offence.

The Task Force, in its report, argued that it was inappropriate that mall owners and their private security personnel should have access to such arbitrary and unfettered powers to police members of the general public in places that were, to all

intents and purposes, public places, even though privately owned⁴. It noted that the public police did not have similarly sweeping powers when policing the public streets⁵. Accordingly, the Task Force recommended two possible options for reform. The more radical of the two was that the common areas of such places should be declared by law to be the legal equivalent of public streets⁶, so that members of the public who frequented them would have the same rights as they enjoyed when on the public streets. The less radical was that the trespass legislation be amended to require property owners and their private security agents to have reasonable grounds for exercising their powers under the legislation, and to clearly post notices on the property as to what kinds of behaviours (such as fighting, causing a disturbance, harassing other members of the public, drinking alcohol on the premises, etc.) would be considered sufficient to provide such reasonable grounds (i.e. reasonable conditions of access and use)⁷.

While not addressing issues of the governance of policing directly, the Task Force's recommendations implicitly proposed a government responsibility to prevent the subjection of members of the general public to arbitrary (and potentially discriminatory) policing in such public places as the common areas of shopping malls. While neither of its recommendations were implemented by the new (Conservative)

⁴ Based on its research, the Task Force wrote that: "The widespread public perception is that shopping centres are "public property" or "public places", in the sense that persons have the right to enter freely, walk around, converse with others and remain within the common areas as long as they wish, much as they would conduct themselves in a city square", and noted that this perception "was acknowledged by most of the [shopping mall] owners and enforcers of the [Trespass] Act" (Ontario, Task Force..., 1987: iv).

⁵ Generally police had to have some legitimate reason (such as obstruction of the pavement) to insist that people "move on", and in any event could not simply ban people from the public streets.

⁶ In the United States, a similar reconsideration of the legal status of private security personnel when policing such mass private property has been sought through a more expansive interpretation of the constitutional doctrine of "state action" (see Sklanksy, 1999: 1247 ff; Joh, 2004: 90 ff).

⁷ The Task Force recommended that in prosecutions under the legislation, judges should be able to rule on whether such conditions of access and use were indeed reasonable.

government which had come to power by the time it submitted its report⁸, the report did bring the issue to public and media attention, and negotiation over appropriate policing of such malls in the public interest became a common element of the planning approval process for new malls.

Drawing on the ideas propounded by the Task Force and on earlier research that I had undertaken on the role of municipal police boards and commissions in Canada (Stenning, 1981), in an address to the Canadian Association of Police Boards in 1993 I floated the idea of local *policing* boards, rather than *police* boards, as suitable institutions for the governance of municipal *policing* broadly construed (rather than just of municipal public police services). The idea was that such a board should be responsible for overseeing, encouraging and co-ordinating the optimum deployment of *all* possible resources for effective policing provision, whether public, private or voluntary, which may be available within the municipality concerned (Stenning, 1993)⁹.

This idea was not taken up at any government level in Canada¹⁰, but was promoted further by my colleague Clifford Shearing when he served as a member of the Independent Commission on Policing in Northern Ireland (the Patten Commission) later in the 1990's. In its ground-breaking 1999 report, the Commission recommended the establishment of a Policing Board which would have overall

⁸ The association of shopping mall owners in Ontario successfully lobbied against their implementation.

⁹ I reiterated these proposals to the CAPB six years later (Stenning, 1999). After listing all the conventional ways in which a municipality could provide police services, Section 5 of Ontario's revised *Police Services Act, 1990*, c. 10, provided that "With the [Ontario Police Services] Commission's approval, the municipality may adopt a different method of providing police services." A contract security company subsequently approached municipal police services boards in the province with a proposal to provide some policing services to municipalities on contract, but its offer was not taken up (see Rigakos, 2002: 153).

¹⁰ It was, however, followed up much later by the Law Commission of Canada in its 2006 report to Parliament on the future of policing in Canada (Canada, Law Commission, 2006: 128-136). In its 1994 report, the Commission of Inquiry into Policing in British Columbia listed a number of policing functions which it felt could "usefully" be performed by non-police personnel (including private security personnel): British Columbia, Commission of Inquiry into Policing in British Columbia, 1994: Vol. 2, pp. F2-F10).

responsibility for the governance and accountability of public policing in the province, however and by whomever it was provided. While the Inquiry report specified that the primary responsibility of the proposed Policing Board should be “to hold the Chief Constable and the police service publicly to account” (*Ibid.*: 28), it added:

“The title “Policing Board” is deliberate. We see the role of the new body going beyond supervision of the police service itself, extending to wider issues of policing and the contributions that people and organizations other than the police can make towards public safety.” (*Ibid.*: 29)

The report also recommended that the Policing Board might also be a suitable regulatory body for the private security industry (*Ibid.*: 30).

In addition to the central Policing Board, the report recommended that “District Policing Partnership Boards”, the functions of which should be “advisory, explanatory and consultative” (*Ibid.*: 35), should be established at the more local level. It proposed that District Councils should have the power to contribute an amount initially up to the equivalent of a rate of 3p in the pound “towards the improved policing of the district, which could enable the DPPB to purchase additional services from the police or other statutory agencies, or from the private sector” (*Ibid.*)

While it thus did not recommend a fully integrated regime of governance and accountability for policing in the province, the Inquiry report’s recommendations came closer to doing so than any previous official reform recommendations.

Regrettably, even these limited recommendations were not implemented in the subsequent legislation reforming policing in Northern Ireland¹¹. Somewhat similar

¹¹ Section 2 of the *Police (Northern Ireland) Act, 2000*, c. 32, established the new Northern Ireland Policing Board, but did not give it the more extensive responsibilities which had been recommended in the Inquiry report. Section 14 provided for the establishment of bodies to be known as District Policing Partnerships, but did not implement the Inquiry report’s recommendation that such bodies receive funding which they could spend on improvements to policing in their districts.

recommendations were made by the Law Commission of Canada in its 2006 report to Parliament on the future of policing in that country (Canada, Law Commission..., 2006: 128-137), but these have not, so far at least, been implemented in any Canadian jurisdiction. In neither Canada nor in the UK have governments articulated specifically why these recommendations for plural policing governance were not pursued. So this remains a matter for speculation, and more detailed public debate about their merits or otherwise, including their practical feasibility, could be beneficial.

In 2000, Ian Loader published an influential article which made a significant contribution to the development of these ideas by elaborating the theoretical underpinnings of them in greater detail, and proposing a set of principles (recognition of all possible contributors to policing provision, a commitment to respect for human rights in all policing provision, and a commitment to equitable access to effective policing) by which such policing boards might be guided in governing policing, and a list of broad functions which such commissions might be expected to perform (Loader, 2000). He expressly disavowed any intention to “engage in detailed institutional design, or to work up a fully fledged blueprint for reform” (*Ibid.*: 340) in the article, however, and these have remained as unfulfilled aspirations.

Other less radical, but nevertheless quite unexpected, proposals for the governance of a plural policing environment have also been put forward. In 1998, for instance, the then Chief Constable of the Surrey Constabulary, Ian Blair, startled his colleagues in the Association of Chief Police Officers (ACPO), as well as many others, when he proposed that the police service might divest itself of the responsibility for routine patrol and instead contract it out to commercial security providers, who could be accredited and governed by the public police in performing

this function. Despite the fact that Blair was able to report that his speech had received a “generally warm reception” from his ACPO colleagues, and that he had been appointed to chair a Working Group to consider “future options” for the governance of security, his proposal, perhaps not surprisingly, has never been taken up by government. And as Loader rightly commented a couple of years later,

“...Blair’s reforms would amount to little more than allocating one node within a network of power the job of regulation, rather than seeking ways of subjecting the entire network and its constituent nodes to enhanced forms of strategic, democratic control. Making regulators out of providers¹² seems neither the most sociologically plausible nor the most normatively adequate means of responding to the challenges thrown up by fragmented, networked policing.” (2000: 336)¹³

It will not have escaped attention that all the proposals for reform of governance and accountability of policing that have been discussed so far have cleaved to a state-centric view of the responsibility for such governance. This has been the case despite quite frequent allusions among their proponents to conceptions of “governmentality” (Foucault, 1991), the shift “from government to governance”, the “dispersal of governance”, “nodal governance” (Shearing & Wood, 2003), and the need, which modern social and political formations engender, “to govern in a participatory, non-coercive, democratic mode, and to displace the repressive controls of the state or the market by more authentically ‘social’ forms of control” (Garland, 1998: 323). Garland (*Ibid.*) has alluded to the “practical problems” that implementing such new conceptions of governance present and that have not been adequately discussed, and Loader (2000: 336), citing Walker (1999), has commented that “it is hard to imagine any agency other than the state with the capacity to undertake” the

¹² And in this case, as Loader pointed out, in the context of “a history that does not inspire confidence in the capacity of the police to act as custodians of democracy” (Loader, 2000: 336).

¹³ Blair’s ideas, however, may have provided the inspiration for the little used provisions for “community safety accreditation schemes” under sections 40 and 41 of the UK *Police Reform Act, 2002* (c. 30), which represent another possible instrument for achieving governance and accountability for plural policing provision within a particular police area, under the aegis of the area’s Chief Constable.

task of governing a plural policing environment. Furthermore, in what would seem to be a somewhat contradictory position to that taken by Loader in his earlier article, Loader & Walker (2001: 26) have argued that “the amenability of security to conceptualization as a public good” provides a “decisive reason for thinking that policing can or should remain primarily a matter of state *provision and regulation*” (emphasis added).

Yet it is hard to see why, if the dispersal and pluralisation of policing provision beyond the state can be accepted as a virtually inescapable and potentially desirable and beneficial trajectory, and accommodated within democratic principles, the dispersal of effective and democratic governance of, and accountability for, plural policing beyond the state could not also be imagined. Indeed, in the case of non-state-sponsored policing, there is a strong case to be made that this is already the reality (Sarre, 1998; Stenning, 2000), and that the governance and accountability of the public police have also been developing in that direction under the influence of conceptions and practices of “community-based” policing (Skogan *et al.*, 2000).

Devising and adequately theorising appropriate institutional arrangements and a “blueprint for reform” along these lines is a challenge which is still to be addressed. And achieving political and public acceptance of such proposals will present an even greater challenge. Some help, and some reason for limited optimism in this respect, however, may be at hand. On the one hand, history seems to tell us that changes in governance tend to follow, rather than precede, significant social, economic and political change, and that this is no less true of policing than of any other area of governance. It may be, then, that as the development of plural policing provision grows ever more pervasive and irresistible, the case for radically rethinking and redesigning institutions and practices of governance and accountability for it will

become overwhelming. On the other hand, the literature on governance and regulation is delivering ever more innovative ideas and approaches upon which to draw.

Braithwaite's (2006) conception of "horizontal accountability", Harrington & Umut Turem's (2006) discussion of current developments in "neo-liberal administrative accountability" and Tsai's (2007) account of how to achieve effective accountability through local "solidary groups" in a non-democratic state, are just some of these that deserve attention in this regard.

In thinking through these issues, however, we would do well to pay heed to some cautions recently penned by Jerry Mashaw (2006: 155):

"Beliefs about how decisions should best be made, and how they should be made accountable, are...parasitic on beliefs about the true purposes of the program. And because that is true, many disputes about programmatic purposes are articulated as disputes about the efficacy of accountability regimes."

Mashaw advocates "sorting questions of public purpose and questions of accountability into separate bins", on the ground that "if we can achieve consensus on the question of purpose, we can surely have a more sensible discussion about which accountability mechanisms are likely to support those purposes" (*Ibid.*). This is especially important because

"We have commitments to cross-cutting purposes, often vaguely articulated as concerns with fairness, efficiency, human dignity, or social solidarity. And the way that accountability regimes are structured affects these values, both practically and symbolically." (*Ibid.*).

Mashaw's focus was on designing accountability regimes for particular public service programmes (the particular example he invoked was social security disability insurance). But my strong sense is that his cautions are just as applicable to arrangements for the governance and accountability of the provision of broader public goods such as policing, and that part of our difficulty in designing and agreeing on

such arrangements may derive from the fact that we are still quite a long way off from achieving consensus on exactly what purposes we expect policing to serve. That, however, like the challenge of imagining the right grammar and architecture of governance and accountability for a plural policing environment, must, regrettably, be for another day and other articles.

Conclusion

There has been substantial recognition, among both policing scholars and policing policy-makers, as well as some police leaders, that the policing landscape has changed significantly towards a “plural policing” environment, in which the function of policing is performed by an ever-growing variety of state and non-state policing providers. The full implications of this for the provision of “public policing” and effective governance and accountability of policing have not, however, yet been sufficiently acknowledged and explored. The interplay between state and non-state actors in public policing provision is now such that the current dichotomous arrangements for the governance and accountability of “public” and “private” police are no longer adequate to ensure effective and accountable policing in the public interest. Doubtless there are those, among leaders of both “public” and “private” police providers, who for a variety of understandable reasons will continue to resist the change of mentality which will be required to devise and implement institutions and mechanisms of governance and accountability which would be more suitable for this new policing environment. But those who are tempted to pessimism about this might do well to remember that it took over fifty years to persuade Parliament to establish the “new police” in the 19th Century, which we now pretty much take for granted. Patience and perseverance may yet eventually be rewarded.

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